

12.13 hrs.

RE. CERTAIN CHARGES AGAINST
A CENTRAL MINISTER IN THE
REPORT OF ESTIMATES COMMIT-
TEE OF BIHAR ASSEMBLY

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have given you notice. Serious charges have been levelled against the Central Minister for misappropriation, graft and nepotism, in the Fifty-third Report of the Estimates Committee of the Bihar Assembly.

MR. SPEAKER: All these questions relate to the State Assembly. Please don't bring them here. (*Interruption*) Mr. Jyotirmoy Bosu, please do not bring in matters which concern the Assembly of Bihar.

SHRI JYOTIRMOY BOSU: Sir, I am talking about the Central Ministry. This is about serious charges of misappropriation against Mr. L. N. Mishra.

MR. SPEAKER: There are certain procedures here. There are certain procedures fixed for it.

SHRI JYOTIRMOY BOSU: I have given notice in writing. It should be allowed.

MR. SPEAKER: It is not a question of written to me. You do it every day. Please don't do it. If you want to say anything against the conduct of any Minister, there is a procedure fixed for it in our rules.

SHRI JYOTIRMOY BOSU: He is a Cabinet Minister.

MR. SPEAKER: No, you cannot bring it in this way. You cannot do it.

(*Interruptions*)

MR. SPEAKER: This is a matter concerning the Bihar Assembly. And it is for the Bihar Assembly to deal

with it. I am sorry, I am not allowing this.

(*Interruptions*)

MR. SPEAKER: May I ask you one thing? If anything goes against the Minister, or a Member says something in the provincial Assembly against a Minister or against a Member here, would you like that this House should take cognizance of it unless we follow the procedure laid down for it?

श्री ईश्वर चौधरी (गया) : अध्यक्ष महोदय, अगर मंत्री महोदय पर कोई आरोप लगा है, तो उन को सफाई का मौका मिलना चाहिए, ताकि वह बता सके कि यह बात सत्य है या नहीं। अगर आप इस को ऐस छोड़ देंगे, तो यह कलक का टीका बना रहेगा। यह प्रश्न बड़ा गम्भीर है। इस लिए आप इस को उठाने की अनुमति दीजिए।

MR. SPEAKER: I am not allowing it. This is a matter purely arising out of the report in the State Assembly. (*Interruptions*).

SHRI H. N. MUKHERJEE (Calcutta—North-East): Sir, I am on a point of propriety. If a Central Minister happens to be mentioned in what purports to be an official document which is reported in the papers, naturally, Sir, Members are agitated and I should think that it is incumbent on the Minister to come prepared with his statement before this House. I cannot pronounce anything on this subject before I know more about it. But, when publicity is given to an official document purporting to cast very serious aspersions on the functioning of a Minister at the Centre, is it not open to Parliament to be enlightened on this matter? Mr. Bosu or any other Member may have given or may not have given a notice. Granting that he had given notice, I want you to lay down some kind of a procedural mechanism so that

when a Minister is in the dock, officially speaking, either he can explain himself or make the House understand about the position. My submission is that there should be some mechanism by which, whenever there is anything said against a member of the Opposition or of the Ruling Party or when the Minister has been pilloried in a public document which may be false or which may be correct, the person concerned must be heard as to what he wants to say about it.

SHRI SHYAMNANDAN MISHRA (Begusarai): I also want to add to what the hon. Member, Prof. Mukherjee, just now said. There are other aspects which should also receive attention. That is precisely the reason why I am on my legs. It is not relating to a Central Minister alone but it is also relating to a Central project.

SHRI JYOTIRMOY BOSU: I have written in may notice about the Central project.

श्री जगन्नाथ मिश्र (मधुबनी) :
 अग्र्यज महोदय, इस मामले को यहां क्यों
 उठाया जा रहा है ? यह विषय स्टेट से
 सम्बन्ध रखता है (यरवान)

MR. SPEAKER: If this is a Central project, what was the sense in the Assembly's dealing with it?

SHRI SHYAMNANDAN MISHRA: The State Minister is also involved.

MR. SPEAKER: Let them deal with their own Minister.

SHRI JYOTIRMOY BOSU: Sir, it concerns our matter also. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA: So far as the Central Minister is concerned, let me take it absolutely clear. I do not want to say anything damaging to his reputation. In fact,

I am very much solicitous that the hon. Minister should protect his own reputation as well as of the Central Government. We want to give him an opportunity. I also want to say this by way of personal explanation that one of the members of the family happens to be a student of mine and I would like his reputation to be protected.

MR. SPEAKER: You are very kind to your student indeed!

SHRI SHYAMNANDAN MISHRA: So, I am not making any charge against the members of the family and so on. What I am trying to submit is this; this is a Central project, and there is a demand by the committee that there should be an inquiry by the CBI. The CBI falls within the jurisdiction of the Central Government.

MR. SPEAKER: Let him refer only to the point of order. Let there be no debate about it now.

SHRI SHYAMNANDAN MISHRA: I am not entering into any debate. Thirdly, since the report happens to be the report of a committee of a State Legislature, is it not very proper for the Parliament to take due notice of it? Can we ignore it?

SHRI NAWAL KISHORE SINHA (Muzaffarpur): You are very right in saying that at this stage we have nothing to do with it. It is for the hon. Minister to choose whether he wants to make a personal explanation. You or the House cannot force him to do so at this stage. You know, Sir, that there are rules of the Assembly and the Assembly is free to consider the report of the Estimates Committee, and the people concerned can give their explanations there.

SHRI JYOTIRMOY BOSU: I have said two things. Firstly, it is a Central Minister, and secondly the Kosi project is a Centrally-financed project. Therefore, this House is very

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much empowered to look into the matter and the report that has come out in the papers of two kinds, one in the national press, the *Times of India* of Saturday last, and the *Statesman* of Sunday last, both of which are against the reputation of the Central Minister. Therefore, he should make a statement here, and then we can go into that.

SHRI PILOO MODY (Godhra): There is no need to protect the reputation of the Minister. His reputation has gone too far to be protected. So, let us not talk about protecting his reputation.

श्री जगन्नाथ मिश्र : अध्यक्ष महोदय, अखबार में जो समाचार निकला है उस का हवाला माननीय सदस्य दे रहे हैं। उस सिलमिल में मैं आप का ध्यान दिलाना चाहता हूँ कि उसका कांटेडिक्शन भी निकल चुका है? श्यामनन्दन मिश्र जी ने उस को सेंट्रल प्रोजेक्ट कहा है लेकिन मेरा निवेदन है कि वह सेंट्रल प्रोजेक्ट नहीं है। वह स्टेट गर्वन्मेंट का प्रोजेक्ट है और कोई सेंट्रल मिनिस्टर उस में इन्वाल्व्ड नहीं है। इन सारी बातों को ध्यान में रखते हुए आप ने जो कहा है वो बिल्कुल ठीक कहा है कि यह प्रश्न इस सदन में नहीं उठ सकता है। इसलिए मेरा आग्रह है कि यह प्रश्न यहाँ नहीं उठाना चाहिए।

PROF. MADHU DANAVATE (Rajapur): I wish to point out that the report that has appeared in the press is not just a frivolous report or some speculation, but it is a conservative estimate of the Estimates Committee of the Bihar Legislature. Secondly, technically it might be a State project but it is a Centrally-financed project. Thirdly, the allegation is made against a person who happens to be a member of the Union Cabinet. So, we want that this matter should be discussed here. Otherwise, aspersions are cast by the public on this House and the Minister and, therefore, we want that this

should be allowed to be raised, and the hon. Minister should be asked to make a statement on it very categorically.

SHRI PILOO MODY: What is more is that it was revealed by a legislator of the same party.

श्री बिभूति मिश्र (मोतीहारी) : अध्यक्ष महोदय, आज के अखबार में निकला है और वह वहाँ की एस्टीमेट्स कमेटी की रिपोर्ट गर्वन्मेंट में जायेगी और गर्वन्मेंट उस की जांच पड़ताल करेगी कि कहां तक वह सही है। जितनी बातें स्टेट की हैं वह सारी की सारी सैंटर में ही आयेगी तो स्टेट गर्वन्मेंट की फिर क्या जहरत है। सेंट्रल गर्वन्मेंट ही सब कुछ कर ले।

SHRI K. S. CHAUDA (Patna): Since it is a Centrally-sponsored or Centrally-financed project, is it not advisable to send all these matters to the Public Accounts Committee of our Parliament? It is a very good case for being sent to the Public Accounts Committee.

MR. SPEAKER: Let him not give such confusing and complicated suggestions.

SHRI K. S. CHAUDA: It is not complicated at all.

MR. SPEAKER: When Shri Jyotirmoy Bosu raised this question two things were in my mind, namely that the Kosi project is not a Central project, and secondly, the question was whether this House could take cognisance of the findings of a committee which is a committee of a State Legislature. Suppose the two Houses come to a clash on that finding, then what will happen? So, we must be very careful. I am very thankful to Prof. Mukherjee. He has raised a very vital question as to where we stand. Let hon. Members give me some time just to go into it, and let me see what the position is and what the precedents have been.

I do not want to give an offhand opinion on it. May I concretely pose it like this?

(Interruptions)

MR. SPEAKER: If you like, I can give it just now.

SOME HON. MEMBERS: No, no.

MR. SPEAKER: If you want my offhand opinion, that is also available.

SHRI SHYAMNANDAN MISHRA: You may take your time.

SHRI PILOO MODY: We want your well-considered opinion.

MR. SPEAKER: I think I should consider it from all aspects, whether the Kosi project is a Central project or a State project.....

SHRI JYOTIRMOY BOSU: Centrally-financed.

MR. SPEAKER: No, please. In that way, the whole State is financed by the Centre. Then there is no need for Cabinets in the States.

AN HON. MEMBER: A Central Minister is involved.

SHRI SHYAMNANDAN MISHRA: It is also an international project because two national governments are concerned; it is a project between India and Nepal.

MR. SPEAKER: Why are you denying me the right to speak? The next issue is: when the report of a Committee of a State Assembly comes and it involves a Minister at the Centre, what is the position? What will be the procedure for the Minister to adopt? Anything else?

SHRI PILOO MODY: We would also like you to consider whether it is permissible for a Central Minister to do these things from non-Central projects? Because, you have to give an opinion ultimately on that also.

For instance, if he steals from a private contract, would it be permissible? Or from a district or a tehsil or a panchayat or from a nationalised bank?

SHRI H. N. MUKERJEE: In addition to what you have said just now, namely, the norm of behaviour of a Central Minister, his conduct, if opprobriously referred to in official documents elsewhere should, I submit, be examined by the House to the extent possible. If you were the Minister, for example, I am sure you would have seen the newspapers and come ready with some kind of a preliminary statement to appease us, when such a situation develops. If X is a Minister and he is pilloried in a public document, he should be answerable in this House to begin with because we will expect such a procedure to be followed.

SHRI PILOO MODY: On the other hand, he has gone into hiding.

MR. SPEAKER: Thirdly, if a position like this comes to light, what should be the next sequence? I do not want to shut any views on it. You have expressed them. I will consider it. We will see the past precedents, what is right and what is wrong.

SHRI S. M. BANERJEE (Kanpur): This part of the proceedings of the House should be sent to Shri L. N. Mishra.

MR. SPEAKER: He is expected to read the proceedings. Certain State Assemblies, some of them through their Speakers or through others, have brought to my notice the question as to what is the position when certain members, certain Ministers or certain matters within the jurisdiction of State legislatures come up in Parliament, whether they can also bring within their jurisdiction matters which are within the jurisdiction of Parliament whenever there is a controversy raised. I am going to con-

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sider that also as to where we stand. I am going to refer it to the Speakers' Conference also.

SHRI PILOO MODY: On the issue of...

MR. SPEAKER: Not on this issue; it is disposed of.

SHRI PILOO MODY: I am talking about another issue.

MR. SPEAKER: That is not with my permission. (*Interruptions*). I had allowed only one item under rule 377. I will call that Member, and then, when the proper time comes, I will call you. This is not the proper time for these matters.

SHRI PILOO MODY: Mr. Speaker, Sir,....

MR. SPEAKER: You know the precedents and the order of business. After the papers are laid, I will call you. Have I to tell you this every day?

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12.31 hrs.

PAPERS LAID ON THE TABLE

CORRECTION OF ANSWERS TO USQ No. 1092 RE. REFUSAL OF CENTENARY BONUS TO BOMBAY PORT EMPLOYEES, AND LIFE-BOATMEN'S (QUALIFICATIONS AND CERTIFICATES) AMENDMENT RULES, 1973

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): I beg to lay on the Table:—

- (1) A statement (Hindi and English versions) correcting the answer given on the 30th July, 1973 to Unstarred Question No. 1092 by Sarvashri Madhu Dandavate and Sukhdev Prasad Verma regarding

refusal of Central Government for payment of centenary bonus to employees of Bombay Port. [*Placed in Library. See No. LT-5492/73*].

- (2) A copy of the Life-boatmen's (Qualifications and Certificates) Amendment Rules, 1973 (Hindi and English versions) published in Notification No. G.S.R. 792 in Gazette of India dated the 21st July, 1973, under subsection (3) of section 458 of the Merchant Shipping Act, 1958. [*Placed in Library. See No. I.T-5492/73*].

REVIEW AND ANNUAL REPORT OF NATIONAL SEEDS CORPORATION LTD., NEW DELHI AND STATEMENT GIVING REASONS FOR DELAY IN LAYING CERTAIN NOTIFICATION

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHNDE): I beg to lay on the Table:—

- (1) (i) A copy each of the following papers (Hindi and English versions) under subsection (1) of section 619A of the Companies Act, 1956:—
 - (a) Review by the Government on the working of the National Seeds Corporation Limited, New Delhi, for the year 1971-72.
 - (b) Annual Report of the National Seeds Corporation Limited, New Delhi, for the year 1971-72 along with the Audited Accounts and comments of the Comptroller and Auditor-General thereon.

[*Placed in Library. See No. LT-5493/73*].