

Mr. Speaker : That is all right. I only ask for the cooperation of the Opposition in maintaining the decorum of the House.

अध्यक्ष महोदय : श्री मधु लिमये ।

श्री मधु लिमये : अध्यक्ष महोदय

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मेरी बात सुन लीजिये ।

अध्यक्ष महोदय : अभी नहीं सुनूंगा । इतनी देर हो गई है बार-बार कहते हुए आप बन्द नहीं होते हैं । मुझे आपसे भी कहना पड़ेगा कि आप बाहर चले जायें ।

श्री हुकम चन्द कछवाय : मेरी बात तो सुन लीजिये ।

अध्यक्ष महोदय : अब आप बाहर चले जाइये ।

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, इस प्रकार व्यवहार करेंगे तो कैसे चलेगा ।

अध्यक्ष महोदय : आप बाहर चले जाइये ।

श्री हुकम चन्द कछवाय : मैं यह जानना चाहता हूँ कि गऊ-हत्या के सम्बन्ध में जो जानकारी मांगी है .

अध्यक्ष महोदय : अब आप बाहर जायेंगे या नहीं ।

श्री हुकम चन्द कछवाय सदन से बाहर चले गये)

12:59 hrs.

RE. QUESTION OF PRIVILEGE

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, कल मैंने लाइब्रेरी वालों के पास से मंत्री महोदय की गवाही और गवाही से सम्बन्धित कागजात मांगे थे, अब तक मुझको नहीं मिले हैं ।

दूसरी बात आपने यह कहा था कि सुरेन्द्र नाथ द्विवेदी के द्वारा जो प्रश्न उठाया गया है, उसके बारे में सोचूंगा और बाद में

निर्णय दूंगा । रात मुझे पता चला कि आपने यह फौमला किया है कि दूसरी गवाही देखने को नहीं मिलेगी । इसलिये मैं आपसे समय चाहता हूँ कि पहले इन दो बातों का खुलासा हो जाय । एक बात तो यही कि मुब्रह्मप्यम साहब का जो वक्तव्य परिचालित किया गया है, वह एक नहीं दो किस्म के वक्तव्य परिचालित किये गये हैं और दोनों में फर्क है । जो मेरे पास है उसमें यह वाक्य है....

अध्यक्ष महोदय : दो बातें एक साथ नहीं आ सकतीं । अगर आप वक्त चाहते हैं तो वक्त दूंगा, अगर बहस करना चाहते हैं . . .

श्री मधु लिमये : वक्त तो चाहता हूँ लेकिन खलासा तो हो जाए । फिर उम वक्त कौन सा वक्तव्य है, कैसे पता चलेगा ? यह वाक्य उसमें नहीं है

13 hrs.

Shri Daji (Indore) : Sir, he says that the two statements differ. He wants to know which one is authentic.

श्री मधु लिमये : एक जो परिचालित किया है उसमें यह वाक्य है और एक में से काट दिया गया है । उसका खुलासा हो जाए । रिकार्ड में क्या आया है, इतना आप बताइये ।

"In the end, I would like to submit that no *prima facie* case has been made out for reference to the Privileges Committee."

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam) : No, Sir; I did not make that statement.

श्री मधु लिमये : रिकार्ड में नहीं है यह ? तब ठीक है ।

मुब्रह्मप्यम साहब ने अपने वक्तव्य में दो दस्तावेजों से कुछ जुमले कहे हैं । अब आप

[श्री मधु लिमये]

के यहां पर नियम है दस्तावेजों से उद्धरण देने के बारे में। यह 368 है :

“If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table.”

अब मेरी यह मांग है कि उन्होंने दो दस्तावेजों का अपने बयान में उल्लेख किया है, एक है नोटिंग के बारे में जिससे उनको गलतफहमी हुई और उन्होंने 18 तारीख को गलत बयानी की। वह नोटिंग और और जो कागज है वह पूरा सदन के सामने आजाए जिसका हवाला उन्होंने दिया है।

उसी तरह ट्रांसपोर्ट मिनिस्ट्री के जो डिप्टी सेक्रेटरी हैं उनके बारे में यह कहा है :

“One aspect was the view of the Transport Ministry as summarised in the note of the Deputy Secretary given below:—”

जहां तक संक्षेप में कोई बात कहने का सवाल आता है तो वह अधिकार केवल मंत्री महोदय को है। आप देख लें 368। किसी सचिव को नहीं है।

“Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:”

और आगे

“Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table.”

‘इन हिज़ ऑन वर्ड्स’ यह मंत्री महोदय के बारे में है, किसी सचिव या सरकारी अधिकारी के बारे में नहीं। इसलिए मेरी

मांग है ये दो दस्तावेज पूरे सदन के सामने आ जायें। उसके बारे में आप सोचिये और निर्णय दीजिये।

तीसरी बात यह है कि यहां पर मंत्री महोदय ने कहा है कि आपके द्वारा उनको जो पी० ए० सी० के सामने जाने की इजाजत दी गई यही विशेषाधिकार भंग या ब्रीच आफ प्रिविलेज है, ऐसा मैंने कहा है। मेरे भाषण का अगर तर्जुमा ठीक तरह हुआ है तो मैंने कभी यह नहीं कहा है कि . . .

अध्यक्ष महोदय : यह बाकी बहस में भी आ जाएगा।

श्री मधु लिमये : आपका यह निर्देश है उसी के संदर्भ में मैंने कहा था। यहां की जो परम्परा है। उसको पढ़ कर मैं बंट जाता हूं।

“The Committee on Estimates or Public Accounts may call officials to give evidence in connection with the examination of the estimates and accounts, respectively, relating to a particular Ministry. But a Minister shall not be called before the Committee either to give evidence or for consultation in connection with the examination of estimates or accounts by the Committee”.

इसलिए बार-बार मैंने कहा है कि आपने इनके ऊपर इनायत की और आप की हमने, यानी सदन ने, इज्जत की। मैंने यह नहीं कहा कि आपके द्वारा यह विशेषाधिकार का भंग हुआ है या मंत्री महोदय के द्वारा हुआ है।

Mr. Speaker : The Minister was not called. In this case he expressed his own willingness to appear before the Committee. He was not called by the Public Accounts Committee.

Shri Hari Vishnu Kamath (Hoshangabad) : Sir, I rise to a point of order, arising out of what my hon. friend, Shri

Madhu Limaye just now said. He [said, if I heard him, if I understood him aright, that you have decided that the other evidence, to which my hon. colleague, Shri Surendranath Dwivedy, referred yesterday, which he said should be made available to Members of Parliament, that shall not be made available to us. Is that a fact, Sir? Then I will proceed further.

Mr. Speaker: Yes.

Shri Hari Vishnu Kamath : Please, may I invite your kind attention to rule 275, amplified and clarified by Direction 58—Rule 275 was read out yesterday by my hon. friend Shri Trivedi. It has been fully clarified and amplified by Direction 58, which is very, very helpful to the House and to the Committee—and I would request the House to pay very careful attention to every word of what that Direction says:

“Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential.”

Now the question arises as to whether those witnesses who appeared before the Committee—the other witnesses, not the Minister—did tell the Committee that their evidence should be regarded, all or any part of it, as confidential. If they did not do so, then the question does not arise, it shall be made public. Even if they did say so, later the part of the Direction says:

“It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the members of Parliament.”

Between “public” and “members of Parliament” there is a distinction made. Even if it cannot be made public, Members of Parliament have got every right, under this rule, to have access to the evidence, to the whole of the evidence even if it is mentioned before the Committee that it is to be treated as confidential. Therefore, I request you to direct that every hon. Member of this House will have equal access, equal right of access, to all the evidence tendered before the Committee for their 55th Report and, the earlier, 50th Report to which this relates.

Shri Bhagawat Jha Azad (Bhagalpur): Mr. Speaker, Sir, it is true that these three Committees—the Public Undertakings Committee, the Estimates Committee and the Public Accounts Committee—are committees of Parliament. Therefore, to say that any evidence tendered before any of these Committees is confidential and is to be kept secret from the Members of Parliament is untenable. Sir, I had the privilege to work on these Committees. The point is, though the evidence tendered before the Committee cannot be kept secret from the Members of Parliament, there is a self-imposed restriction upon the functioning of the Committee....

An hon. Member: That is a presumption.

Shri Bhagwat Jha Azad: I hope my hon. friends will hear me as I heard them; otherwise they would not be able to speak. What I am saying is this. As a member of the Estimates Committee, I can say that the Chairman of the Estimates Committee invariably—I emphasise the word “invariably”—has said to the witnesses appearing before the Committee that they can rest assured that their evidence will remain confidential....

Shri Surendranath Dwivedy (Kendra-para): No, no. He contradicted that. Yesterday he said..

Shri Bhagwat Jha Azad: Mr Speaker, I will ask my hon. friend, Shri Dwivedy, through you, Sir, to hear what I am saying. I am referring to what the Chairman of the Estimates Committee says and not the Public Accounts Committee. If they listen to me and open their mouths less they will be able to understand what I am saying. Invariably the Chairman of the Estimates Committee has said to the witnesses that whatever they depose before the Committee will be treated as confidential. This is a self-imposed restriction on behalf of the House, by the members of the Estimates Committee. Secondly, the Chairman of the Committee on Public Undertakings said yesterday in the House that if this restriction is not allowed to be there, it will not be possible for the officials of the undertaking and the representatives of private institutions to speak frankly in the Committee. The Chairman of the Public Accounts Committee also, while he did not say that they are confidential, emphasized at the same time yesterday that if they are not allowed to be confidential it will be possible for the Public Accounts Committee to have the evidence freely and frankly. I am sure the House wants these three Committees to function in such a way that those who appear before the Committee can tender their evidence freely, frankly and fearlessly because they know that it will be treated as confidential. So, in that sense it is a self-imposed restriction by the Committee that the evidence will be treated as confidential. If the house wants it to be made public, let it be made clear in this House itself that henceforth the evidence of those who appear before the Public Accounts Committee, Estimates Committee and the Committee on Public Undertakings will be made public. The moment you say that you will see that the witnesses do not speak freely and frankly before the Committee and the Chairman will have a lot of difficulty in getting the views or comments from Government servants. I know how frankly they have spoken before

the Committees all these days, up till now. If you say it in so many words that their evidence will no longer be treated as confidential they will cease to be frank in giving their views. That is my only point.

Shri Harish Chandra Mathur (Jalore): I have very little to submit on this point. I do not want to go into the merits of the case; I do not want to urge before the House whether the viewpoint expressed now is correct. But, Mr. Speaker, are you wanting to re-open a decision which you have already taken yesterday? You heard yesterday the very same direction which my hon. friend, Shri Kamath, read out, and after listening to that and acknowledging that this direction is there you had arrived at this decision. You have clearly arrived at a decision. It is a matter of record.

Shri Hari Vishnu Kamath: "I will consider the request" you said; you did not decide it yesterday. Let him see the record.

Shri Harish Chandra Mathur: It is a matter of record. If you had decided it, then the matter should end there. If you have not decided it, then let us go into the matter further. If you have already decided it—it is so, according to my assessment of the situation; you look into the records—I do not want it to be re-opened.

Shri Surendranath Dwivedy: Sir, I want to correct him. So far as the evidence of the Minister is concerned Sir, you gave your ruling that that part of the evidence should be laid on the Table of the House. Then I specifically made a request that the entire evidence tendered before the Committee by the Ministry on the subject relating to the Fiftieth Report should be laid on the Table of the House, to which you said "I Will consider it". So far as the records go, that is the position.

Shrimati Renu Chakravarty (Barackpore). I just want to say that obviously you will have to apply your mind once again to your ruling in view of what Shri Kamath has said about the rules and directions. Obviously, you will look unto that part of the question. But I would like to tell you, Sir, and through you to Shri Azad, that it is not that we, Members of Parliament, are putting certain ideas in the minds of the officers, and that by saying that their evidence is to be treated as something that will be withheld from the highest authority in the land. It means that we are asking them to be untruthful in the Committee. I think that is a very wrong approach. I do not know what right the Chairman of the Committee has to say to some of these officers that their evidence shall be treated as confidential, when it is contrary to the Directions. I was in the Estimates Committee for two years and I did not find on any occasion that the officers tried to hide something from us. I think we did find sometimes that they tried to evade but it was our job to see that they did not evade answering questions and we found out the truth. Therefore, it is a battle of wits. Finally, we shall give the report on the basis of what the Members constituting that Committee think is the right thing. Therefore, I think that there should be absolutely nothing which should be taken as secret from the Members of Parliament. We do not want to find out more than what is necessary for us to come to a conclusion about the matter which is before us. If there are certain documents which we feel are necessary for us to come to a conclusion, I think it is only right that we write to you and you should make this document available to us. You may keep it in your chamber and allow us to look into it, you need not keep it in the library of Parliament; but to those of us who would like to see those documents in order to make up our minds. I think it should be made available. I think the Directions are very clear on this point. We should not put ideas into the minds of the officers that if we allow their

evidence to be looked into by the Members of Parliament, in such a situation, they will not be honest to the Committee.

Mr. Speaker: I can allow any hon. Member to peruse the documents in my Chamber. If he uses it, it becomes public; if he does not use it, it is of no use to him.

Shri H. N. Mukerjee (Calcutta Central): Whatever might be the recent convention which might or might not have grown in the Estimates Committee, the rules and your directions are very clear. And what concerns me, and, I am sure, concerns the House is this, let not an impression go out to the country that there is something to hide. I am very much concerned about this matter. Something has cropped up, almost incidentally, and it has struck the whole country as something which has got to be investigated. In relation to that Shri Azad suggests that things should be kept away from the gaze of even Members of Parliament when, as Shri Kamath has pointed out, as far as Members of Parliament are concerned, they have the right to have access to everything. The public do not have that right, but the Members of Parliament do have that right, and we should exercise that right. I do not want to know what Shri Subramaniam or Mr. X or Mr. Y has said in the Public Accounts Committee, I am not concerned with it and I do not want to go into that dirty affair—but when the matter has come up, the country has got to be satisfied, and let no impression go out from this House, particularly from a source so high, elevated and impartial as your Chair, that anything has been done to hide certain facts, which were not available even to Members of Parliament. From that point of view, the rules are very clear, the principle is clear. It may be that because of this convention a certain bureaucrat may or may not be in jeopardy but, then, these are very important matters and so, from the point of view which I have tried to stress, I would submit to you that you should give your direction that in this matter every relevant material will be made available to the members of Parliament.

Shri J. B. Kripalani (Amroha) : May I suggest that this is an exceptional case and such things have not happened before and no Minister has appeared before the Public Accounts Committee? In these circumstances, I think the evidence should be made available to the Members of Parliament, without creating any precedent.

Shri Khadilkar (Khad) : Now a request is being made that the evidence tendered before the Public Accounts Committee should be made available to Members of Parliament. I had the privilege of serving on both the Estimates Committee and the Public Accounts Committee. I know it for a fact that every evidence tendered before the Committee is weighed very quietly and in a balanced manner and certain conclusions are reached. If at this juncture an attempt is made to have some sort of fishing type of probe.....

श्री मधु लिमये : "फ़िशिंग" का क्या मतलब है? सबूत और गवाही तो कमेटी के सामने एक दफा हो चुकी है।

Shri Khadilkar : ..into the evidence, to find fault with.... (interruptions) Sir, I would request them to listen to me. I have listened to them. If there is a fishing type of probe into the evidence, it will result in one thing. It will result in questioning the conclusions reached by the Public Accounts Committee and trying to find out certain things, because they are not sure in their mind whether they have case for breach of privilege or for contempt, to add some arguments to their case and to strengthen it.

So far as your ruling is concerned, an exceptional case has been made because the Minister has appeared before the Committee and you have said that in that case the evidence would be made available. But I would submit, apart from the question of certain conventions, that we are following in the committee, that the important question is that the breach of privilege question has been raised on the basis of

the findings of the Committee. Is it permissible now for Members, as I said to go back to the evidence, weigh those findings and then put forth certain arguments? Will this not challenge the finality of the report of a committee? (Interruption)

Mr. Speaker : Shri Banerjee.

Shri Tyagi (Dhara Dun) : How many hours have been allotted for this discussion?

Mr. Speaker : No time has been allotted.

Dr. L. M. Singhvi (Jodhpore) : It is a very important matter and it has got to be discussed. Its importance goes beyond the range of the instant case.

Shri Daji : It relates to our rights as Members of Parliament. Apart from the privilege motion and apart from the report of the Public Accounts Committee, the question now raised is a question of right of Members of Parliament. It is such a fundamental question that whatever decision you give on this occasion will go down as the established convention. Therefore let us not hustle. Leave aside Shri Subramaniam, leave aside the breach of privilege case, we are discussing a much wider and the most fundamental issue. I would like to make a submission for two minutes only on this vital issue whenever you permit me to do so. Such issues are raised very rarely in the history of Parliament and when they are raised they should be discussed threadbare and conclusions reached.

Shri S. M. Banerjee (Kanpur) : Yesterday we submitted before you that all the evidence including the evidence of the Minister should be placed on the Table of the House. That was not agreed to. When you agreed that the Minister's verbatim statement will be made available to Members, we were happy. At the same time, when Shri Surendranath Dwivedy read out a rule under which ever

Member is entitled to read it under your direction if he is permitted by you, you in your wisdom did not rule it out but you said that you would consider it if such a request was made. That is in the record. I also heard Shri Morarka saying that there was no secrecy about that. He said that generally they do not divulge that or there is an impression given to those officers that it would not be divulged. But today Shri Bhagwat Jha Azad—I heard with patience the arguments advanced by him—mentioned about the Public Undertakings Committee, the Estimates Committee and so on, but he did not mention the Public Accounts Committee which we are vitally concerned about.

Shri Bhagwat Jha Azad: I did mention.

Shri S. M. Banerjee: You mentioned the Estimates Committee and the Public Undertakings Committee. We did not hear you mention the Public Accounts Committee.

My submission is only this. The Speaker's direction has been read out by Shri Kamath. A rule has been invoked by Shri Kamath and I feel that we shall be doing injustice to Shri Subramaniam, to the Public Accounts Committee, to ourselves and, through us, to the millions of those whom we represent if we are precluded from seeing those documents.

May I invite your attention to what is happening behind the scenes in this case? These particular documents will not be shown to us but every day we read in the papers that the Prime Minister has decided to consult the ex-Chief Justice of the Supreme Court. We do not know what the ex-Chief justice will do in this case. The newspaper has mentioned that because the PAC has recommended to the Prime Minister that there should be a high-powered commission she is going to consult the ex-Chief Justice, Shri Gajendragadkar. In the name of justice and fairplay and for giving adequate opportunity to Shri Subramaniam to come out in flying

colours or to resign, it is but natural that we should be given a chance to see all the records.

श्री मोर्यं (अलीगढ़) : श्रीमन्, . . .

अध्यक्ष महोदय : एक एक करके ही बुला सकता हूँ ।

Dr. L. M. Singhvi: I think, the implications of this matter go far beyond the question which is occupying the attention of the House at present and, therefore, the question of procedure which has been re-agitated here, should be viewed not only in the instant context but in the larger context.

Mr. Speaker: I might mention that the evidence was asked for not for the purpose of a decision on the privilege motion but for the discussion of the report of the PAC; therefore, the two should not be confused. I cannot allow any evidence or any record to be seen for the sake of the privilege motion. That is not the question, as has been stated just now by Shri Khadilkar. We cannot take up the privilege motion by going into the evidence before the PAC. The point is whether it should be made available or not for the discussion of the report. That must be kept in mind.

Shri Hari Vishnu Kamath: I did not mention the privilege motion.

Dr. L. M. Singhvi: It is not for the purpose of the privilege motion alone.

Mr. Speaker: Shri Madhu Limaye asked that before he speaks on the privilege motion, this should be decided.

Shri Nambiar (Tiruchirapalli) : If it is available for this, it is available for the other also.

Mr. Speaker : No, no.

Dr. L. M. Singhvi : Our rules envisage that if a Member wants to inform himself for any motion before the House, he can apply to you for an inspection of a particular

[Dr. L.M. Singhvi]

document and under your authority under rule 275(2) you would consider whether you would permit him to have access to or inspection of that particular document. Rule 275(2) really controls the entire question of evidence, report and proceedings treated as confidential, as the marginal heading of that particular rule says. That rule very clearly shows that no part of the evidence shall be open to inspection by anyone except under the authority of the Speaker. Sub-rule (3) says:—

“The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.”

So far as direction 58 is concerned, it is clear that whatever the committees might have been doing, as a matter of fact there is no necessity for them to allow all evidence to be treated as confidential because direction 58 certainly does not permit this. It says:—

Mr. Speaker : That has already been read.

Dr. L. M. Singhvi : I have to crave your indulgence to clarify the point that I am raising. It says:—

“Where witnesses appear before a committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential.”

The more important part of direction 58 is the latter portion which says :—

“It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the members of Parliament.”

Reading direction 58 with rule 275 (2) it is clear that the evidence that is desired to be treated as confidential by official witnesses is also liable to be made available to the Members of Parliament, though this has to be done under the exception provided by sub-rule (2) of rule 275. It makes it clear that this has to be done under the authority of the Speaker.

I have one very concrete suggestion to make. Yesterday I had suggested that so far as the evidence of the Minister is concerned, it should be published without any question and no exception should be taken to publishing that evidence because the Minister had appeared at his own instance. So far as the evidence of the officials is concerned, you have to decide under rule 275 (2) and direction 58 together whether you would permit access or inspection to Members of Parliament in respect of certain documents which have been laid before the Committee or in respect of certain evidence which has been tendered before the Committee. There are no clear criteria laid down for the guidance of the Speaker in this matter. The only criteria before you are the criteria of public interest and insistence of Members of Parliament as well as the efficient functioning of the Committees.

Mr. Speaker : Shri Maurya.

Dr. L. M. Singhvi : At least I should be allowed to conclude. I am not taking any more time than it is necessary to do so.

You know it very well that I am most disinclined to take a minute more than is absolutely necessary. I submit that in view of

what I have said you should consider not in a blanket way, whether you will allow access or inspection to the Members of Parliament to this evidence, but it is on the basis of a specific request to be made to you that you will have to decide whether you will allow such access or inspection. I submit that such access or inspection should be permitted by you in this particular case.

श्री सौर्य : श्रीमन्, पहले तो मेरी प्रार्थना यह है कि जितना समय अन्य सदस्यों ने लिया है, मैं उससे आधा ही समय लूंगा, लेकिन बीच में मुझे टोका न जाये ।

श्रीमन्, यहां पर बहस इस बात पर हो रही है—जहां तक नियम और कानून का सवाल है, कानून बड़ा साफ़ है । उसमें कोई ऐसी धारा नहीं है, जो इसके रास्ते में आती है । लेकिन कुछ ऐसी भावना यहां पर प्रकट की गई है, कि अगर यह गवाहियां सदन के सामने सदस्यों तक पहुंच जायेंगी, तो सरकारी कर्मचारी गवाही देने से झिझकेंगे तथा ऐसी कोई परम्परा नहीं है । परम्परा के बारे में मैं कल कह चुका हूँ । कायदे से मिनिस्टर को वहां पर नहीं जाना चाहिये था, बुलाये नहीं गये, अपनी ओर से गये । अगर बुलाये जाते तो बात दूसरी थी, इसलिये परम्परा टूटी है । लेकिन, श्रीमन्, पब्लिक एकाउन्ट्स कमेटी को सदन ने बनाया है, उसमें पार्लियामेंट के मेम्बर हैं, जिनकी संख्या 22 है । मैं इस समय सी० बी० आई० या उड़ीसा में क्या हुआ, उसमें नहीं जाना चाहता, लेकिन 22 सदस्य उन गवाहियों तक पहुंच सकते हैं, उनके सामने सब बातें होती हैं । पहले सात तक और फिर 22 तक वे बातें पहुंची, तो फिर इन बाकी सदस्यों तक क्यों नहीं आ सकती हैं ।

मैंने स्वयं उस कमेटी में देखा है कि कई बार बहुत सी बातें दबाई जाती हैं, हम लोग निकालते हैं । सरकारी कर्मचारी जब भी पब्लिक एकाउन्ट्स कमेटी है, के सामने

आते हैं, मैं सब के लिये नहीं कहता, वे कहते हैं कि जिस में कोई गड़बड़ है, उसको ज्यादा से ज्यादा दबाया जाये । यह तो पब्लिक एकाउन्ट्स कमेटी की क्षमता पर निर्भर करता है कि वे उस तथ्य को निकाल पाते हैं या नहीं ।

जब 22 सदस्य उस गवाही तक पहुंच सकते हैं, उनके सामने वे सब आती हैं, हम लोगों के पास करेक्शन के लिये आती हैं, क्लारिकल स्टाफ़ के पास जाती हैं, मैं नहीं समझ पाता कि इस सदन के सदस्य तक जो कि 10 लाख को रिप्रेजेंट करता है, क्यों नहीं पहुंच सकती हैं । यह बहुत महत्वपूर्ण मसला है, यह सिर्फ़ मुब्रह्मण्यम साहब की बात नहीं है, यह एक सिद्धान्त की बात है । जब पब्लिक एकाउन्ट्स कमेटी के सदस्यों तक पहुंच सकती हैं, तो इस सदन के सदस्यों तक भी पहुंचनी चाहिये, बल्कि उससे भी ज्यादा होना चाहिये ।

Mr. Speaker : One thing I should enquire from the Chairman, Public Accounts Committee. Direction 58 has been read out under which, when a witness appears before the Committee to give evidence, the Chairman shall make it clear to the witness that his evidence shall be treated as public. I want to know from him whether it was made clear to the witness.

Shri Morarka (Jhunjunu) : In regard to your specific question, so far as the Public Accounts Committee is concerned the rules or the procedure or the conventions are well laid down and it has never been made clear to them either the evidence would be treated as public or would be treated as private. All the Secretaries or the officers who appear before the Committee are fully aware of the conventions which govern the proceedings of the Committee and they take it for granted.

Mr. Speaker : The other Committee Chairman draws the attention of every witness to Direction 58 and makes it clear to him.

Shri Morarka : Direction 58 says that you shall warn the witness that his evidence is liable to be made public except to the extent to which he desires it to be kept confidential and that even that portion would be made available to the Members of Parliament.

Mr. Speaker : I want to know whether this was made clear to the witness.

Shri Morarka : No. Direction 58 is meant only for the purpose of the witness, that the Chairman of the Committee shall warn the witness that whatever he says is likely to be made public and that even if he desires any portion of that evidence to be kept private, that shall be made available to the Members of Parliament. Direction 58 has nothing to do with the rights of this House or the rights of the Members of Parliament. Direction 58 is meant only for the witnesses who appear before the Committee. So far as the rights of the House are concerned, they are governed only by your rule 275. Mr. Kamath read out Direction 58. He has in my opinion misinterpreted the rule.

Shri Hari Vishnu Kamath : I said Direction 58 read with Rule 275.

Shri Morarka : Direction 58 is meant only for the witnesses, that you shall warn the witnesses that whatever evidence they give is liable to be made public. But when you come to the rights of the Members of Parliament, you must go to Rule 275. Now, Rule 275 says that the Committee may decide to treat certain portion of the evidence as public and certain portion of the evidence as private. Whatever portion they lay on the Table of the House will become a public document and whatever portion they do lay on the Table of the House shall be private. Nobody will have access to it unless you direct it.

There is no conflict between Rule 275 and Direction 58. In my humble opinion, if there is any difference of opinion between the Directions of the Speaker and the Rules of Procedure, the Rules of Procedure shall supersede the Directions of the Speaker.

In this particular case, there is no such conflict because Rule 275 only will govern the rights of the Members of Parliament. So far as Direction 58 is concerned, it is only an enabling provision or a duty of the Chairman to warn the witnesses. The point raised about the Estimates Committee and the Public Undertakings Committee is slightly different. That has nothing to do with Direction 58. Direction 58 says that we shall treat this thing as public and the assurance is given to the witness that if he so desires we shall keep certain portion as private. That has nothing to do with Direction 58. In my opinion, it is for the House to decide whatever they want to lay down for the future. So far as the Rules are concerned, the Rules are quite clear. It is your absolute discretion to allow or not to allow access to the confidential verbatim proceedings.

In this connection, since Shri Kamath has read out the Directions of the Speaker, may I invite your attention to Direction 65 (1)? It says :

“The verbatim proceedings of a Committee, if taken, shall be treated as confidential and shall not be made available to anyone without the orders of the Speaker.”

Direction 58 is completely misleading. Direction 58 is meant only for the witnesses, that you warn the witnesses, and for nothing else. The rights of the Members of this House are governed by Rule 275 and Direction 65. You may kindly consider this matter very carefully before you give your ruling.

Mr. Speaker : I will consider it.

Now, there is another privilege motion given by Shri Tridib Kumar Chaudhuri which I will take up tomorrow. If this is to be taken up tomorrow, then that will be taken up on Tuesday.

श्री मधु लिमये : बिहार को कल लिया जाये ।

Shri Daji : This may be taken up on Tuesday.

Mr. Speaker : All right. I will take Shri Tridib Kumar Chaudhuri's privilege motion tomorrow. Now, Papers to be laid on the Table.

13:39 hrs.

PAPERS LAID ON THE TABLE

CAPITAL ISSUES (APPLICATION FOR CONSENT) RULES, 1966

The Minister of Finance (Shri Sachindra Chaudhuri) : I lay on the Table:

(1) A copy of the Capital Issues (Application for Consent) Rules, 1966, published in Notification No. G.S.R. 600 in Gazette of India dated the 23rd April, 1966 under sub-section (2) of section 12 of the Capital Issues (Control) Act, 1947.

(2) A statement showing reasons for delay in laying the above Notification
[Placed in Library, See No. LT-6745/66].

PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT) AMENDMENT ACT, 1966

The Minister of State in the Ministry of Irrigation and Power (Dr. K.L. Rao) :

On behalf of Shri L. N. Mishra, I lay on the Table a copy of the Pattazhi Devaswom Lands (Vesting and Enfranchisement) Amendment Act, 1966 (President's Act No. 5 of 1966) under sub-section (3) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965.

[Placed in Library, See No. LT-6746/66].

INDIAN AIRCRAFT (PUBLIC HEALTH) AMENDMENT RULES, 1965

The Deputy Minister in the Ministry of Health and Family Planning (Shri B. S. Murthy) :

I lay on the Table
(1) A copy of the Indian Aircraft (Public Health) Amendment Rules, 1965, published in Notification No. S.O. 2735 in Gazette of India dated the 4th September, 1955, under section 14A of the Indian Aircraft Act, 1934.
(2) A statement showing reasons for delay in laying the above Notification.

[Placed in Library. See 6747/66].

13:40 hrs.

VERBATIM PROCEEDINGS OF THE 28TH SITTING OF THE PUBLIC ACCOUNTS COMMITTEE

Shri Morarka : I beg to lay on the Table a copy of the verbatim proceeding of the 28th Sitting of the Public Accounts Committee held at 17:30 hours on 1st August, 1966 (relating to 55th Report—Third Lok Sabha), containing the evidence given by the Minister of Food, Agriculture, Community Development and Cooperation, as directed by Mr. Speaker.

[Placed in Library, See No. LT-6755/66].

13:41 hrs.

MOTION RE: ECONOMIC SITUATION—contd.

Mr. Speaker : The House will now take up further consideration of the following motion moved by Shri Sachindra Chaudhuri on the 26th July, 1966, namely:—

“That the present economic situation in the country be taken into consideration.”

Shri Bakar Ali Mirza may continue his speech.

Shri Bakar Ali Mirza : (Warrangal) : I was referring yesterday to the effect of the war on the economic situation of the country.