

I cannot ask the hon. Minister to make a statement every day. Hon. Members are making it a daily practice.

Let hon. Members not ask such questions. I cannot react to it every day. This is an every-day phenomenon. I am not going to allow it now. If they do this kind of demonstration every day, there is no alternative except to stop them.

We have already fixed a meeting of the Business Advisory Committee on the 2nd May and we shall discuss this there. We cannot have that meeting today because we have other meetings also.

Hon. Members cannot make Parliament a forum for raising everything that comes.

आप लोगों को अपोजीशन के राइट्स है, लेकिन इस हद तक न जाय कि सारे हाउस को रैनसम तक ले जाये।

They are holding the House to ransom. They have no right to hold the whole House to ransom.

I cannot ask the Railway Minister to come every day and make a statement, whatever happens

अगर आप लोगों को है हाउस चलाना है ना फिर मेरी कोई जरूरत नहीं मान्म होगी है।

अगर आप लोगो न आपस में ही बात करके सब तय करना है ना मेरी क्या जरूरत है।

श्री मधु मिश्र :

1346 hrs.

QUESTION OF PRIVILEGE

Affidavit of Shri C R. Das Gupta of I O C before Pipeline Inquiry Commission.

श्री मधु मिश्र (बांका) : अध्यक्ष महोदय, शनिवार 27 अप्रैल, 1974 के टाइम्स आफ

इंडिया में निम्न खबर पढ़कर मुझे अचरज हुआ (अबखाल) मैं यह कहना चाहता हूँ कि जब मैंने "टाइम्स आफ इंडिया" में यह खबर पढ़ी थी श्री सी० आर० दासगुप्ता को आई० ओ० सी० का नया चेयरमैन नियुक्त किया गया है तो मैं सोचने लगा कि जिम व्यक्ति ने गंगा पाल्पुशन इन्वैस्टीगेशन की रपट के बारे में कैबिनेट का जो निर्णय था आर पब्लिक अडवर्टीजिंग कमेटी की जा रिपोर्ट्स हैं उनके खिलाफ आचरण किया है उस अफसर को सरकार ने पदोन्नति क्यों दी ?

कन्ड सरकार ने कुछ समय पहले श्री पी० एन० हकमर के नेतृत्व में आइल एण्ड नेचुरल गैस कमीशन तथा इंडियन आइल कारपोरेशन के अध्यक्षों का चयन करने के लिए एक समिति नियुक्त की थी।

इस कमेटी ने इंडियन आइल के तीन अफसरों से साक्षात्कार किया था जिनके नाम सर्वे श्री सी० आर० दासगुप्ता, पी० आर० के० मेहनत तथा कमलजीत सिंह हैं। आइल एण्ड नेचुरल गैस कमीशन के अध्यक्ष के लिए उन्होंने श्री प्रसाद का चयन किया है। जहाँ तक इंडियन आइल का सवाल है उन्होंने इंडियन आइल के तीन अफसरों में से किसी को भी इस महत्वपूर्ण पद के लिए उपयुक्त नहीं समझा।

मुझे ताज्जुब होता है कि सरकार ने अपने द्वारा नियुक्त हकमर कमेटी की राय को उपेक्षा कर इस महत्वपूर्ण सार्वजनिक प्रतिष्ठान के अध्यक्ष पद पर श्री सी० आर० दासगुप्ता की पदोन्नति की।

लेकिन श्री सी० आर० दासगुप्ता की पदोन्नति को चुनौती देना इस वक्त मेरा मतलब नहीं है। इस मान्यता भंग के नेटिव के द्वारा मैं आपका और सभा का ध्यान श्री सी० आर० दासगुप्ता द्वारा पब्लिक अडवर्टीजिंग कमेटी की जो मान-हानि की गयी है

[श्री मं. लिखते]

उसकी ओर दिखाना चाहता हूँ। आप स्वयं उस वक्त इस कमेटी के अध्यक्ष थे। कमेटी का अपमान पूरे सदन का अपमान है।

बीबी लोक सभा के कार्य-काल में ऐसा की गई अपनी छासठवीं रपट में कमेटी ने कहा है :

"It is also on record that the Managing Director was acting on his own in his dealings with Snam as well as Bechtels in vital matters concerning the capacity of the pipeline, bypassing thus the authority both of the Board of Directors and Government. The Board of IOC have also gone on record to the effect, at the meeting held on 3rd February, 1968 that: Out of the report and the discussions thereon, it emerged that the Board had been bypassed in the matter. The Board was very emphatic that the matters of such importance should necessarily be reported to the Board at the earliest possible opportunity. The Board also wanted to place on record that in future all such important matters which entail in itself any project of capital nature involving its performance, its capacity, design or of financial implications, should be brought before the Board for its notice and appropriation. The Board's decision in the above matter also applies to any significant amendments which are of the above nature to any existing contracts or project."

जब यह मामला सरकार द्वारा जांच कमीशन को सुपुर्ब किया गया तब पब्लिक अडरटोकिंग कमेटी ने इस पर एतराज किया कि तत्कालीन मैनेजिंग डायरेक्टर श्री पी० आर० नार्डक द्वारा इंडियन आइल के बोर्ड आफ डायरेक्टर्स की बिश्वास में न लिया जाना यह प्रश्न जांच कमीशन के कार्य क्षेत्र में क्यों सीया गया? पब्लिक अडरटोकिंग कमेटी की राय इसके बारे में इतनी बुरा की कि स विषय में सरकारी कृति के बारे

में कमेटी ने पांचवीं लोक-सभा की 31ीं सर्वेसत्री रपट में कहा है :

"The above recommendation are very clear, unequivocal and emphatic. The then Managing Director admittedly acted on his own; he did by-pass the Board of Directors in his dealings with Snam and Bechtels in vital matters concerning the capacity of the HBK pipeline; the amendment of contract did adversely affect the capacity of the pipeline; negligence was substantiated against the MD|IRL for not bringing these to the notice of the Board|Government; the General Manager and Managing Director were perfunctory and casual in dealing with an important communication of the 26th September, 1963 from Bechtels to IRL mentioning the design capacity of H-B Pipeline as 1.9 million tonnes per annum. These are all matters of fact and they had been amply and demonstrably established.

What the Committee wanted in these recommendations was that a thorough investigation for fixing responsibility on all those officials who were lax and casual in discharging their responsibilities should be conducted. The Committee expect that Government would do that even now."

पब्लिक अडरटोकिंग कमेटी बिल्कुल नहीं चाहती थी कि जो तथ्य स्पष्ट थे या कमेटी के द्वारा मिद्ध किये गये थे उनको जांच के लिए एकदम कमिशन के सामने सीप कर उनको बुबारा खोल दिया जाये। मगर सरकार ने कमेटी की सिफारिशों को तोड़ करीब कर सारा मामला बुबारा खोल दिया। कमेटी चाहती थी कि सरकार उनके निष्कर्षों की कमिशन के सामने पृष्ट करे मगर इन्होंने बिल्कुल उल्टा सी० आर० दासगुप्ता के द्वारा करवाया।

यह मेरे पास रपट है उसमें से केवल दो वाक्य मैं कटकर सुनाया जा रहा हूँ। पृष्ठ 13 पर है।

"It is quite obvious from the above recommendations that the Committee based on the whole set of evidence and information available to them had pointed out in clear and in no uncertain terms that induction of Bechtels in the Pipeline Projects was wrong, improper and unjustified and that undue favours were shown to the Bechtels at all stages during their association with the pipeline projects. By referring this matter to a Commission of Inquiry under term of reference (a) (ii), the Government have only reopened the issues highlighted in the recommendations

In the opinion of the Committee, reference of this particular matter under (a) (ii) to Commission of Inquiry was not warranted. In the context of these recommendations, an enquiry would have been in order for the specific purpose of fixing responsibility for the grave lapse pointed out by the Committee."

अन्त में इसी अनुच्छेद में कमेटी कहती है :

"The Committee take a serious view of Government's attempt to misconstrue the recommendations of the Committee."

श्री अध्यक्ष महोदय, पृष्ठ 69 पर कमेटी ने यह आशा व्यक्त की थी

"The Committee expect the Government to defend and pursue their recommendations contained in their 66th Report of the Fourth Lok Sabha (1969-70) on Indian Oil Corporation (Pipelines Division) in letter and spirit before the Commission of Enquiry with the same sense of urgency that was markedly evident from the above report..."

लेकिन सरकार ने अध्यक्ष महोदय, क्या किया ? सरकार ने श्री सी० आर० दासगुप्ता के द्वारा पुराने मैनेजिंग डायरेक्टर श्री पी० आर० नरसिंह लाला करिष्म प्रकृषर की कसब को खूब करने के लिये बूटा हलफनामा टकरा कमीशन के सामने दिखवाया ।

मेरा मुख्य आरोप यह है कि पब्लिक अन्वरेस्टिंग कमेटी के निष्कर्षों के खिलाफ, तथ्यों के बारे में उस में कोई राय का सवाल नहीं है, इन्होंने ने श्री सी० आर० दासगुप्ता के द्वारा बूटा हलफनामा टकरा कमीशन के सामने दिया है ।

अपने हलफनामे में विचारार्थ विषय 'सी' के सबंध में कसब पर श्री दासगुप्ता ने 8 फरवरी 1971 को निम्न बखतब्य दिया । अध्यक्ष महोदय, यह बहुत महत्वपूर्ण हिस्सा है । . . .

श्री अटल बिहारी वाजपेयी (ग्वालियर) . अध्यक्ष महोदय, यह नियम 377 में है या प्रिविलेज मोशन की आप ने इजाजत दी है ?

अध्यक्ष महोदय . कल प्राया था, लम्बा चौड़ा दिया था । मैं ने कहा था कि मैं भी देख नू फिर आप कह लेना । और उस का लम्बा चौड़ा अब यह बता रहे हैं । उस के बाद देखेंगे क्या बनता है ।

श्री जय लिंगबे : अध्यक्ष महोदय, इस में ने यह महत्वपूर्ण हिस्सा है ।

"7.32. These facts would indicate that neither the Managing Director bypassed the Board in his dealings with Snam and Bechtels in vital matters concerning the capacity of the Haldia-Barauni-Kanpur pipeline nor the Amendment of the contract adversely affected the capacity of the pipeline, and therefore, the question of any negligence on the part of anyone in the IRL does not arise."

SHRI N. K. P. SALVE: Is it an affidavit?

SHRI MADHU LIMAYE: Yes.

जब कि एक गद्दी बो, दो बार पब्लिक अन्वरेस्टिंग कमेटी ने कहा था कि तथ्यों का जहाँ तक सम्बन्ध है उस में कोई जज की मुतायन ही नहीं है । उस के ऊपर मुतायन जज कर

[श्री मधु लिमये]

का कोई सवाल नहीं है। पब्लिक ग्रन्डर-टेकिंग्स कमेटी केवल इतना ही चाहती थी कि जो दोषी लोग हैं उन का दोष निश्चित किया जाय और उन के खिलाफ कार्यवाही की जाय।

अध्यक्ष महोदय, इस के बाद सरकार ने दो काम किये। 14 अभियोगों का आरोप-पत्र दिया गया, टकरू कमिशन ने उस की पुष्टि की, लेकिन आप जानते हैं यह मामला प्रिवलेज कमेटी में आया था। पी० आर० नायक को कैबिनेट ने सस्पेंड किया और सस्पेंशन को सुप्रीम कोर्ट ने एक बहुत ही टेकनीकल मामले को लेकर रद्द किया था। नतीजा यह हुआ कि उन को रिटायर करने का मौका मिल गया और बाद में सरकार कहने लगे कि अब तो वह रिटायर हो गये अब हम क्या कर सकते हैं। लेकिन जहाँ तक पी० आर० नायक का मामला है उनको भी यह प्रिवलेज कमेटी के सामने स्वीकारना पड़ा कि पब्लिक ग्रन्डरटेकिंग्स कमेटी की रिपोर्ट पूर्णतया वस्तुनिष्ठ थी, ऑब्जेक्टिव थी और किसी के द्वारा पब्लिक ग्रन्डरटेकिंग्स कमेटी प्रभावित नहीं हुई।

वह जुमला जो प्रिवलेज कमेटी में सबूत में आया है उस को पढ़कर मैं खत्म करता हूँ। अध्यक्ष महोदय, श्री सोमनाथ चटर्जी पूछते हैं :

“SHRI SOMNATH CHATTERJEE: About certain persons having been influenced, do you stick to that?”

MR. CHAIRMAN: Please answer yes or no. Do not give your elaborate reply.

SHRI P. R. NAYAK: I had said that after reading the second Report of the Public Undertakings Committee I felt that the conclusion I had reached about influence, persuasion, inducement, etc. was incorrect and that the Committee had come to these conclusions objectively in its best judgment.

SHRI SOMNATH CHATTERJEE: Therefore, you agree that you should not have used those words.

SHRI P. R. NAYAK: I agree:

SHRI SOMNATH CHATTERJEE: Are you prepared to withdraw those words unhesitatingly?

SHRI P. R. NAYAK: Yes, I am.”

Unconditional, unqualified apology.

और उसके बाद अध्यक्ष महोदय, उन को अनकंडीशनल, अनक्वालीफाइड अपोलाजी देनी पड़ी तब जा कर प्रिविलेज कमेटी ने उन को माफ किया।

मैं केवल इस वक्त एक ही बात रखना चाहता हूँ। अध्यक्ष महोदय, पी० एस० सी० हैं, पी० यू० र० एस्टीमेट्स कमेटी है यह लोग मेहनत कर के अपनी रिपोर्ट देते हैं, अफसरों को दोषी ठहराया जाता है, लेकिन चूकि इम्प्लीमेंटेशन का काम सरकार के ऊपर है दो, दो, तीन, तीन, चार साल इस में बीत जाते हैं, और गंगा वाटर पौल्यशन इनक्वारी कमीशन में क्या हुआ, बलवंतसिंह, जो जनरल मैनेजर थे इतना मामला खींचा गया कि वह रिटायर कर गये, पी० आर० नायक रिटायर कर गये, दासगुप्ता रिटायर कर गये, कश्यप रिटायर कर गये। इसलिये मेरी प्रार्थना है कि इसमें बहस की गुंजायश नहीं है। पूरे सदन की मान और मर्यादा का सवाल है, इसलिये यह मामला आप को जो अधिकार है नियम 226, 227 के तहत प्रिविलेज कमेटी के सामने आप इस मामले को भेज दें, उस का जो फैसला होगा वह हमको मंजूर होगा।

MR. SPEAKER: Mr. Madhu Limaye, when you raised this question yesterday, after looking into the contents of your Motion, I thought I should go into the reports of the Committees. Last night, I did see all of them and the facts are like this. This was taken up in 1969. The Public Undertakings Committee came to the conclusion that Mr. Nayak had overlooked, had ignored the Board of

Directors and had amended the contract without any consultation. The Committee held that it was not proper for him and held him guilty for this. This is one point. Later on, I think, on the basis of Mr. Khera's letter—he wrote some letter when this House was already seized of that matter—he said the Committee was persuaded and approached and so on. So, the House took a very serious notice of this. I think there was a very clear debate on this. Later on, this went to the Privileges Committee and there he was cross-examined. Among the cross examinations, two cross examinations were very clear, one by Mr. Somnath Chatterjee and the other by Mr. Sathe. They put certain questions and Mr. Nayak then said that after seeing the second report, he came to the conclusion that he was wrong in conveying this impression to Mr. Khera and that he was also of the view that he was wrong. The report of the Committee was correct and objective. In the meanwhile, Takru Commission was appointed. Then, this gentleman Mr. C. R. Das Gupta appears before the Takru Commission and he files an affidavit that whatever is there is correct and so on, and in which he supports Mr. Nayak. Then, in whose favour he is giving the affidavit is a very interesting question. In whose favour and to help whom he is giving this affidavit? He Mr. Naik himself admits before the Privileges Committee that he was wrong and this gentleman, Mr. C. R. Dasgupta in his affidavit before the Takru Commission conveys that was right—I mean his affidavit comes to this.

SHRI MADHU LIMAYE: Because he is a protege of Mr. Nayak.

MR. SPEAKER: I have examined it very thoroughly. But, I think, Mr. Dasgupta never made any reference to the Public Undertakings Committee. I tried to find out whether he made any reference.

SHRI MADHU LIMAYE: This is obvious.

MR. SPEAKER: He just filed the document before the Takru Commission without any direct or indirect reference to the Public Undertakings Committee.

SHRI MADHU LIMAYE: No other body has made such a recommendation.

14.00 hrs.

MR. SPEAKER: Secondly, if we are to send it to the Privileges Committee, we must bear in mind that the Takru Commission is already seized of it.

टकर कर्मिजन के साथ प्रिविलेज कमेटी का टकराव हो जाएगा ।

SHRI MADHU LIMAYE: We never wanted the Takru Commission to enquire into the facts.

MR. SPEAKER: It is very much there.

SHRI MADHU LIMAYE: Government have flouted the decision of the House.

MR. SPEAKER: We have to take cognisance of the position as it is. If I admit it as a Privilege Motion and the Privileges Committee comes to one conclusion and the Takru Commission comes to another conclusion, that will create some complications.

श्री मधु लिमये : टकर कर्मिजन गलत रिपोर्ट देगा तो उसके खिलाफ में प्रिविलेज मोशन जरूर दूंगा । सह सदन को अधिकार है । ग्रान फैक्ट्स, नाट ग्रान ओपनियन ।

MR. SPEAKER: But I am really surprised at one thing. When his boss his own friend whom he is defending, says that he was wrong and the report of the Committee was objective....

SHRI SHYAMNANDAN MISHRA: (Begnsarai): May I make one submission in this respect? It does appear, on the face of it, that the contradiction between the statement made by Shri Nayak and the statement made by Shri Das Gupta, is

[Shri Shyamnandan Mishra]

somewhat strange. But may I submit to you that although Shri Nayak might have, in order to protect himself, stated before the Committee that what he had said was wrong, this person could take the stand that whatever Shri Nayak had said was quite right. There cannot be anything wrong about Shri Das Gupta taking a stand like that.

MR. SPEAKER: When the court is already seized of it, one of them will ultimately be found to be wrong.

SHRI MADHU LIMAYE: What happens to the Public Undertakings Committee? We are made a laughing stock. This is an intolerable position.

MR. SPEAKER: The position which Shri Nayaak has taken in his letter to Shri Khera, that has been corrected by him in the Privileges Committee. Then there is the position taken by Shri Das Gupta in his affidavit before the Takru Commission. If we get hold of him also in the Privileges Committee, I do not think juridically it is very sound. We leave it to the court for that much period so that if he wants to stick to the position, he may do.

श्री मधु लिमये : किनके खिलाफ बोलें हैं वह ?

MR. SPEAKER: This gentleman, Shri Dasgupta, has made no direct reference to the Committee on Public Undertakings.

PROF. MADHU DANDAVATE (Rajapur): Which other body can he refer to?

SHRI MADHU LIMAYE: This is the finding of the Committee.

SHRI JYOTIRMOY BOSU (Diamond Harbour): This is the most important thing. The House has to express its resentment on the flouting by the Government of the findings of the Public Undertakings Committee. Are we to remain helpless spectators?

MR. SPEAKER: The Government is not involved in this.

SHRI MADHU LIMAYE: It is very much involved. Government created this anomalous position, by flouting the decision of the Public Undertakings Committee.

श्री जयन्त बिहारी बाबुलवी : यह मामला ग्राज दापना इसकी हमें सूचना नहीं थी। सारी रिपोर्टें हमारे पास नहीं हैं। इन मामलों को ग्राप स्वयं रक्षित करें। बीच में सारे काज-बात संभवों को जेजे जा सकते हैं। हम भी पुरानी रिपोर्टें देख सकते हैं और फिर इसके बारे में हम अपना दिमाग बना सकते हैं।

श्री मधु लिमये : मैं इस सुझाव को मानता हूँ।

SHRI N. K. P. SALVE (Betul): Sir, it is an important and delicate question. May I make a submission on this matter?

What is of utmost importance is not whether he makes a reference or not. What is of importance is, if there are findings of facts by a Committee of Parliament, can he in an affidavit mention the facts which are contrary to the findings by a Committee of Parliament? As long as this matter was the subject-matter of a discussion of a Committee of Parliament, it was his business to find out what were the findings of a Committee of Parliament and not say anything which would be contempt. If there is a judgment delivered by a court of law, it is not necessary that make a contempt is Committee only there is specific reference to the court.

We want to know from you, Sir, since you were the Chairman of the Public Undertakings Committee whether, factually, the facts mentioned by him in the affidavit are contrary to the findings of the Committee on Public Undertakings. We would like you to enlighten us on that.

MR. SPEAKER: Here I can't enlighten you about the Report.

SHRI VASANT SATHI (Akola): May I make a submission?

Actually, before the Takru Commission, when the Government made an affidavit, in that affidavit a statement was made controverting and denying that there was any slurring over, etc. To that an objection was taken. When Mr. Khara came before us and when we asked him certain questions, he accepted that he had made a mistake and that he would make another affidavit correcting the first affidavit. Therefore, what was before the Takru Commission was, in fact, the observations made by the Public Undertakings Committee presided over by you, Sir. I do not want to take up the question here as to whether some matters on which there was a clear-cut findings should have at all been referred to the Takru Commission. Later on, the Committee itself has made the observations. I do not go into that.

The fact remains that what is now before us here is that in the affidavit, he directly refers to the observations of the P.U.C. It is not necessary to say and take the name of the P.U.C. What he is controverting is the observations *per se* in terms of the Public Undertakings Committee. You see the wording. You have been pleased to observe that he has not named the P.U.C. That does not really matter. What is before the Takru Commission is the P.U.C. Report on which an Inquiry is being made. He has said:

"These facts would indicate

—that fact he has mentioned in the affidavit—

"... that neither the Managing Director bypassed the Board ...

—the Public Undertakings Committee had said that the Managing Director had bypassed the Board in clear terms—

"... in his dealings with snam and Bechtels in vital matters concerning the capacity of the Haldia-Barauni-Kanpur pipeline nor the amendment of the contract adver-

sely affected the capacity of the pipeline....".

This is also the finding of the P.U.C.

What more do you want? What is he controverting? He is controverting the findings of the P.U.C. This is a clear case of contempt unless you want that he should by an affidavit reduce the P.U.C. to a laughing stock, to a non-entity. This is a direct case of contempt and nothing more is needed on that, names or no names.

MR. SPEAKER: Now it is a coincidence that, when this case came, I was the Chairman of the PUC and it has been going on along with my tenure as Speaker in the last Lok Sabha and even now; in some shape or other, it always crops up.

SHRI SHYAMNANDAN MISHRA: As your presidentship of IPU.

MR. SPEAKER: I thought that the matter was finished. But the dead matter has again come to life.

SHRI MADHU LIMAYE. It was not dead.

MR. SPEAKER: We thought that it was finished; the Takru Commission was already seized of it. You had also forgotten about it till this appointment came

श्री मधु लिमये : मैं बीच में था ही नहीं । वह मामला तीसरी अदर चौबी लोक सभा से चल रहा है ।

अध्यक्ष महोदय : जब आप ने उस के एपॉइंटमेंट के बारे में पढ़ा, तो आप को खयाल था क्या कि वह तो वही आदमी है, वना आप भी भूल चुके थे ।

श्री मधु लिमये : मैंने एफिडेविट के बारे में सुना था । मैंने उस को पढ़ा नहीं था । सुनत न मिलता, तो मैं इस को न उठाता ।

PROF. MADHU DANDAVATE: First of all, Sir, you should make up

[Prof Madhu Dandavata]
your mind whether there is a *prima facie* case that the PUC's findings have been flouted

SHRI S M BANERJEE (Kanpur): I have a suggestion, Sir, which you may kindly accept. Let it be referred to the Privileges Committee and proper action should be taken only after the Takru Commission submits its report.

MR SPEAKER. What will the Privileges Committee do then?

SHRI S M BANERJEE. It can collect evidence.

SHRI VIKRAM MAHAJAN (Kangra). Mr. Banerjee's suggestion is a very wise suggestion for a change. What is going to happen if you start the proceedings here is that the defence in the Commission will be affected, he will not be able to defend himself properly. Rightly or wrongly we have adopted a system that every man must be given an opportunity to defend himself properly. If you start the proceedings here, he will have to make a definite admission or confession which may affect his defence there. Therefore what I submit is that you should direct the Privileges Committee not to take up the case till the decision of the Takru Commission comes out, after that, it can be taken up. Otherwise, what will happen is that there will be two conflicting decisions by the two bodies and it will affect the person who is involved in this entire mess. What I submit is that it involves broader questions whether when a person is going to a court or a Commission he can take a defence contrary to what has been the findings of a parliamentary Committee on fact. If it means that once a parliamentary Committee comes to a decision, no person can in any court of law or before any commission take a contrary stand, it implies that the findings of a parliamentary Committee are *res judicata*. Even according to the Constitution, it is not so. Our findings must be taken very solemnly. What I submit is that it should not go to the extent of gagging a person. He must be given a chance to defend himself

in the Commission. Therefore, I submit that the whole thing should be kept pending till the Commission gives its findings. (*Interruptions*).

MR. SPEAKER: So far as the Government were concerned, they were criticised on two occasions, on two counts. One was when the clear finding of the Committee was there and the Committee had reasserted its opinion at the end of the Report. This was referred to the Takru Commission. Meanwhile, many things happened; and they do happen, when people get involved and as time passes nature helps them or circumstances help them; but the basic facts do not change. In spite of that, it went on and there was a lot of discussion in this House, a lot of criticism in this House, and later on it went to the Privileges Committee. The second situation has arisen when Mr Dasgupta has been appointed as Chairman of IOC. The difficulty in sending it to the Privileges Committee is this. The Commission is already seized of it and might not want that there should be any clash. I will keep it pending and we shall discuss it later on.

SHRI MADHU LIMAYE. It may be kept pending in the Privileges Committee.

SHRI VASANT SATHE. There can be no question of clash.

SHRI PILOO MODY (Godhra). This House can abolish the Takru Commission.

SHRI MADHU LIMAYE. A lot of money has been wasted. The Commission should be abolished by a Resolution of this House.

MR SPEAKER. This position has arisen because he has been appointed as the Chairman of the IOC.

SHRI MADHU LIMAYE: Even otherwise it would have arisen.

SHRI SHYAMNANDAN MISHRA. The issue that should be considered is whether any person can before a court of law or any commission say that whatever had been done by Parlia-

cept—the Public Undertakings Committee is, in a sense, considered as Parliament—was not right. The question is whether, if any decision is taken by Parliament, it is open to Shyamnandan Mishra to go to the court and say that Parliament was not right in taking decision of a particular kind although, in a sense, he has been a party to the decision. Since the question raised is one of privilege, it must be gone into in its full depth and subtlety, (Interruptions). Please do consider the implications of this matter whether any person can go to a court of law. It may well be that the person can be punished in some other ways also because he is before the court of law and if he does not say the truth as he sees it...

AN HON. MEMBER: What is your conclusion?

SHRI SHYAMNANDAN MISHRA: The main issue is whether it is a question of contempt or privilege—probably it is a question of contempt that is being submitted—, whether it would constitute contempt of the House or Committee of the House for any citizen to make any statement before any commission or court of law that whatever a particular Committee or even Parliament had done in its wisdom was not right. (Interruptions).

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, श्री मिश्र ने जो कुछ कहा है, मैं उसमें सहमत नहीं हूँ। लेकिन मैं चाहता हूँ कि इस मामले में हम को और भी विचार करने का मौका दिया जाय। इस के दो नुस्खे हैं। एक तो यह है कि आप इस को प्रिविलेज कमेटी में भेज दें, लेकिन उस कमेटी को बहूँ कि वह तब तक फ़ैसला न करे, जब तक कि टकराव कमीशन की रिपोर्ट नहीं आती है। यह तो बड़ा हास्यास्पद होगा। या यह कि आप इस मामले को अपने तक रखें और हम लोगों को इस पर विचार करने का मौका दें।

SHRI PILOO MODY: We are total-ly, completely and absolutely uncon-

cerned with what the Takru Commission is doing. As far as we are concerned, the Takru Commission can jump in the lake. We can by a Resolution of the House abolish it if we like. Therefore, for the House even to ridiculously consider that there is a Commission sitting on this matter, and therefore, the contempt or the privilege of the House of Parliament has to be kept in abeyance or suspension, is something which is totally unacceptable to me. When the Government itself cannot make up its mind about every conceivable finding of this Commission which is collecting dust in the Government archives, why should this Parliament be made to wait to consider the outcome of the decisions of this Commission? Therefore I suggest that if this House is satisfied that what has been presented is a falsification of the finding of the PUC action must start from that point on, in accordance with the procedures of Parliament unconnected with the outside world.

SHRI SHYAMNANDAN MISHRA: Any citizen, any lawyer, of the country could say that the Supreme Court was not right in coming to a certain decision. Would it be contempt of the Supreme Court? That would not constitute contempt of the Supreme Court.

PROF. MADHU DANDAVATE: Under the pretext that this matter is being considered by the Commission if we do not refer it to Privileges Committee that means we are compromising the sovereignty of this Parliament and we are not treating the contempt of the PU Committee, which ultimately amounts to contempt of the House, with the attention which it deserves. We should not under-estimate the issue and we should not set up a bad precedent. It will appear as if these Com-missions are more important than the sovereignty of this Parliament if we do not take the right action just now..

MR. SPEAKER: In this case Mr. Madhu Limaye started with something. He says he is not connecting that. He started with appointments; and then

[Mr. Speaker]
after discussing that he comes to this point....

SHRI MADHU LIMAYE: The issue is very simple; don't confuse the issue, Sir....

MR. SPEAKER: It is much better if you had not linked it up with that from the beginning.

SHRI MADHU LIMAYE: I wanted to give the background. What is wrong?

MR. SPEAKER: Don't do like that we have to go by what is there in writing before the House. How can you say it is not a fact?

जो बयान लिखते : क्या हुआ ? बैकग्राउंड देना कोई अपराध है ? हर एक सादबी देता है । आप को निर्णय करना है कंटेस्ट के बारे में, अप्वाइंटमेंट के बारे में नहीं । मैंने आप से यह नहीं कहा कि आप अप्वाइंटमेंट के बारे में निर्णय दीजिए । मैंने कहा कि आप कंटेस्ट के बारे में निर्णय दीजिए ।

डा० जैलाल (बम्बई दलित) : आप ने कल यही कहा था । जो स्पीकर ने कहा है वह ठीक कहा है । मैं आप की सूचना के बिना नहीं हूँ लेकिन जो स्पीकर ने कहा वह ठीक है ।

MR. SPEAKER: No question of precedent; we have to go by right procedures.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I was also in this Committee. The issue raised is that the Takru Commission being in session, this matter should not be taken up and also should not arise. Because, Sir, I wish to point out that even when the Takru Commission was in session earlier we sent the case of Mr. Nalk and Mr. Khara to the Privileges Committee on the ground that they made certain suggestions and submitted certain affidavits to the Commission challenging the findings of the PU Committee. When in such cases we have referred the matter to the Privileges Committee the same should apply in the case of Mr. Dasgupta who has,

in his affidavit, made a statement imputing that the findings of the Committee are wrong. In fact, the arguments advanced by Shri Mishra, and other things must be considered by the Privileges Committee.

Has a person any right in a privilege to take some defence in a court of law even against some findings of a Parliamentary Committee?

MR. SPEAKER: May I seek your indulgence in spite of what has happened? Naturally, our attention is drawn to the appointment of this gentleman, Shri Das Gupta. There is some criticism against this officer who has been appointed. I wish Shri Limaye had retained that background along with his motion. But, he says now that he is not linking it with that. I would very much wish if he links it with that so that we can also examine the whole background and how it is proper for the Government to act in such a manner.

As asked by you, I shall give the copy of the motion and we shall draw our own conclusion.

SHRI JYOTIRMOY BOSU: How far has the Government the right in appointing him?

SHRI PILOO MODY: The two issues are separate—one is the privilege and contempt and the other issue is the Government's propriety in appointing the person. These are two separate issues and I wish there is a way devised by Parliament by which the Government of India can be censured for taking this action.

MR. SPEAKER: Now, so far as his appointment is concerned, I shall ask the Government to make this position clear if they want to.

SHRI MADHU LIMAYE: I am not interested. If you want to take it up you may do it. I am not interested.

MR. SPEAKER: Well, I am interested in that because you mentioned in your motion.

SHRI K. LAKKAPPA (Tumkur): Let the Government make a statement.

MR. SPEAKER: A statement can be asked for from Government about that. But, as far as the other matter is concerned, we can examine it again and, if I have any doubts about this going to the Privilege Committee, after listening to all the views, I shall come to some conclusion.

So far as the appointment of this person is concerned, it is for the Government to come out with their own explanation if they so wish.

SHRI JYOTIRMOY BOSU: I have written to you....

MR. SPEAKER: There is no question of your writing to me. I am not going to allow this if you go on like this. No submission is allowed.

Now, papers to be laid.

14.29 hrs.

PAPERS LAID ON THE TABLE

DELIMITATION OF COUNCIL CONSTITUENCIES (MADRAS) AMENDMENT ORDER, 1974 AND DELIMITATION COMMISSIONS ORDERS IN RESPECT OF KERALA AND KARNATAKA.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): I beg to lay on the Table:—

(1) A copy of the Delimitation of Council; Constituencies (Madras) Amendment Order, 1974 (Hindi and English versions) published in Notification No. G.S.R. 114(E) in Gazette of India dated the 2nd March, 1974, under sub-section (3) of section 13 of the Representation of the People Act, 1950. [*Placed in Library. See No. LT-6862/74.*]

(2) A copy each of the following Orders (Hindi and English versions) of the Delimitation Commission, under sub-section (3) of section 10 of the Delimitation Act, 1972:—

(i) Order No. 11 of the Delimitation Commission in respect of the State of Kerala, published in Notification No. S.O. 241(E) in Gazette of India dated the 10th April, 1974

(ii) Order No. 12 of the Delimitation Commission in respect of the State of Karnataka, published in Notification No. S.O. 248(E) in Gazette of India dated the 15th April, 1974 [*Placed in Library. See No. LT-6863/74.*]

REPORT OF C. & A.G. OF INDIA FOR 1972-73 UNION GOVERNMENT'S APPROPRIATION ACCOUNTS (CIVIL), 1972-73 AND CERTAIN PARTS OF C. AND A.G.'S REPORT OF 1970-71.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to lay on the Table—

(1) A copy of the Report of the Comptroller and Auditor General of India, for the year 1972-73, Union Government (Civil), under article 151(1) of the Constitution.

(2) A copy of Union Government Appropriation Accounts (Civil) for the year 1972-73.

(3) A copy each of the following parts (Hindi versions) of the Report of the Comptroller and Auditor General of India for the year 1970-71—Union Government (Commercial), under article 151(1) of the Constitution.

Part III. Appraisal of the working of the Triveni Structurals Limited.

Part IV. Appraisal of the working of the Central Warehousing Corporation.

Part V. Appraisal of the working of the Hindustan Housing Factory Limited. [*Placed in Library. See No. LT-6864/74.*]

REVIEW AND ANNUAL REPORT OF LUBRIZOL INDIA LTD. FOR 1972-73 AND NOTIFICATION RE RAJASTHAN KEROSENE OIL, DEALERS LICENSING ORDERS. 1971.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—