

12.32 hrs.

RE. QUESTION OF PRIVILEGE

अध्यक्ष महोदय : वह राय ऐसी नहीं है कि जिस का हर एक पाबन्द हो। श्री मधु लिमये।

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, 10 अगस्त को खाद्य मंत्री गंजी कपड़ा पहन कर तथा अपने जिस्म को राख लगा कर सदन के सामने आए और, जैसा कि अखबार वालों ने कहा है, उन्होंने माफ़ीनामा दे कर सदन की शरण ली। लेकिन सवाल यह है कि क्या हम इन के माफ़ीनामे को दिल से प्रकट किया हुआ खेद और इन के द्वारा जान-बूझकर पब्लिक एकाउंट्स कमेटी तथा लोक सभा का जो अपमान किया गया है, उस का परिमार्जन मान सकते हैं। उन्होंने बात की है ऐसी शलतियों की, जो शायद उन के बयान में आई हों। वह कहते हैं कि यदि मेरे द्वारा अचरज व्यक्त किया जाना पब्लिक एकाउंट्स कमेटी पर आरोप माना जायेगा, तो मैं वे शब्द बिना-शर्त वापस लेने के लिए तैयार हूँ। फिर इन के ये शब्द भी देखिए कि अगर मुझ से कोई ऐसी बातें कही गई हैं, जिस से यह शलतफ़हमी होगी, तो मैं उस के लिए खेद प्रकट करना चाहूँगा। इसी तरह उन का सारा बयान "किन्तु, परन्तु" से भरा हुआ है।

बात साफ़ है कि अभी भी मंत्री महोदय यह स्वीकार करने के लिए तैयार नहीं हैं कि उन्होंने कमेटी तथा उस के निष्कर्षों का अनादर किया और उस के ऊपर यह इल्जाम लगाया कि उस ने उन को अपने सामने आ कर बातें कहने का मौका नहीं दिया। यह याद रहे कि अभी भी मंत्री साहब यह कुबूल करने के लिये तैयार नहीं हैं कि उन्होंने शलत

बयानी की थी और लोक सभा को गुमराह करने का प्रयास किया था। श्री सुब्रह्मण्यम् साहब की यह शर्त और सीमित माफ़ी स्वीकारी जा सकती है या नहीं, इस का फ़ैसला तो विशेषाधिकार समिति को और बाद में लोक सभा को करना है।

इस वक्त बहस केवल इस बात पर है कि मेरा प्रस्ताव कार्य-प्रक्रिया के और नियमों के अनुसार है या नहीं। मेरा यह दावा है कि मेरा प्रस्ताव इस सम्बन्धी जो तीन शर्तें हैं, उन के अनकूल है। ये शर्तें नियम 224 में दी गई हैं। अध्यक्ष महोदय, अभी तक हमारी संसद् ने अपने विशेषाधिकारों की कोई सूची या संहिता नहीं बनाई है, जैसे कि ज़ाब्ला फ़ौजदारी है। इसलिये किस संहिता की किस धारा का भंग हुआ, यह तो मैं नहीं कह सकता, लेकिन मेरा आरोप है कि मंत्री महोदय ने अनादर के निम्न अपराध किये हैं:—

(1) अपना 28 जून, 1963 का हुक्म मस्विदे की शकल में था, यह कह कर खाद्य मंत्री यह बताना चाहते थे कि फ़ैसले की प्रक्रिया उस समय तक पूर्ण नहीं हुई थी और उन का अन्तिम निर्णय स्टील कंट्रोलर को नहीं बताया गया था। अपनी शलत बयानी की गम्भीरता को कम करने के लिए उन्होंने उस को "शलत प्रारूप" या "शलत शब्द-रचना" कहा है। इस से तो उन का 18 मई का अपराध और ही गम्भीर बना है। यह स्वीकारोक्ति भी उन्होंने सचिव के द्वारा पब्लिक एकाउंट्स कमेटी को यह निवेदन करने के पश्चात् की है कि उनके खयाल से मंत्री जी का हुक्म अन्तिम था। पी० ए० सी० ने भी काले अक्षरों में इस को निश्चित, पूर्ण और अन्तिम कहा है। इसलिए मंत्री महोदय का 18 मई का बयान और अब उस पर उन का मफ़ेदी पोतना उन के द्वारा किये

[श्री मधु लिमये]

गये पी० ए० सी० के अपमान को छिपा नहीं सकता ।

(2) मंत्री महोदय की यह कहने की कोशिश है कि अमीचन्द प्यारेलाल गुट के प्रतिनिधि, श्री जीतपाल, से मिलने के पश्चात् तथा उन के द्वारा माफ़ी-पत्र मिलने के पश्चात् उन्होंने अपना अन्तिम निर्णय किया । उन के ये शब्द कि "पूर्ण विचार" के पश्चात् उन्होंने यह तय किया कि स्टील कंट्रोलर के साथ व्यवहार करने की छूट देने के बारे में उन की अर्जी को स्वीकार नहीं जा सकता, इस बात को साबित करने का एक हास्यास्पद प्रयास था कि वह अपने निश्चित, पूर्ण और अन्तिम निर्णय को नहीं बदल रहे थे, बल्कि अपने मस्विदे को सुधार रहे थे । खुद कमेटी ने अपनी पचपनवीं रपट में कहा है कि मंत्री जी ने इस पर पूर्ण विचार नहीं किया था, क्योंकि जब कमेटी ने दूसरे गवाहों से पूछा कि क्या गलत काम करने वाली फ़र्मों को अन्त में कोई सजा मिली, तो उन्होंने मान लिया कि आखिर में उन को अपने अपराधों को ले कर बिल्कुल सजा नहीं हुई और वे बच गईं ।

(3) श्री सुब्रह्मण्यम् द्वारा कमेटी के निष्कर्ष पर आश्चर्य व्यक्त करने पर मैंने एतराज किया था, लेकिन इस में मैं अकेला नहीं हूँ । खुद कमेटी ने इस को खेदजनक कहा है । इस लिए उन के "किन्तु, परन्तु" से किसी को भी तसल्ली होने की नहीं ।

(4) फिर मंत्री महोदय का यह निवेदन कि ट्रांसपोर्ट मंत्रालय के मूल्यांकन पर उन्होंने दूसरे मंत्रालयों के साथ अमीचन्द प्यारेलाल गुट के व्यवहारों पर पावन्दी लगाने के अपने फ़ैसले पर पुनर्विचार किया, झूत और निराधार है । इस से ऐसा प्रतीत होता है कि जैसे खुद ट्रांसपोर्ट मंत्रालय

ने पहल कर के इनके पास अपनी राय भेजी थी । मगर असल में बात यह है कि खुद स्टील कंट्रोलर तथा इस्पात मंत्रालय ने इस सम्बन्ध में मंत्री के अन्तिम हुक्म के बाद दो बार पूछ-ताछ की थी । इस लिए मंत्री साहब का यह बयान भी बंचना की कोटि में ही आता है ।

(5) मंत्री जी को सुनने के पश्चात् श्री पी० ए० सी० को संतोष नहीं हुआ और उन के द्वारा जो निर्णय-परिवर्तन के कारण बताए गए थे, उन को उस ने ठीक नहीं समझा । उन का यह कथन कि उन का नया हुक्म 16 नवम्बर, 1962 के हिन्दुस्तान स्टील और अमीचन्द प्यारेलाल की फ़र्मों के व्यवहार पर रोक लगाने वाले हुक्म से अधिक व्यापक था, इस को भी कमेटी ने नहीं स्वीकारा है । जिस अफसर ने पी० ए० सी० के सामने गवाही दी, उस ने भी श्री सुब्रह्मण्यम् साहब की बात की ताईद नहीं की । उन्होंने कहा है कि उन के द्वारा बतलाए गए कारण परस्पर-विरोधी हैं और कुछ हद तक अस्पष्ट, धूमिल यानी आन्ध-क्युमर हैं । इस का मतलब यह है कि इसमें कुछ रहस्य या छिपी हुई बात है । कमेटी ने इस शब्द का इस्तेमाल क्यों किया, यह समझना मुश्किल नहीं है । यह बात गौर के काबिल है कि श्री जीतपाल के तथा-कथित माफ़ी-पत्र का प्रारम्भ इन शब्दों से होता है कि "आप ने हमारी औद्योगिक योजनाओं में सहयोग का जो कृपा-आश्वासन (काइंड एशोरेंस आफ़ मपोर्ट) दिया है, उस के लिए हम आपके के अहसान-मन्द हैं ।" क्या मैं यह जान सकता हूँ कि मंत्री महोदय ने जीतपाल के पत्र का यह हिस्सा 18 मई, को सदन को पढ़ कर क्यों नहीं सुनाया ? मेरी राय है कि यह हिस्सा जान-बूझ कर सदन के सामने नहीं रखा गया । श्री जीतपाल के द्वारा जिन औद्योगिक योजनाओं का उल्लेख किया गया था, उस में उन्होंने

पहला स्थान काश्मीर सेरेमिक्स को दिया है। दूसरे, उन के औद्योगिक प्रकल्पों के मुआफ़िक यह भी एक बड़ा ढोंग है। इस ढोंग का भंडाफोड़ में यथा-भवकाश करूंगा। आज इतना ही कहना काफ़ी है कि यद्यपि जीतपाल ने जुलाई, 1963 में ही कहा था कि हम ने इस को पूर्ण किया है, आज भी यह योजना न कार्यान्वित हुई है और न उस में पैदावार की शुरुआत हुई है। क्या ऐसे ही ढोंगों का मुबद्दालाह साहब ने उदार हो कर समर्थन करने का आश्वासन श्री जीतपाल को दिया था? इस लिए इन हिस्सों को 18 मई को संसद् के सामने न रखने के पीछे जरूर कोई राज है और यह जान-बूझ कर किया गया।

(6) जैसा कि श्री अरुणचन्द्र गुहा जी ने कहा है, आज तक की परम्पराओं के पूर्णतया विपरीत निर्देश दे कर, अध्यक्ष महोदय, आप ने मंत्री जी को सुनने के लिए कमेटी से कहा। फिर भी इस के पश्चात् मंत्री महोदय से यह न्यूनतम अपेक्षा थी कि वह 18 मई के तुरन्त बाद चेयरमैन से मिलते और दोनों के लिए सुविधाजनक कोई तारीख़ निश्चित करके वह गवाही देते, जिस के लिए वह इतने उत्सुक थे। इसी से पता चलेगा कि वह कमेटी का और उस का जो हमारे सार्वजनिक खर्चों के नियंत्रण की प्रक्रिया में स्थान है, उस का कितना आदर करते हैं।

कमेटी ने बहुत ही सौम्य शब्दों में कहा है कि इस बजह से कमेटी को "कुछ असुविधा हुई जो कि अनिवार्य नहीं थी।" उन्होंने यह भी आशा प्रकट की है कि ऐसी स्थिति फिर भविष्य में पैदा नहीं की जायगी और इस को एक मिसाल के तौर पर नहीं लिया जायगा। बात साफ़ है कि जब उन को किसी बरह पता चल गया कि कमेटी ने अपने निष्कर्षों को दोहराया है तब जा कर मंत्री

महोदय ने 27 जुलाई को जल्दी में चिट्ठी लिखी और वे कमेटी के सामने उस के निर्णय को बदलवाने की आशा से पेश हुए।

इस संबंध में श्री बेंबिल चन्द की किताब का मैं उल्लेख करूंगा जो सार्वजनिक खर्चों के नियंत्रण (कंट्रोल ओवर पब्लिक एक्सपेंडीचर) पर लिखी गई है। उन्होंने यह कहा है कि कमेटी का नियंत्रण यह न्यायिक किस्म का होता है। पृष्ठ एक सौ पिचानवें पर उन्होंने कहा है कि परंपरा और संकेत से यह कमेटी न्यायालय की तरह है हालांकि कानून में ऐसी कोई व्यवस्था नहीं है। फिर मैं जानना चाहता हूँ कि जब ऐसी तकरीबन न्यायिक कमेटी ने (सेमी जूडिशियल कमेटी ने) मंत्रिमंडल के एक सदस्य पर लांछन लगाया है तो किसी सुप्रीम कोर्ट के भूतपूर्व जज से या अटर्नी जनरल से खामगी या वैयक्तिक राय मांग कर अपराधी मंत्री को मुक्ति-पत्र देना कहां तक मुनासिब है? मेरी राय में पी० ए० सी० के निष्कर्षों का खण्डन या औपचारिक मण्डन या तो इस सदन के प्रस्ताव के मातहत नियुक्त कानूनी जांच समिति या खुद सदन ही कर सकता है। मुझे पूरी उम्मीद है कि यह सदन सार्वजनिक खर्चों पर नियंत्रण रखने की अपनी प्रक्रिया को एटर्नी जनरल या सुप्रीम कोर्ट के भूतपूर्व न्यायाधीश की वैयक्तिक राय के द्वारा खतम करने की बात को बर्दाश्त नहीं करेगा। इसलिये मेरी मांग है कि इस मामले को विशेषाधिकार कमेटी के पास फौरन भेज दिया जाय।

अध्यक्ष महोदय, इस के सम्बन्ध में राष्ट्रपति जी से भी मिला था....

अध्यक्ष महोदय : उस के बारे में जिक्र करने की क्या जरूरत है ?

श्री मधु सिमये : वह एटर्नी जनरल के सम्बन्ध में है। संविधान की धारा...

अध्यक्ष महोदय : उस की कोई जरूरत नहीं है।

श्री मधु लिमये : आखिर में मैं अदब के साथ कहूंगा कि सभापति यह सदस्यों के तथा सदन की कमेटियों के विशेषाधिकारों के रखवाले होते हैं। सभापति के पास न केवल निष्पक्षता होनी चाहिए बल्कि उन के पास हिम्मत का बिरला गुण भी होना चाहिए। हाउस अफ कामन्स के अध्यक्ष ने एक जमाने में जब राजा कामन्स के प्रतिनिधियों को गिरफ्तार करने के लिए वहां की लोक-सभा में आये थे, तब दरवाजा बन्द कर उस का रास्ता रोकने की हिम्मत भी दिखाई थी। इस कृति से तथा दूसरे ऐसे कामों से इंग्लैंड में स्पीकर का स्थान एक प्रतिष्ठा, इज्जत और सम्मान का स्थान बन गया और हाउस आफ कामन्स एक महान आदरणीय संस्था बन गई। मुझे जरा भी शक नहीं कि, अध्यक्ष महोदय, आप भी अपने इस निर्णय के मास्फत उन्हीं मौलिक गुणों का और उच्च आदर्शों का परिचय देंगे। धन्यवाद।

अब जरा 76 धारा के बारे में एक मिनट में कहने दीजिए।

Mr. Speaker: He had agreed to take only five minutes. Now he has taken much longer.

श्री मधु लिमये : दोहराकर तो नहीं बोला हूँ।

अध्यक्ष महोदय : मगर आपने इकरार किया था कि पांच मिनट में खत्म कर देंगे।

श्री मधु लिमये : ठीक है, लेकिन कभी कभी हो जाता है ऐसा, उस के लिए माफ कीजिएगा।

यह धारा 76 (2) इस प्रकार है :

"It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by

the President and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force."

जब मैंने यह धारा पढ़ी तो मैंने सोचा कि जल्दबाजी में मैं यहां कुछ कहूँ नहीं। इसलिये मैंने परसों राष्ट्रपति जी के निजी सचिव को टेलीफोन किया और उन्होंने तुरन्त बुलाने का बादा किया लेकिन मैंने कहा कि मैं पहले अपना काम बतला देना चाहता हूँ और मैंने कहा कि धारा और उपधारा (2) के सम्बन्ध में मैं राष्ट्रपति जी से बात करना चाहता हूँ। अब उन्होंने क्या मुझसे कहा, इस की तफसील में जाना मैं उचित नहीं समझता। केवल इतना ही कहना चाहूंगा कि उन्होंने मुझसे कहा कि मैंने कोई ऐसा आदेश जारी नहीं किया है जिससे कि एटार्नी जनरल को पब्लिक एकाउंट्स कमेटी और इस सदन के बीच में रोड़ा अटकाने का या किसी को मुक्ति-पत्र देने का अधिकार है। तो अध्यक्ष महोदय, 10 तारीख से अखबारों में खबरें आ रही हैं। जब तक मैंने राष्ट्रपति जी को टेलीफोन नहीं किया था, कभी भी कोई खंडन नहीं हुआ। अध्यक्ष महोदय, क्या वजह है कि कल के अखबारों में एक बात आ गई कि कोई एटार्नी जनरल की राय नहीं ली गई है, एटार्नी जनरल कोई तफसील में नहीं गए हैं, एटार्नी जनरल ने किसी को मुक्ति-पत्र नहीं दिया है? अब मैं ने प्रधान मंत्री जी को भी चेतावनी दी है। पहले से उन को चेतावनी देता आया हूँ और सदन के जो नेता हैं उनसे भी बात करता रहा हूँ। प्रधान मंत्री जी को परसों मैंने चिट्ठी भी लिखी है। तो अब इस के पश्चात् अध्यक्ष महोदय, मैं जानना चाहता हूँ कि सही स्थिति क्या है?

अध्यक्ष महोदय : अब आप बैठिए।

Shri Daji (Indore): Before I deal with the four points concerning the Privilege Motion, I would like to make a submission in general.

This question should not be viewed as a question between the Opposition and Mr. Subramaniam, a member of the Cabinet, and, therefore, it should not be reduced to a question of political prestige; at times where higher issues are at stake, then it is not a question of the mere prestige of this man or that man or even the Government collectively; here we are dealing with a wider, a more deep-rooted and a more basic question—the question of the rights of Parliament and the rights of the committees appointed by Parliament which are equal with the rights of the Parliament, with the rights of the House itself. Therefore, I would appeal to you and to the members of this House to take my submission in this particular spirit and not in a partisan spirit. Such issues should be viewed and discussed from a viewpoint which should rise above mere partisan squabbles.

I submit that Mr. Subramaniam, by his statement before the House trying to explain the Motion of Privilege, has not only failed to purge himself of the contempt as it is technically called, but has reinforced the contempt; he has committed a double contempt. His statement, full of innuendos, full of half-explanations and half truths, is not only not sufficient to purge him of the breach, but, on the other hand, it only doubles that guilt and I will make a short submission explaining why I say so.

There are three or four points. The first point is regarding—I am not dealing with that part of the motion because I have not raised that and I do not think that it is very important—Mr. Subramaniam's having denied to have been the Minister the previous day and his admitting the next day that he was the Minister. I take Mr. Subramaniam's words that he had actually misunderstood the position the

previous day and, therefore, I would not make that charge at all.

The second point is that he deliberately made a statement that his order was a draft order. I shall read out from the Public Accounts Committee's report to indicate as to what the P.A.C. has to say about this:

"The Minister in his statement had stated that his orders dated 28th June, 1963 that the suspension should affect all the Government Departments were sent to the Iron and Steel Controller in a draft form....."

When the Secretary was questioned, whether this was a draft order, the Secretary stated:

"There was a slight or minor error in the Minister's statement. I had not seen it before it was issued; otherwise, I would have pointed it out."

He further added that pursuant to the Minister's order, the following orders would issue to the Controller:

"The matter has been examined and it has been decided...."

I underline the word 'decided'.

"that business dealings should be suspended with M/s. Surendra Overseas and its associated concerns for a period of two years with immediate effect...."

I want to underline the words "with immediate effect".

"A general order may please be issued immediately under the black-listing code, so that other Government Departments and Government institutions may also not deal with these firms for a period specified above."

Then the last sentence is:

"A copy of the order may please be sent to me as soon as it is issued."

[Shri Daji]

This order, issued from the office of the Minister, leaves no room for doubt that there was even the remotest possibility of interpreting the Minister's order as a draft order, nor does it lend itself to the interpretation placed by Mr. Subramaniam in the House the other day that his order was not to be a draft order but because the Controller sent a draft order in reply to this order, he thought that the whole proceedings were draft proceedings. This is what Mr. Subramaniam has stated before the House. That is why I say that it is a double guilt. The first guilt is that he gave us the impression through the Public Accounts Committee that his orders were draft orders and later in trying to explain that he has said, "Yes; it was a mistake; my orders were not draft orders, but because the Controller's orders came to me in a draft form for final approval, I thought the whole proceedings were draft proceedings."

I submit that any man who knew that this was his office order to the Controller and even after that order he received an order which was supposed to be in a draft form should have pulled up the Controller and said, "who has asked you to send me a draft order when the instructions were specific? Immediate orders were to be issued and only a copy of those orders was to be sent to the Ministry so that the Ministry could keep track that the orders of the Ministry had been implemented." What does Shri C. Subramaniam have to say about this? I shall read out from Shri C. Subramaniam's own statement. He says:

"I would like to mention that I had not stated nor intended to state that my decision was not a final one."

What does a man intend when he says 'My orders were draft orders.'? When we are concerned with privilege, do we go into the woolly intentions of a

man or do we interpret his intentions from his words? First he comes to the House and says 'My orders were not final but they were only draft ones'. The next day he comes and says; 'I had not intended to mean that my decision was not a final one'. What does the term 'draft order' convey to any man? Further, he says:

"The question about eliminating non-trading concerns was raised in a letter from the Deputy Iron and Steel Controller enclosing a draft suspension order. My decision had to be translated into formal order and implemented by the Iron and Steel Controller. In putting up this letter the office noted as follows:

"In compliance with the Ministers orders, the Steel Control have sent a draft of the suspension order."

It was this noting that led to the erroneous drafting of my statement that my order itself was communicated in a draft form."

How can this noting lead any intelligent man to believe like that? And I do give more credit to Shri C. Subramaniam's intelligence than he would like himself to give to it; I think the House should give more credit to his English than he would like it himself to give to it. Even after reading this noting, how could any intelligent man believe like that? Shri C. Subramaniam says that the noting also should be read. So, I would read it again to the House. The noting is:

"In compliance with the Minister's orders the Steel Control have sent a draft of the suspension order."

In view of this noting, Minister says that he in his drafting of the statement had committed a mistake and said that 'My orders were draft orders.' Could credibility be stretched further? The Minister is not only doing an injustice to his own intelli-

gence but he is doing an injustice to our intelligence. That is what I would most respectfully submit. Further, he says:

"I am sorry due to faulty wording my statement of the 18th May had given the impression that my order was a draft one. I have specifically mentioned this wording as a mistake to the PAC also."

I submit that on the first count, Shri C. Subramaniam has not been and cannot be exonerated merely on the basis of his statement. That is very clear. The secretary has given evidence before the PAC after the statement was made, to the effect that the order was interpreted by the office as a final order; the secretary has further stated that the order was interpreted in the words, which I have already read out from the Iron and Steel Controller. The Iron and Steel Controller had no business to send a draft order of suspension. The Minister himself says that because the noting said that it was a draft order, therefore, he thought that the whole thing was a draft order. Therefore, he wanted us to believe that it was only a mistake in the wording of the statement that led to a wrong impression on us. I submit that the only correct, the only logical, the only clear and the only decisive conclusion that can be reached from this set of evidence is this that the Minister worded his statement in a way which was most liable to mislead the House and mislead the Public Accounts Committee. No other conclusion could be reached from the circumstances which have been given out even by the Minister himself.

Then, the Minister has stated that he got barely 12 hours to make his statement. He could have very well taken 24 hours. No man could come before the House and say, 'I made the statement in a hurry; therefore, my statement was wrong; therefore, please exonerate me'. That argument will not

hold good. First, he made a statement on the 17th May. He then came and corrected it on the 18th May, and made another long statement including portions or points which were not raised in the House. He could as well have made his statement on the 19th May. So, on that count also, we cannot excuse him.

The second point is that the statement before the House that it was a draft order was meant to mislead the House and also mislead the Public Accounts Committee. Then he says that he thought that the two points which he wanted to make were not brought to the notice of the Public Accounts Committee. Again, I am using his own words. One of them was the meeting of Mr. Jit Pal with him. About this, what does the Public Accounts Committee have to say? The Committee say:

"The Committee asked the Secretary why, in his evidence before the PAC (1965-66) from 9th to 12th March, 1966...."

—so, it was not in hurry, it went on for four days—

"...he did not mention to the Committee that a representative of the firm Mr. Jit Paul had seen the Minister on 20th July, 1963, particularly as the Minister had discussed this with him...."

I would repeat these words again:

"...particularly as the Minister had discussed this with him and the letter dated 22nd July, 1963 from the firm was on the file. The Secretary, Ministry of Iron and Steel stated:

"On the note portion I found no reference to the letter...."

This is a further thing to be noted that secretaries come and give evidence before the Public Accounts Committee basing themselves merely on the notes given by some subordi-

[Shri Daji]

mates and not basing themselves on the file. However, that is a side issue. The Public Accounts Committee say:

"The Secretary, Ministry of Iron and Steel stated:

"On the note portion I found no reference to the letter. I read note portion. Unfortunately, the note made no reference to this letter. The letter was undoubtedly on the file but I was reading from the notes and the notes unfortunately made no mention of that letter. Otherwise I would have brought it to your notice."

And this was not all. The Committee have further said:

"Thereupon the Committee brought to the notice of the witness the fact that there was a noting on the file dated 25th July, 1963 (immediately after the noting of the Secretary dated 23rd July, 1963, on the same page),...."

—that is, the same page which the secretary was reading—

"...mentioning about the letter received from M/s Surrendra Overseas."

Then, the secretary became non-plus-ed, and said that he was relying upon the noting. On the same page, there was a noting mentioning about the letter; but the secretary does not make a mention of the letter before the Committee but says that he was only relying upon the notes. That means that the secretary was also prevaricating. Therefore, in these circumstances, when Shri C. Subramaniam comes and tells us and even pleads his innocence, injured innocence, that the Public Accounts Committee had come to certain conclusions because two facts had not been brought to their notice, may I ask who was responsible for not bringing those facts to the notice of the Committee?

The Minister of Food Agriculture Community Development and Co-operation (Shri C. Subramaniam): That was a subsequent hearing not the first hearing.

Shri Daji: The secretary has mentioned this in his statement. The secretary had suppressed it at the first hearing, though it had been mentioned on the same page from which he was reading.

Shri Surendranath Dwivedy (Kendrapara): He had clarified it afterwards.

Shri Daji: That is the clarification which he has given afterwards but the fact is that before that he had not mentioned it. So, if the secretary to the Ministry goes before the Public Accounts Committee and suppresses a very relevant fact from the committee then is it open to the Minister to come forward and say to the House that two facts had not been brought to the notice of the committee which he wanted subsequently to bring to the notice of the committee, and, therefore, the committee's decision was not correct?

I submit that in a parliamentary democracy, we are not concerned directly with the secretaries. That has been well established in innumerable cases and it has been very forcefully established by the judgement of Mr. Justice Chagla, as he then was, in the Mundhra affair, where he has said that the constructive liability of a Minister for the action of a high official of his Ministry is complete, final and omnibus. As long as parliamentary democracy has any meaning, no Minister can evade his responsibility and hide behind the trespasses of his advisers or his secretary. Therefore, on the second count, again, I submit that there is no case worth hearing from the Minister.

Mr. Speaker: The hon. Member should now try to conclude.

Shri Ranga (Chittoor): We have to be educated about these matters, because it is a very complicated affair.

Shri Daji: At this stage, I am not bringing in matters which are substantive questions relating to the details. I would merely say that there is need for the resignation not only of Shri C. Subramaniam but of the entire Government. Any self-respecting government should resign. Of course, the party may select the same leader again. But precedents have got to be maintained. I shall come to that question next Monday. Now, I am only dealing with the procedural part.

Then, Shri C. Subramaniam gave us an exercise in English grammar. I confess that my English is not as good as Shri C. Subramaniam's but I had also read some lessons in grammar. He wants the House to believe that the word 'surprised' was used in the sense of 'taken unawares'. I am not going to dig into dictionaries, as was done at some other place, but I would merely read out the complete sentence of Shri C. Subramaniam from the statement that he made before the House and then I would allow the House, at least such Members as have any elementary sense or knowledge of grammar....

Shri U. M. Trivedi (Mandsaur): Every Member has got. Why should it be qualified?

Mr. Speaker: Now, the hon. Member is committing another breach.

Shri Daji: I only meant such Members as had a knowledge of grammar. I did not mean any reflection on any Member.

Here is what Shri C. Subramaniam had said:

It is rather surprising....

He does not say 'I was surprised at the report of the Public Accounts Committee,' but he says:

"It is rather surprising to me that an observation should have

been made suggesting that I had reconsidered certain orders without adequate reasons."

The surprise is not at the Report. Substantively it is at the report saying that the decision was taken 'without adequate reasons'. I want to put the question straight in simple language; in this context, what does 'surprise' mean? In this context, does 'surprise' mean 'taken unawares' or an expression of reprobation at the way the Committee had come to its finding? He is not surprised at the factum of the Report; he is surprised at the substance of the report, namely, that the second order was without adequate reasons. What is the grammatical sequence? He is surprised at the Report? No. He is surprised at the Committee having come to the finding that his orders were without adequate reasons. In the word 'surprise', you find a clear reprobation of the conclusions of the Committee writ large on this sentence.

13.00 hrs.

Therefore, to come forward before the House and say that by 'surprise' he meant that he was taken unawares is, I submit most respectfully, doing an injustice to elementary knowledge of English which we are supposed to possess—at least those Members who know it. When a Member comes forward with such a lame excuse, such grammatical gimmicks, before the House, can he claim that his contempt has been purged? You, Sir, have held high exalted judicial office and you know that if a man wants to be purged of contempt, the apology must be complete, unconditional and without qualification. Can anyone read in Shri Subramaniam's statement of the 10th of August an unconditional, unqualified and complete apology? He has tried to twist the interpretation of the word 'surprise'.

Thirdly, what does he say at the end?

"It has also been stated that my use of the word 'surprising' implies contempt of the PAC"—

[Shri Daji]

it does not mean contempt; it means reprobation—

"I had used the word, in the sense that I was 'taken unawares'. If, however, it is felt that to say that I am surprised by an observation of the Public Accounts Committee is a reflection on the Committee, I am prepared to unconditionally withdraw the same."—

He has not withdrawn; he is prepared to withdraw! When he will withdraw, I do not know. He is only prepared to withdraw; he has not withdrawn.

The last aspect of the matter is, what did Shri C. Subramaniam do? I most respectfully submit that the worst lapse of Shri C. Subramaniam is not this 'surprise', nor this 'draft' order, but the worst, the most indefensible lapse on the part of Shri C. Subramaniam is to go before the PAC and try to interpret that his order of 28th June—If I am correct in the date—is wider than the order of 16th November of the previous year. That, I submit, is the most indefensible lapse on the part of the Minister. The Committee has strongly, comprehensively repelled this suggestion and has come to the conclusion that there is not an iota of evidence on record to suggest that his subsequent order was a wider order than the first order.

Why is this the most reprehensible lapse? Because this is the gist of the whole offence alleged against the Minister. What is the gist? It is not as simple as this that the previous order was an order applying to all the departments of the Government and the subsequent order was an order applying to the Iron and Steel Controller's office. That is not the main ground of attack against Shri C. Subramaniam—change of order. The main ground is that by doing this, he was not doing anything more than the first order of 16th November which already taboed this firm from the Iron and Steel Controller's office.

Allow me to place the sequence. First there was the order of 16th November suspending transactions with the firm. Then something comes to light, a lapse on the part of this company, that is, defrauding the treasury to the tune of Rs. 1.43 crores. Shri Subramaniam rightly said that he felt indignant about it and passed an order that neither the Iron and Steel Controller the Government of India should deal with such a company. Then he revised the order into one suspending dealings only between the Iron and Steel Controller and the company. This, in substance, means that the position as existed on the 16th November was restored. So what was the punishment to the firm for defrauding the exchequer to the tune of Rs. 1.43 crores? Nothing. This is the gravamen of the charge. Has Shri Subramaniam got out of this charge? He issues an order which only restores the position already existing. He was not visiting any punishment. It was not a question of reducing any punishment. In substance, my contention is that the question was not of reducing punishment; the question is of completely washing off punishment. That is the gravamen of the charge. In this respect, I most respectfully and regrettable submit Shri Subramaniam has most reprehensibly prevaricated before the Committee by again and again sticking to his position that 'my second order was more comprehensive than the first'. When the question was put to him umpteen number of times how this could be so, when no punishment had been visited on the firm by the second order, the Minister was unable to say, Of course, when the Secretary and the Minister fall out, certain things come up. In this case, it is clear that in effect no penalty was imposed on the firm which had defrauded the exchequer to the tune of Rs. 1.43 crores. Still Shri Subramaniam stuck to his guns and indulged in quibbling and hair-splitting, which has made the Committee repel his suggestion and say that in effect the company has escaped scot-free. This, I submit, is in sub-

tance, what we have raised in the breach of privilege.

Now, your goodself, Your Honour, may enquire as to what is the breach of privilege though his conduct may not be proper or may be against the rules. I submit I am not raising this issue as one of impropriety. I do not want a mere obiter from you that this was not proper but nothing can be done. I am raising a pure question of breach of privilege in my motion. Either it is a breach of privilege or it is not. I do not want in this case any compromising verdicts. I am prepared to stand or fall on the case I have presented before the House.

I submit there are two dangers. First, if a Minister or a Member is allowed to mislead the House, mislead a Committee of the House, prevaricate and by innuendo suggest using the word 'surprise' that the findings of the Committee were not well based on evidence, and further suggested that the findings of the Committee had been reached without taking into consideration two relevant facts not brought to the notice of the Committee—as if it was a mistake committed by the Committee—and further suggest that the second order issued by him was wider than the first, a suggestion which the Committee repels—if all these do not constitute a breach of privilege, then what does? Does this not impede, obstruct, distort, divert the deliberations of the House and the Committee? This is the straight question.

These are not just mistakes. This is not a question of just mistakes. Of course, on this matter we shall go into detail next Monday. But even if it be a mistake, even if the facts stated by the Minister are not to be doubted—I am not raising the issue today at that level; I will do so next Monday—even if it be an error, if the Minister's error is likely or trends to impede the Committee's work, I submit it is a breach of privilege. It

is not necessary for me to quote the precedents; you know them fully well. It is not necessary that the Committee should actually be misled; it is not necessary that the House should be misled. Even if a statement tends to . . .

Shri Hari Vishnu Kamath (Hoshangabad): Directly or indirectly.

Shri Daji: . . . prejudice impartial consideration or tends to give a picture different from the correct picture, if it tends to do so—I would underline the word 'tends to' three times—it tantamounts to a breach of privilege. At least after all that I have submitted, a *prima facie* case has been made out. If after hearing all that we have had to say, after getting the explanations, if even now a fool-proof case of a breach of privilege has not been made out for inquiry into the matter. I do not know what better case has ever been put for such an inquiry before any legislative house in the world.

Lastly, I submit to you and through you to the Members of the House this. Let us not adopt double standards of judging cases of breach of privilege. When Shri Prakash Vir Shastri, made an accusation against one of the Ministers, he had to give a complete, full apology and withdraw it unconditionally before he was purged of contempt. We are not Shylocks, we are not after Mr. Subramaniam's blood for the sake of blood; we are not asking for one pound of flesh because it is our due. It is not a question of the Congress versus the Opposition; it is a question not only of the dignity of the House, but the possibility of the House and the Committees of the House functioning in an unimpeded manner, functioning truthfully, without influence or fear or favour. Let it not be said that the House has two standards. When the Opposition commits default, we want a complete and unconditional apology, but when an influential Minister, one of the special

[Shri Daji]

aides of the Prime Minister Commits a default, different considerations are to apply. Such a demonstration will be completely wrong and against the high standards of democracy and propriety that this House should set up.

With these words I think the matter should be referred to the Privileges Committee.

Mr. Speaker: I will require about two or three hours. At 4 o'clock I will announce whatever I have to say.

Shri C. Subramaniam: May I say something? Particularly after Mr. Daji's speech, I thought I should say something.

An hon. Member: How many statements?

Shri Ranga: May I crave your indulgence for a minute?

My hon. friend laid stress on the fact that an effort was made either wittingly or unwittingly by the hon. Minister to mislead the House. Anyhow the result is, whether he intended it or not, it certainly led to misleading some of the Members of the House, which would amount to misleading the House.

If you were to consult the proceedings of the House, you will find that after hearing the hon. Minister's statement that day, I got up from my seat and said that if what the hon. Minister has said is correct, is true, then he does not seem to have made any mistake. That shows that I was misled also, when I depended only on his statement. I am saying this in support of this privilege motion.

Whether directly or indirectly, knowingly or unknowingly, if a Minister or any Member were to commit himself to a statement like that and it leads to misleading the House or any Member thereof, then the question of privilege does arise, and that

is why I have stood up now in my seat to say that we have to take for granted on the face of it any statement, any serious statement, made by a Minister and after having accepted it, we have got to form our judgment, and if in all honesty we are led to form wrong judgments just because we depend upon the statement made by the Minister, and if on later examination those statements come to be untrue or come to be incorrect, come to be challenged by an important body like the Public Accounts Committee, then the question of privilege arises, because here is the proof that the House has been misled, a Member has been misled, and all because of a statement made by the Minister which later on came to be questioned by the Public Accounts Committee.

The second point that I would like to place before you is this. I think some Members have already laid stress on it. This is the first time that a Minister sought permission to present himself before the Public Accounts Committee. Either yourself or somebody else seems to have said it should not be treated as a precedent. It should never have happened. It may be open to the Minister to say that he would like to make a statement, but I do not know how the Public Accounts Committee came to allow itself to be subjected to this kind of a procedure.

Shri Nambiar (Tiruchirapalli): Anybody can go to the Public Accounts Committee to give evidence.

Shri Ranga: I do not want to invoke all those things.

Mr. Speaker: He had approached the Chairman, the Chairman consulted me saying that the Minister desired to appear as a witness and sought my advice, and I gave the advice that if he expressed such a desire, then the Committee should not debar him, rather should give him an opportunity.

Shri Ranga: The Committee could not find fault with me but you could, that is why I did not wish to say what I thought about it, about the permission given to the Minister. It should never have been given. That precedent should not have been established at all. That permission should never have been given. It was never given anywhere at any time after this Committee has been brought into existence. I did not wish to put myself in opposition to the Speaker himself and therefore I did not raise that point. I have stated what I feel so very strongly.

I have had some experience also of this Committee as a Member of this Committee for two decades, and I happened to be the Chairman also. We always wanted the Secretaries to state before us the whole truth and nothing but the truth, and if by any chance they made any mistakes, we used to draw attention to the discrepancies. Certainly the Secretaries have every right to say that they were implementing the decisions taken by the Minister, and they are also expected to take the Committee into confidence and tell us what the decision of the Minister was, what their own advice was. Beyond that, to expect the Committee to meet the Minister, to let the Committee meet the Minister, and even thereafter when the Committee comes to a decision, to begin to question the findings, unanimous findings of the Committee, a Committee consisting of Members of all political parties in this House and so actually a miniature of this House, to begin to question the judgment of that Committee is something which is beyond my brain as a Member of this House. Therefore, I do consider that a question of privilege does arise, and I hope that you would consider this matter in that light.

Mr. Speaker: The Minister, if he wants to say something about the facts, he might say, not the arguments, because I have heard them.

Shri U. M. Trivedi: I will take two minutes, I am sorry to disturb you, I will not take long.

The whole speech of Mr. Limaye supporting his motion turns round only on this picture, and let Mr. Subramaniam consider this position before he makes a statement, that the ifs and buts in his apology must be taken out; and if he is still conscious of this fact that he has misled this House and committed a contempt of this House, that by committing contempt he has interfered with the administration of the Public Accounts Committee and the reports that have been made, he must realise that he has committed a mistake and if he has realised that he has committed a mistake, let him drop the ifs and buts, and before the Speaker makes a statement it will be to his advantage to drop the ifs and buts and make an unqualified apology here and now, so that the situation may be saved.

Mr. Speaker: As I have said, I will try to give my ruling by 4 O'Clock.

श्री स० मो० बनर्जी (कानपुर) : कल आप अपनी रूलिंग दें। चार बजे हो सकता है, सभी मੈम्बर्ज यहां न हों।

श्री मधु लिमये : मैं एक क्लेरिफिकेशन मांगना चाहता हूँ।

अध्यक्ष महोदय : अब और नहीं।

श्री बाजी : चार बजे कई कमेटियों की मीटिंग है। कई लोग उन में जायेंगे। इस वास्तु कल आप अपनी रूलिंग दें तो अच्छा होगा।

अध्यक्ष महोदय : कल के लिए एक और रूलिंग रखी हुई है। दो नहीं दे सकता हूँ।

श्री मधु लिमये : बिहार वाला सुन लीजिए।

अध्यक्ष महोदय : आज दो नोटिसस और आ गए हैं। एक पहले पेंडिंग है। एक एक करके ही ले सकता हूँ।

श्री मधु लिमये : मेरी मजबूरी है। मंत्री महोदय ऐसा व्यवहार करते हैं कि विशेषाधिकार भंग की नोटिसें देनी ही पड़ती हैं।

13.18 hrs.

PAPERS LAID ON THE TABLE

AMENDMENTS TO MOTOR VEHICLES RULES OF KERALA AND ANDAMAN AND NICOBAR ISLANDS

The Minister of State in the Ministry of Transport and Aviation (Shri Poonacha): On behalf of Shri N. Sanjiva Reddy:

I beg to lay on the Table—

(1) (i) A copy of Notification S.R.O. No. 25/66, published in Kerala Gazette dated the 1st February, 1966, making certain amendments to the Kerala Motor Vehicles (Taxation of Passengers and Goods) Rules, 1963, under sub-section (4) of section 20 of the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act, 1963, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala.

(ii) A statement showing reasons for delay in laying the above Notification. [Placed in Library. See No. LT-6769/66.]

(2) (i) A copy each of the following Notifications making certain amendments to the Andaman and Nicobar Islands Motor Vehicles Rules, 1939, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939:—

(a) Notification No. 8/F. No. 68/175/165-Pub. published in Andaman and Nicobar Gazette dated the 27th January, 1966.

(b) Notification No. 78/66/68-332/66-J published in Andaman

and Nicobar Gazette dated the 4th July, 1966.

(ii) A statement showing reasons for delay in laying the Notification mentioned at (i): (a) above. [Placed in Library. See No. LT-6770/66].

NOTES REFERRED TO IN THE STATEMENT MADE BY THE MINISTER OF FOOD ETC. ON 10TH AUGUST, 1966

The Minister of Food, Agriculture, Community Development and Cooperation (Shri C. Subramaniam): I beg to lay on the Table copy of the notes referred to in the statement made by me in the House on the 10th August, 1966. [Placed in Library. See No. LT-6771/66].

Shri Surendranath Dwivedy (Kendrapara): This should be circulated, because on that day his statement has also been circulated.

Mr. Speaker: All right, I will.

NOTE GIVEN BY THE MINISTRY OF E. A. TO THE CHINESE EMBASSY

The Minister of External Affairs (Shri Swaran Singh): I beg to lay on the Table a copy of note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, on the 11th August, 1966. [Placed in Library. See No. LT-6772/66].

ANNUAL REPORT OF FOOD CORPORATION OF INDIA

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde): On behalf of Shri P. Govinda Menon I beg to lay on the Table a copy of the Annual Report of the Food Corporation of India for the year 1964-65 along with the Audited Accounts, under sub-section (2) of section 35 of the Food Corporations Act, 1964. [Placed in Library. See No. LT-6773/66].