

LOK SABHA DEBATES

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LOK SABHA

Wednesday, July 12, 1967/Asadha 21,
1889 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[Mr. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Choti Sadri Gold Scandal Case

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*1081. Shri Madhu Limaye:

Shri S. M. Banerjee:

Dr. Ram Manohar Lohia:

Shri George Fernandes:

Shri Hukam Chand Kachwal:

Shri Jagannath Rao Joshi:

Shri Onkar Lal Borwa:

Shri N. S. Sharma:

Shri Onkar Singh :

Shri Beal Shanker Sharma:

Shri Umanath:

Will the Minister of Home Affairs be
pleased to state:

(a) whether Government's attention has been drawn to the Memorandum submitted to the President of the Republic of India by several Members of Parliament and Rajasthan Assembly in the matter of Choti Sadri Gold Scandal Case in November-December last year;

(b) whether Government have examined the various suggestions made in the memorandum;

(c) whether Government have received any report from any of the investigating agencies under the Ministry of Finance or the Ministry of Home Affairs in this regard; and

(d) whether Government will be pleased to place on the Table the reports submitted by these agencies or the gist of these reports?

The Minister of Home Affairs (Shri Y. B. Chavan): (a) Yes, Sir.

(b) to (d). Having regard to the fact that there is a connected case now pending before Court, the Director, CBI, was asked to make only an informal check and scrutiny of the records. This has been done but the CBI feel that detailed investigation is necessary in certain respects which is possible only after the trial in the pending criminal case is over.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। व्यवस्था का प्रश्न इस लिये है कि हम लोगों ने राष्ट्रपति को जो मेमोरेण्डम दिया था, जिसे मैं आपकी इजाजत से सभा पटल पर रखना चाहता हूँ क्योंकि उसके बिना यह मामला साफ हो ही नहीं सकेगा। [पुस्तकालय में रखा गया। देखिये संख्या एल० नं०—११२/६७] इस के ऊपर १ लोक सभा के सदस्य, १ राज्य सभा के सदस्य और ६ राजस्थान की विधान सभा के सदस्य, इतने लोगों ने हस्ताक्षर किये हैं। अगर आपकी इजाजत हो तो मैं

Mr. Speaker: No; I shall consider it

श्री मधु लिमये : अब व्यवस्था का प्रश्न यह है कि यह जो मेमोरेण्डम है, इस केस में जो मुल्जिम हैं, आरोप उन के सम्बन्ध में नहीं हैं, यह जो मुख्य मंत्री सुझाविका के खिलाफ है। इस अन्य सुझाविका के ऊपर कोई केस नहीं है। गृह-मंत्री जी का यह कहना है कि इस के बारे में जांच

नहीं करेंगे जब तक कि दूसरे केस का फैसला नहीं होता है—इस तरह से तो बिलम्ब हो जायेगा। असल में जिसको जेब जाना चाहिये था, वह आज मुख्य मंत्री के निवास स्थान में बैठ गया है। इस लिये मेरा व्यवस्था का प्रश्न यह है कि इन का यह कहना कि यह मामला न्यायालय के विचाराधीन है, गलत है। मेरा यह कहना है कि मेमोरेण्डम का मामला बिलकुल विचाराधीन नहीं है, यह तो मुख्य मंत्री सुबाय्या के खिलाफ है—हम इस के बारे में प्रापका निर्णय चाहते हैं।

Mr. Speaker: I do not know what the case is. I do not know what the issue is. Here is some question which has come up and suddenly I am asked to give a ruling or decision on a point I do not know even what the nature of the case is.

श्री जयू लियवे : यह कोई ऐसा प्रश्न नहीं है, कई दफा वह झा चुका था, लेकिन इन मंत्रियों के कहने पर वह टाल दिया गया और आज फिर आया है।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप इस मामले को देखें और अपना निर्णय सुरक्षित रखें और अगर आप समझते हैं कि यद्यपि केस मजबूत है परन्तु उस का इस आरोप से कोई सम्बन्ध नहीं है तो मंत्री महोदय को निर्देश दें कि कि वे उत्तर दें।

Mr. Speaker: That is exactly what I was going to say. I shall have to look into it.

श्री जयू लियवे : अगर इस बात निर्णय देना नहीं चाहते हैं तो न दें। लेकिन इस बात को समझ लीजिये कि सुबाय्या के खिलाफ इस मेमोरेण्डम में एक आरोप यह है कि उन्होंने अप्रचिन्त प्रनडिक्लेयर्ड .

Shri M. A. Khan: Is this the proper time for all this discussion?

Mr. Speaker: He is raising a point of order and he wants me to give a decision on it. How can I give a decision without hearing the point of order as to whether the question can be answered or not and whether in this matter the Minister concerned has given the correct reply or not? Here is a Member who says that he is raising a point of order. How can I come to a decision without knowing what the point of order is.

Shri M. A. Khan: This is not the proper time for all this discussion . .

Mr. Speaker: Why is he objecting? Let me hear the hon. Member. Let him say what he wants.

श्री जू० ख० खाँ : क्वेश्चन-आवर में एक ही प्रश्न पर एक ही मतेवा प्वाइंट प्राफ आर्डर रेज किया जा सकता है।

But he is again raising a point of order

श्री जयू लियवे : मैं निर्णय के बारे में बोल रहा हूँ। प्रश्न का क्या मतलब है।

Mr. Speaker: I have been trying to follow the point of order I may not be so intelligent as the hon. Member. Therefore, I may take some time to understand the point of order. Now, let me hear the point of order.

श्री जयू लियवे : अध्यक्ष महोदय, निर्णय यह करना है कि इस में सुबाय्या के खिलाफ जो आरोप है कि जो सोना अप्रचिन्त (प्रनडिक्लेयर्ड) था, भारत सुरक्षा कानून के अंतर्गत उस की बोधना होनी चाहिये थी, वह चुराया हुआ सोना था . .

Mr. Speaker: The hon. Member should not go into the merits now.

श्री जयू लियवे : मैं मैरिटल में कहां जा रहा हूँ। भारत के प्रधान मंत्रीमान ब्रह्मदुर भारती को तोड़ने की बात मैं

इन्होंने भारतीय जी को फंसा दिया और वह इस में सहभागी हो गये। एक आरोप तो यह है। प्रचलित होने के बारे में बुद्धाधिया का कर्तव्य था कि उस को पूछते कि वह सोना कहाँ से आया है और उस को बरामद कराते, लेकिन स्वर्ण तुला के मामले में उन्होंने भारतीय जी को फंसाया। दूसरे जो मुसलिम थे उन को संरक्षण दिया

Mr. Speaker: The hon. Member is going into the details.

बी बबु लिखते : मैं डिटेल्स में नहीं जा रहा हूँ। मैं यही कहना चाहता हूँ कि यह मामला न्यायालय के विचाराधीन नहीं है, इस लिये मंत्री महोदय को उत्तर देना चाहिये। इस के बारे में आपका फैसला हम को चाहिये, अगर कल देंगे तो तो इस सवाल को कल-परसों रखा जाय, मुझे कोई एतराज नहीं है। जैसे 15 दिन हस्तजार किया और पांच दिन हस्तजार कर लेंगे।

Mr. Speaker: He may give that to me. Let me see.

Shri S. M. Banerjee: I want to make a submission.

Shri P. K. Deo: On a point of order.

Mr. Speaker: Shri Banerjee also has one.

Shri P. K. Deo: He only wants to make a submission. Mine is a point of order. So it should get precedence.

Shri S. M. Banerjee: Mine is also a point of order.

In reply to the main question, he said in (a) Yes, a memorandum addressed to the President signed by all of us has been received and his attention was drawn to it. Regarding (b), (c) and (d), his answer is that since a case is pending in a court of law, the CBI has not started inquiry.

A similar question was raised at the time the Inquiry report on the Dalmia Jain group, Sahu-Jain group, was being discussed here. At that time, objection was taken, most probably by Shri Sonavane, that since the FIR was pending in the court of law, the matter could not be discussed. Your predecessor, Shri M. A. Ayyangar was in the Chair then. The ruling given was that although a petition was pending before the Petitions Committee and a case was pending in the court of law—I am sure that was the ruling though I speak subject to correction; I hope my memory does not fail me—a discussion could start in the House. And we had a full-dress discussion.

Here our charge in the memorandum is that a person who should have been behind the bars is the Chief Minister of Rajasthan. (Interruptions) . . .

Shri D. C. Sharma: On a point of order.

Mr. Speaker: That may be his opinion. On that alone, he cannot be put behind bars.

Shri S. M. Banerjee: I would like to know whether on this ground he can conceal the facts from us.

Shri P. K. Deo: My point of order is this. An investigation by the CBI is not a trial. In the case of Shri Biju Patnaik, what happened was that he *suo motu* filed a case in the Calcutta High Court to bar investigation by the CBI. At that time, the matter was referred to the Law Minister, Shri A. K. Sen and Shri Sanyal the Solicitor General. Both of them gave the opinion that investigation by CBI could not be ruled out on the ground that the case was pending because this investigation was not a trial. I would request the hon. Minister to get that opinion of Shri Sen, and Shri Sanyal who was murdered two days afterwards. Their finding was categorical on this point that the case being in the court will not bar a CBI investigation. So how could the hon. Minister plead that since a connected case is pending in court, no CBI investigation is possible?

Shri D. C. Sharma: I beg to submit very respectfully that every MP has the honour of submitting a memorandum or memoranda to the President. But I want to ask how those memoranda could become the subject of interpellations in this House. Secondly, the hon. Minister has said that the case is *sub judice*. After that, I think the hon. Members who tabled the question should be satisfied and should have kept quiet, till the proceedings are over.

श्री नबु लियवे : कोई बच्चा बोदी ही हूँ मैं ।

Shri D. C. Sharma: Then he said that this man should be behind the bars.

Shri S. M. Bamerjee: I said 'who should have been behind the bars.'

Shri D. C. Sharma: He said he should be imprisoned, but he has been made Chief Minister of a State. Are we going to refer to the Chief Minister of a State in this manner in the House?

श्री नबु लियवे : इस ने क्या आपत्ति है ?

Shri D. C. Sharma: I can also refer to Chief Ministers of other States who do not belong to the Congress Party but to other parties.

An hon. Member: Go ahead

Shri D. C. Sharma: Are we going to treat Chief Ministers like this, whether they have been appointed against some Maharawal or Mahareja or somebody?

Fourthly, nobody who is not present in the House should be referred to or discussed in an outrageous manner.

I think the Chief Minister of Rajasthan has been discussed in the most obnoxious and offensive manner and I should say in a manner which does not become the prestige of this House.

श्री० राम मनोहर लोहिया : अध्यक्ष महोदय, मेरा ब्यवस्था का प्रश्न है

Mr. Speaker: We are making it a discussion here.

श्री० राम मनोहर लोहिया : अध्यक्ष महोदय, मेरा ब्यवस्था का प्रश्न है . .

श्री जिव नारायण : अध्यक्ष महोदय, ब्यवस्था का प्रश्न हम अदर के उठा रहे थे लेकिन आप अदर से श्री० लोहिया को पुनर्ने लगे ।

Mr. Speaker: You will also be called.

श्री० राम मनोहर लोहिया : ब्यवस्था यह है कि गृह मंत्री जी ने केवल यह कहा है कि यह मामला न्याय के विचाराधीन है कितना मामला विचाराधीन है यह तो नहीं बताया इसलिए एक व्यापक विचाराधीनता का कोई अर्थ नहीं हुआ करता। किस मामले को प्रदासत के सामने ले जाया गया है यह इस सदन को जानना चाहिए। अगर मान लिया जाय कि खाली यही मामला ले जाया गया है कि वह साहवान सोना चोरी करके लाये थे फिर प्रधान मंत्री जी को दे रहे थे तब उस के प्रतिरिक्त जितने प्रश्न उठते हैं वे यहाँ पूछे जा सकते हैं ।

Mr. Speaker: I will look into all this.

श्री० राम मनोहर लोहिया : मैं जो बात कह रहा हूँ वह अभी तक यहाँ किसी ने नहीं कही है कि व्यापक विचाराधीन अथवा सीमित विचारधीनता है। यह जानना चाहिये सदन को कि क्या मामला प्रदासत के सामने है ? अगर मंत्री जी खाली यह कह देंगे कि मामला प्रदासत के विचाराधीन है तो फिर हर मामले में सदन का सारा अधिकार खत्म होता चला जायगा। इन्हें यहाँ बताना चाहिये कि आई यह खबर है जिस दायरे के अन्दर प्रदासत काम कर रही है तो उस दायरे में तुम मत चुड़ी लेकिन उस दायरे के बाहर तो इस सदन को पूरा अधिकार है प्रश्न पूछने का। मेरा यह ब्यवस्था का प्रश्न

हैं और इस पर मैं आप से प्रार्थना करता हूँ कि बहुत गम्भीरता के साथ आप अपना फैसला दीजियेगा ।

Shri E. D. Bhandare: The point of order is raised because the hon. Home Minister said that the matter was sub judice in a court. I may draw your attention to the subject matter of the question itself. It reads as follows:

"Whether Government's attention....in the matter of Choti Sadri Gold Scandal Case...."

The term "in the matter of" is quite comprehensive. The Minister has already answered that an investigation was carried out and it is pending before the court. It is the constitutional, fundamental right of the accused that there ought to be a fair trial. If the matter is to be discussed here which is the highest legislative body, there can be no fair trial.

Mr. Speaker: There is no case pending against the Chief Minister.

श्री नयू लिमये : हम बनाना चाहते हैं लेकिन है नहीं इस बात ।

Shri E. D. Bhandare: I am quite aware, but it speaks of a matter which was under investigation. A number of persons were involved and those persons are already before the court to face the trial. Whether it pertains to the Chief Minister alone or it pertains to other persons who are before the court, the matter is sub judice, and their trial should not be prejudiced at all.

श्री नयू लिमये : आप ने मैमोरेंडम पढ़ा नहीं है ।

Mr. Speaker: This question is about a case not against the Chief Minister or anybody, it is about the matter of the Choti Sadri Gold Scandal Case. I do not know why you bring in the name of the Chief Minister and say that a person who should have been behind the bars is a Chief Minister etc. This is something unimaginable. (Interruptions).

Let me also have my say. I have heard. The Chief Minister is not nominated by the Home Minister or the Opposition. He is elected by the people of that State; he can be dismissed by the people of the State. It is not fair to say that he should be behind the bars and all that. It is not as though somebody or the Home Minister has nominated him. He is the Chief Minister because he had been elected... (Interruptions).

श्री नयू लिमये : निरस्तारी की बात मैमोरेंडम में है ।

Mr. Speaker: The point of order will be considered. But bringing in irrelevant things and saying that the man ought to be behind the bars as if he has been found guilty—this is not fair. Anybody who has been found guilty by the court, whether it is the Prime Minister or the Chief Minister or the Speaker, will have to go behind the bars. But before the case is enquired into, how can you say this? He is elected leader of a party; and he is the Chief Minister of a State; he is not appointed by any person. To say so is not at all relevant and it is not proper. It is very unfair. It has come to this that anybody can say anything on the floor of the House. It pains me to say this. You put a question and elicit information. (Interruptions).

डा० राम मनोहर लोहिया : पता ही नहीं चल सकता बुकिंग तो यह है ।

Mr. Speaker: I will not allow any one to speak while I am on my legs. About the point of order, I have not given any decision. The point is whether a case is there, what type of case is there, and at what stage is it. The Speaker is not expected to know everything. Some question is given; it is printed and it comes before the House. I do not know what case is this and what is the material. I do not know even about this gold case, how much gold was involved. If you want me to give a ruling, you must give me time. Let me read what it is about and what the case is. Meanwhile, I do not know whether the hon. Minister would like to answer or keep it pending.

Shri Y. B. Chavan: Certainly, I leave it to you to go into this. (Interruptions).

श्री नयू लिमबे : मैं चैम्बर में अध्यक्ष महोदय, प्राप को समझा दूंगा ।

एक माननीय सदस्य : अध्यक्ष महोदय, श्री क्लिंग के बाद माननीय सदस्य श्री नयू लिमबे ने चीफ मिनिस्टर के लिए जो शब्द इस्तेमाल किये हैं उन शब्दों को निकल जाना चाहिए ।

Shri Y. B. Chavan: I would like to give the reasons. I can say that the gold in question is the same against which some breach of trust case is before the court. The set of facts involved, partly at least, is the same. Our intention was, when the memorandum was sent, to make a further probe into it. As the Finance ministry was also seized of the matter, certain discussion took place on the floor of the House because the ex-Finance Minister made certain statements here. Therefore, we could not take any further action.

Hon. Member Shri Lamaye also wrote to me.

Shri S. M. Banerjee: Mr. C. C. Desai also wrote to you.

Shri Y. B. Chavan: Why don't you have some patience. Mr. Desai also wrote to the Finance Minister, Mr. Morarji Desai, the Deputy Prime Minister and it was the Deputy Prime Minister who suggested to the Home Ministry that it was necessary that the CBI should make an enquiry. At the same time, in fairness to Mr. Sukhadia, it should be said that Mr. Sukhadia also wrote to me saying that it is better if we were to make some enquiries through the CBI. If the man had any guilty conscience, he would not have asked for it..... (Interruptions).

श्री नयू लिमबे : यह तो कोई बात नहीं है । प्राप दोनों दोस्त हैं साथ-साथ इस लिए ऐसा प्राप कह रहे हैं । तिरफ़ इससे वह निरपराध साबित नहीं होते हैं ।

Shri Y. B. Chavan: I am not his friend but I hope you are not his enemies

श्री नयू लिमबे : इस से मतलब है कि उन्होंने पहले ही अपना दिमाग बना लिया है ।

Shri Y. B. Chavan: I may not be his friend but you are not taking the position of enmity towards him. Nobody need be his friend; but nobody need be his enemy. He also wrote to me about it; that is what I wanted to say.

डा० राज बनोहर साहवा : कम्युनिस्टों के ऊपर तो बड़े गरम बरसते हो । अध्यक्ष महोदय, यह बात क्या कर रहे हैं ?

Shri Y. B. Chavan: I wanted to make a further probe into it...

Shri C. C. Desai: Has the Home Minister or the Deputy Prime Minister or the Prime Minister seen the 44 bricks of mutilated gold?

Shri Y. B. Chavan: We have not seen the gold, because it is a property in the case, before the magistrate, etc. The point is, after this letter was received, we wanted to find out whether we can undertake a proper investigation into it. Therefore, we had consultations with the experts in the Law Ministry whether we can immediately undertake an investigation. We were advised that as the gold is the same...

श्री नयू लिमबे : गोल्ड पर प्राप का अधिकार है

Shri Y. B. Chavan:...it is difficult to undertake a proper, a full investigation under the Criminal Procedure Code unless we do some damage to the matter before the court itself. Therefore, even then, I thought that in order to advise ourselves properly before we come to the hon. House, as to what action we could take, I asked the CBI to make some sort of informal check on the basis of the

records that are available and he made the check and advised me that....

डा० राम मनोहर लोहिया : 'ही' माने ?

Shri Y. B. Chavan: The Director, CBI. He advised us that a further detailed investigation would be necessary and as a further detailed investigation cannot be undertaken as the case is pending. . .

Shri P. K. Deo: It can be undertaken; that is the view of Ashok Sen.

Shri Y. B. Chavan: The advice given to us is that it cannot be undertaken.

डा० राम मनोहर लोहिया : सोना दो है, एक नहीं ।

Mr. Speaker: He was saying about the CBI opinion. (Interruption). I would like to know from the hon. Members whether, in view of this, we can go to the next question, because it is taking a long time.

श्री मधु सिन्घ : मैं उप-प्रश्न पूछना चाहता हूँ ।

Mr. Speaker: Before I give a decision, how can it be answered?

Shri S. M. Banerjee: Postpone the question; it can be taken up on another occasion.

Shri Ranga: Supposing the Speaker comes to the conclusion, in the light of what has been said in favour and against the idea of sub judice and this question not being answered supposing the Speaker fortunately for us comes to the decision or conclusion that this can be answered in such parts of it as cannot be covered or as need not be considered to have been covered by that case before the magistrate or munsiff, may I know whether you would be good enough to allow this question to be taken up on another suitable occasion, three or four days hence, whenever this Ministry comes up again here for the

question, so that the House can get an answer from the Ministry?

Mr. Speaker: The hon. Minister may, if possible, without touching that case, answer it. I do not know.

Shri Ranga: Let him do it.

श्री मौला नाथ : मेरा प्वाइट काफ झार्वर है । अभी श्री स० मो० बनर्जी ने कहा था कि श्री सुबाय्या को जेल में होना चाहिये था । मैं चाहता हूँ कि इन शब्दों को प्रासीडिंगस में से निकाल दिया जाये ।

Mr. Speaker: How can all this arise when I have said so much, and after I have said it?

Shrimati Tarkeshwari Sinha: He is asking for the expunction of the words of Shri S. M. Banerjee.

Mr. Speaker: No expunction. They will all remain. The Speaker has no right to expunge anything; that is what I said the other day. Unless it is unparliamentary, unless it is something else, he has no power to expunge; therefore, we cannot expunge it. (Interruption). Now that the Minister is prepared to answer it, let us proceed.

श्री मधु सिन्घे : अध्यक्ष महोदय, राष्ट्रपति को जो धावेदन पत्र दिया गया था उस में सात मार्गों की गई थी । पहली तीन मार्ग हम ने यह की हैं कि (व्यवधान)

Mr. Speaker: May I request the House to follow the proceedings? If they want to continue their talk, let them kindly go outside. Or, do they want the House to sit quiet. If they want, well, let us sit quite for some-time, so that they can finish their talk. Afterwards, we will resume our work in the House.

श्री मधु सिन्घे : राष्ट्रपति को जो धावेदन पत्र दिया गया उस में ह्य भोगों ने सात मार्गों की थी । पहली तीन मार्गों में कहा गया है कि भारत सुरक्षा कानून में

प्रश्न प्रश्नित होने के सम्बन्धित नियमों के उल्लंघन तथा स्वर्गीय शास्त्री जी को इस कांड में बर्सीटने के अपराध में भी मोहन बास सुबाडिया और उन के सहयोगियों को तुरन्त गिरफ्तार किया जाये तथा उन पर मुकदमा चलाया जाये। साथ-साथ यह भी कहा गया है कि राजस्वान के मुख्य मंत्री.

Mr. Speaker: You should put a supplementary. You are giving it to me to decide whether it should be placed on the Table or not, and you are reading the whole thing!

श्री जगु लिव्से : पूरा कहा पढ़ रहा हूँ? यह तो बहुत बड़ा है। मैंने भागों का उल्लेख किया।

श्री का० ना० तिवारी : श्री लिव्से ने कहा कि टेबल पर रखा जाये। आप ने कहा कि उसको आप देख लेंगे तब अपना निर्णय देंगे। तब क्या आप इस की इजाजत देते हैं कि जिस चीज को टेबल पर रखने का निर्णय अभी बाकी है उस को पढ़ कर यहाँ के रेकार्ड पर लाया जाये ?

श्री जगु लिव्से : प्रश्न इती पर है। आप देखिये।

"whether Government have examined the various suggestions made in the memorandum".

Mr. Speaker: I have seen it. Suppose the question mentions some book, are you going to read the whole book?

श्री जगु लिव्से : पूरा कहा पढ़ रहा हूँ। आप प्रश्न देख लीजिये। मैं कुछ भी गलत नहीं कर रहा हूँ। आप मेरे साथ अन्याय कर रहे हैं। प्रश्न इस प्रकार है :

"whether Government have examined the various suggestions made in the memorandum".

सम्बन्धित महोदय, पहली तीन खंभों में यह कहा गया है कि सुबाडिया ने प्रश्नित होने में शास्त्री जी को बर्सीटने की कोशिश की और मुलजिनों को संरक्षण दिया।

Shrimati Sushila Keshvani: On a point of order, Sir, Rule 50(1) lays down specifically as follows:

"No discussion shall be permitted during the time for questions under rule 32 in respect of any question or of any answer given to a question."

The hon. member is entering into a discussion about this.

Mr. Speaker: That is why I am asking him to put only a supplementary.

श्री जगु लिव्से : यह कैसे हो सकता है ? तीन दफे मुझे सवाल करने से रोका गया। मैं सवाल कर रहा था। मेरा सवाल यह है कि इन मेमॉरंडम में मांग की गई कि प्रश्नित होने के बारे में सुबाडिया साहब ने शास्त्री जी को बर्सीटने के लिये यह सब किया और जो मुलजिन थे उन को संरक्षण दिया। इस के सम्बन्ध में मांग की गई है कि उन्हें भारतीय सुरक्षा कानून में गिरफ्तार किया जाये तथा उन्हें अपने पद से मुक्त किया जाये। इस में कोई भी सबन्धित का सवाल नहीं है। मैं जानना चाहता हूँ कि क्या मंत्री महोदय ने इस के बारे में विचार किया है और कोई कार्रवाई की है ?

Shri Y. B. Chavan: He is trying to take one fact out of it. The invitation to the Prime Minister becomes questionable when the facts about gold are clear. The central theme is gold, the information about gold, the knowledge about gold, the time that is involved, etc. All these matters are at present before the court. One part of it cannot be isolated. The whole thing is a single set of facts. He wants to hold an enquiry about

one set of facts, completely isolated from the original set of facts.

श्री मधु लिमये : मुसविमों को गिरफ्तार करने की मांग है। प्राप क्या कह रहे हैं। प्राप की सनक्ष में यह बात नहीं आई है।

श्री बलवन्तराव चव्हाण : मैं जो कह रहा हूँ उस को सुनिये। यहाँ हाउट करने से कोई बात नहीं होगी।

So, it is very difficult to take a part of it. Nobody wants to conceal or hide anything, but what can I do? There are certainly some judicial limitations which we have to accept.

श्री मधु लिमये : अब मामला बिलकुल साफ हो गया। सुखाडिया को गिरफ्तार नहीं किया गया है। वह आरोपी नहीं है। हमारा यह कहना है कि उन के खिलाफ प्राइमा फेसी केस है। भारत रजा कानून और सोना, इस के लिये केन्द्र बिम्बेदार है। क्या बचह है भारत सरकार उन को गिरफ्तार करने के लिये और भारत सुरक्षा कानून के अन्तर्गत उन के खिलाफ केस करने के लिये कुछ नहीं कर रही है। सब-जुद्धिके का कोई सम्बन्ध इस से नहीं है। मैं भारत सुरक्षा कानून की धारा को पढने के लिये तैयार हूँ।

The Deputy Prime Minister and Minister of Finance (Shri Morarji Desai): My predecessor had made a full statement in this House about this matter. After that I received a letter from Mr. C. C. Desai and some others also. I called for the papers and saw that there was a case. Then I found that it was a case which the Finance Ministry could not pursue with its staff. Therefore, I requested the Home Minister to take the help of the CBI so that a full investigation is made, and what has been done about that investigation has been stated by the Home Minister. When I am asked why Shri Sukhadia was not arrested under the Defence of India Act, I can only say that Shri Sukhadia cannot be arrested or any-

body cannot be arrested because some hon. Member says that he should be arrested.

श्री मधु लिमये : प्रिमा फेसी केस है।

श्रीमती तारकेश्वरी सिन्हा : उनके विभाग में है प्राइमा फेसई केस।

Shri Morarji Desai: I am very sorry to say that the hon. Member has not only not been able to make out a *prima facie* case but not even the basis of any case on the strength of the papers that he has produced. He has only made allegations; beyond that there is no proof anywhere.

श्री मधु लिमये : यह कौन तय करेगा? प्राप प्रत्यक्ष के मामले चलिये। मैं जी बलता हूँ। उनका फैसला मैं मानने के लिये तैयार हूँ।

Shri Morarji Desai: This is not a matter which can be decided by shouting or by loud voices. This is a matter which can only be decided on facts. If I am not convinced that there is any *prima facie* case I cannot arrest anybody. Yet, we did say, that there should be a full investigation of the case. After that we will know what to do. Till then what can one say? The hon. Member may lay any amount of emphasis on this, but I am sorry I cannot oblige him.

श्री मधु लिमये : प्रत्यक्ष महोदय...

Mr. Speaker: Order, order. Let us go to the next Question—Shri Bibhuti Mishra. We have spent half hour on this. I am not going to allow any more time for this. Hon. Members have entered into a controversy and discussion on this. It is not allowed during the Question Hour.

Shri Bibhuti Mishra: Question No. 1082.

The Minister of Education (Dr. Triguna Sen) rose—

Some hon. Members (Interruptions).

की मनु लिखवे : मेरे दूसरे प्रश्न का क्या हुआ ? मुझे दूसरा प्रश्न पूछने का अधिकार है। विवाद तो बन्धान साहब ने खड़ा किया है, मैंने नहीं किया है।

Mr. Speaker: Please do not take down anything. Nothing need be taken down
(Interruptions)***

Mr. Speaker: Shall we proceed now?

Shri Ranga: Sir, I can appreciate your difficulty. But you should also realise our difficulty. For no fault of our own there was this question and these points of order were raised. Those points of order were being discussed. The main question has not been taken at all. In the meantime you lose your patience and you go to another question.

Mr. Speaker: We have spent 34 minutes on this.

Shri Sheo Narain: Sir, when such false charges are made

Shri P. K. Deo: Sir, Shri Ranga is on his legs and he is not able to proceed because of interruptions.

Shri Ranga: You should kindly have some patience.

Mr. Speaker: I have shown patience; but, I am not allowed to proceed.

Shri Ranga: I do not know whether he has put even one question. If so, let him ask his second question. Then, you can allow one or two members to ask questions and then go on to the next question.

Mr. Speaker: I am prepared to allow questions; not that I am not prepared. But we cannot proceed in this way. The question itself has been, as you have yourself seen, argumentative. Anyhow, I will see. All right, let us hear the question.

की मनु लिखवे : इस मैमोरेण्डम में श्री दूसरी मांग यह की गई है कि शासकरी विभाग के जो अधिकारी हैं...

Shri S. R. Damani: Sir, on a point of order

Mr. Speaker: What is the point of order?

Shri S. R. Damani: The intention of asking a supplementary is to seek information on certain important matters, not to start political mud-slinging or making political capital. This hon Member always asks questions of this nature. Something should be done about it so that we can function properly

की प्रश्न का वह बर्ना : मैं एक व्यवस्था का प्रश्न उठाना चाहता हूँ। आपने विधिति मिश्र जी को भगला प्रश्न करने के लिए बुला लिया था और उन्होंने क्वेश्चन पुट भी कर दिया था और मिनिस्टर साहब जबाब देने के लिए खड़े भी हो गए थे। अब आप इसी प्रश्न पर दूसरा सवाल करने की इजाजत दे रहे हैं। अब आप को भगले सवाल पर जाना चाहिये। और अगर आप उनको इजाजत दे रहे हैं तो क्या हमारी भी अगर इस तरह से बात बात होगी तो हमें भी आप इसी तरह से इजाजत देंगे ?

Shri Randhir Singh: My point of order is under sub-rule (iv) of rule 41(2). Whether to arrest a person or not to arrest a person is an intricate question of law, rather interpretation of law. It is an abstract legal question covered by rule 41(2) (iv). So, it is barred. Shri Lunaye cannot ask that question. I know that he will somehow try to bring in that question. The rule clearly says:

"It shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;"

whether to arrest a person or not has certain legal implications. It is an intricate question of law. Therefore, the question which he is going to ask is barred under rule 41.

Mr. Speaker: Let us hear the question. If the question is covered by that rule, naturally it will not be admissible.

श्री मधु लिमये : गृह-मंत्री महोदय ने अभी कबूल किया है कि सोना केन्द्रीय सरकार की जिम्मेदारी है। इसके सम्बन्ध में मेरा दूसरा प्रश्न है। जिस 153 किलो सोने की चर्चा है—51 इंटें सोने की—यह सोना केन्द्रीय सरकार ने अपने कब्जे में लेने के बारे में क्या किया है तथा जिन केन्द्रीय सरकार के भावकारी विभाग के, एक्साइज डिपार्टमेंट के अधिकारियों ने बीच में तलाशी प्रचुरी छोड़ी राजस्थान के अधिकारियों के कहने पर जिसके फलस्वरूप पहरा होते हुए भी उनके घर से तीन या दो जीपों में घर कर यह सोना बाहर गया, 51 इंटें भी निकल गई, उन अधिकारी भावकारी विभाग के अधिकारियों के खिलाफ सरकार ने विभागीय स्तर पर—कानूनी मुकदमे की बात नहीं कर रहा है—डिपार्टमेंटल स्तर पर क्या कार्रवाई की है? जो 153 किलो सोना है इसे अपने कब्जे में लेने के बारे में क्या कार्रवाई हुई है?

Shri Y. B. Chavan: This question of taking action against the Finance Ministry officers did not come before me. I am coming back to the same thing and I hope the hon. Member, Shri Madhu Limaye, would appreciate this fact. The questions were whether there were two lots of gold or there was one lot of gold, what was the number of gold bricks, where that gold was, how it was recovered. These are the very matters which, really speaking, are the basic facts of this case and some of these facts are before the court. How can I give any information; how can I say one thing is right or is not right? It

is very difficult for me to give information on facts... (Interruption).

श्री मधु लिमये : मैंने विभागीय कार्यवाही के बारे में पूछा है। इस का जवाब फिनांस मिनिस्टर दे सकते हैं। फिनांस मिनिस्टर बैठे हुए हैं। वह जवाब दें। एक्साइज डिपार्टमेंट गृह मंत्री के मातहत तो नहीं है। मैं वित्त मंत्री से सवाल कर रहा हूँ कि भावकारी विभाग के अधिकारियों को मुफ्तिल क्यों नहीं किया गया है।

Mr. Speaker: Shri Banerjee.

श्री मधु लिमये : क्या वित्त मंत्री से कोई जवाब आयेगा? आप ने निर्णय दिया था कि दोनों मंत्री सदन में उपस्थित रहेंगे और दोनों प्रश्न प्रश्नों का जवाब देंगे। विभागीय कार्यवाही का इस केस से क्या सम्बन्ध है? विभाग में कार्यवाहियाँ हमेशा होती रहती हैं। उस का इस केस से क्या सम्बन्ध है?

Mr. Speaker: I do not know how I should proceed with this.

श्री मधु लिमये : आप वित्त मंत्री से मेरे प्रश्न का उत्तर दिलवाइये।

Mr. Speaker: This way, I do not think, any question can be answered. One question can take one full hour. Then, all the questions will go. The Question Hour is becoming an argument on both the sides. One is trying to defeat the other. After all, if you want information, you can ask for information; if you want a debate, there is another method of having one-hour debate or two-hours debate.

श्री मधु लिमये : ठीक है, आप इस पर एक घंटे की बहस रखिये।

Mr. Speaker: After the waste of one hour I am not prepared to give. If you had not wasted one hour, perhaps I would have.

श्री मधु लिमये : लेकिन इस समय किसी भी बात का स्पष्टीकरण और क्लारिफिकेशन नहीं हुआ है।

Mr. Speaker: I am not prepared to argue here.

Shri C. C. Desai: You can express your displeasure

Shri S. M. Banerjee: I want to know whether the attention of the hon. Minister was drawn to the letter dated 6th April, 1967, from Shri C. C. Desai to the Finance Minister—Shri Pant is here; Shri Morarji Desai is not here—in which he mentioned

"I would request you yourself to see the 56 kilos of gold recovered by Government and you would observe that these are mutilated bricks, mutilated in order to separate the remaining 67 kilos of gold which has been, according to our information, misappropriated jointly by Shri Mohanlal Sukhadia, Ganpat servant of Gunwantlal and the then District officials of Chittorgarh"

Mr. Speaker: Is that a supplementary question?

Shri S. M. Banerjee: My supplementary is

Mr. Speaker: Question Hour should go on like this in future! What is the point in reading all this?

Shri S. M. Banerjee: I am not reading the whole letter

Mr. Speaker: Everybody has got it.

श्री मधु लिमये : इसी से पता चलता है कि यह मामला कितना गड़बड़ है।

Shri S. M. Banerjee: I want to know whether they have seen this portion of this letter and whether either the CBI or the Home Minister or the Finance Minister or any official of the Finance Ministry has seen that this gold was mutilated with a view to appropriating the whole thing

Shri C. C. Desai: Officials of excise have seen this but I am surprised that the hon. Ministers have not seen this

Mr. Speaker: Nobody can get up like this and begin speaking.

Shri Y. B. Chavan: The letter of Shri C. C. Desai was received by the Finance Minister.

Shri S. M. Banerjee: Let the Finance Minister reply

Mr. Speaker: No

Shri Y. B. Chavan: The Finance Minister certainly did reply to that aspect of the question. He said that he did receive the letter of Shri C. C. Desai and after that he advised the Home Ministry to undertake an inquiry in regard to this matter

श्री मधु लिमये : श्रीर इन्होंने सब कुछ दबा दिया।

Shri Y. B. Chavan: The fact was mentioned. Whatever be the allegations mentioned there, unless the allegations are investigated into, no action could be taken

Some hon. Members rose—

Mr. Speaker: Dr Lohia who has put the question wants to put a supplementary

Shri C. C. Desai: On a point of order, Sir.

Mr. Speaker: Dr Lohia is one of the people who have put the question. How can Shri Desai put a question before him?

डा० राज मनीहर लोहिया : अध्यक्ष महोदय, श्री प्रधान मंत्री जी से मुझाड़िया जी और गणपतसाल जी ने 10 दिसम्बर को मुलाकात की थी। पुलिस को श्रीर इन लोगों को 9 दिसम्बर को रात की चोरी का पता दे दिया गया था और 18 दिसम्बर को पुलिस ने जा कर एक मैदान से सोना निकाला। मैं गृह मंत्री जी से यह जानना चाहता हूँ कि आखिर यह 67 किलो सोने का मामला है, उस लाख रुपये का मामला है, तो जब 10 दिसम्बर को जाण बहबुद

आखी जी से सुबाइया जी और गणपत-
लाल जी मिले और 9 दिसम्बर को रपट
मिल चुकी थी और 18 दिसम्बर
को सोने की खोज की गई, तो
इन घाट दिनों में सुबाइया जी और
गणपतलाल जी कहाँ थे। एक तीघा सा
सवाल है कि इन घाट दिनों में ये दोनों कहाँ थे
और क्या कर रहे थे। (अवधान)

एक माननीय सदस्य : और डा०
सोहिया कहाँ थे ? (अवधान)

डा० राम मनोहर लोहिया : हाँ,
डा० सोहिया ने उस सवाल खड़े की बोरी
कर ली, लेकिन इस वक्त सवाल तो गूढ़ मनी
की की बोरी का है। इस वक्त सवाल यह
है कि 10 तारीख से 16 तारीख तक
सुबाइया जी और गणपतलाल जी
.. (अवधान)**

श्री सु० प्र० साँ : **

डा० राम मनोहर लोहिया : **

श्री सु० प्र० साँ : **

डा० राम मनोहर लोहिया : **

Mr. Speaker: May I demand a little
peace? (Interruptions).

Shri Jyotirmoy Basu: They are sup-
pressing facts.

Mr. Speaker: Order, order.

Shri Jyotirmoy Basu: I have the
right to say... (Interruptions)

Mr. Speaker: Why do you join
them? You have been very quiet.
All this will be expunged. The
language used is no credit to the
House. All this abusive language,
from this or that side, will be ex-
punged. I could not think of it on
the floor of the House. So, all this
abusive language is expunged.

Let us go to the next Question. Shri
Bibbuti Mishra.

श्री हुकूम चन्द कदवाय : सभ्य
महोदय, मैं सवाल पूछना चाहता हूँ। इस
में मेरा भी नाम है।

Mr. Speaker: The House stands ad-
journed to meet again at 12-30 P.M.
11.50 hrs.

The Lok Sabha then adjourned till
Half-past Twelve of the Clock.

Lok Sabha reassembled at half past
twelve of the clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS—
(contd)

SHORT NOTICE QUESTION

Kosi River

S.N.Q. 28 Shri Bhogendra Jha: Will
the Minister of Irrigation and Power
be pleased to state:

(a) whether the discharge of Kosi
flood waters has reached one lakh and
2 thousands cusecs and there is immin-
ent danger of the change of the
course of the river itself at Dalwa
and imminent danger of breach in the
western embankment at Dalwa,
Kusaha, Simro, Kalyanpur and
Kanauli; and

(b) if so the steps taken or propos-
ed to be taken to prevent the breaches
and the change of course of the river?

The Minister of Irrigation and Power
(Dr. K. L. Rao): (a) and (b). A
Statement is laid on the Table of the
House

Statement

The discharge that passed down the
Kosi River on 7th, 8th and 9th July
was of the order of 84,000, 1,78,000 and
3,12,000 cusecs respectively. Although
the river has started attacking the

**Expunged as ordered by the Chair, vide Col. 11043.