

However, if the unused tickets are surrendered after the booked time of departure of the train, refunds are granted under special circumstances only and on application to the Head Office of the Railway concerned and are subject to the deduction of 25 per cent of the fare, subject again to the minimum and maximum indicated below: —

	Minimum per pas- senger	Maximum per pas- senger
Air-conditioned and First Class	Rs. 7.50	Rs. 30
Second Class and Third Class	2.50	10

SUPPORT PRICE FOR JUTE

630. SHRI R. P. KHAITAN: Will the Minister of COMMERCE be pleased to state:

(a) whether the Government have announced any support price for jute; and

(b) if so, what are the details thereof?

THE MINISTER OF COMMERCE (SHRI DINESH SINGH): (a) Yes, Sir.

(b) The minimum support price for raw jute for the 1967-68 season has been fixed at Rs. 107.17 per quintal (equivalent to Rs. 40 per maund) for the Bottom Grade of the Assam variety of jute delivered at Calcutta. Differentials for different grades of the same variety of jute have also been fixed as follows:

	<i>Differentials</i> (Rs. per quintal)
Between B Bottom and X Bottom	—6.70
Between Bottom and B Bottom	—8.04
Between Middle and Bottom	+10.05
Between Top and Middle	+20.07

12 P.M.

STATEMENT RE STARRED QUESTION NO. 66 ANSWERED ON THE 25TH MAY, 1967

IRON ORE MINES OF H.S.L.

THE MINISTER OF STATE IN THE MINISTRY OF STEEL, MINES AND METALS (SHRI P. C. SETHI): In reply to part (c) of Starred Question No. 66 answered on 25th May, 1967 I gave the names of private Mine Owners who supplied ore to Messrs. Hindustan Steel Limited in 1966-67. The name of Messrs. B. Patnaik Mines (P) Ltd. was omitted inadvertently. The name of Messrs. B. Patnaik Mines (P) Limited may be added after Messrs. Bolani Ores Ltd.

SHRI BHUPESH GUPTA: You have to enquire, Sir, whether it was really inadvertence because Patnaik is a very familiar name in the ruling party. The name should not have been forgotten. It is a matter for enquiry.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

OFFICAL COPY OF THE CBI REPORT ON CERTAIN ALLEGATION AGAINST SHRI BIJU PATNAIK

MR. CHAIRMAN: I would like to make a request. There are nearly 15 hon. Members who have mentioned their names under this. I would like Members not to make speeches but put questions for clarifications.

SHRI BHUPESH GUPTA (West Bengal): We will try to carry out your instructions as best as we can.

SHRI LOKANATH MISRA (Orissa): With your kind permission, I beg to call the attention of the Minister of Home Affairs to the reported unwillingness of the Union Home Ministry to furnish to the Government of Orissa an official copy of the C.B.I. report and the Cabinet Sub-Committee's findings on certain allegations against Shri Biju Patnaik, a former Chief Minister of Orissa

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Sir, in a letter dated the 24th March, 1967 addressed to Home Minister the Chief Minister of Orissa had said that the State Government had decided to appoint a Commission of Enquiry under Section 3(1) of the Commissions of Enquiry Act, 1952 to inquire into the charges of corruption and improprieties committed in different spheres of administration by the ex-Ministers of Orissa and that it would be helpful if copies of the report of the C.B.I. and the Cabinet Sub-Committee are made available to the State Government for their reference.

In his reply dated the 10th May, 1967, the Home Minister said that the C.B.I. did not make a regular inquiry into the allegations and did not examine any witnesses. They were entrusted with a limited task of collecting the relevant facts from the records of the Orissa Government and submitted a report on the basis of those facts. The C.B.I. report was intended only for the consideration of the Cabinet Committee, and the Prime Minister. The documents prepared for Cabinet or any of its committees are always treated as secret. Orissa Chief Minister also informed that these documents were not supplied to his predecessor in office (Shri Sadasiba Tripathy) who had also asked for them.

SHRI LOKANATH MISRA: The Government of India is unnecessarily trying to strain the relationship between the State and the Centre. In a federal structure it is the duty of each partner—the Centre and the State—to help each other to carry out the administration smoothly. In this case the Government of India is in possession of certain documents. They do not deny that they do not. They have the document but they treat it as confidential. Any document which might have been either prepared by the Cabinet Sub-Committee or which might have originated from the Cabi-

net Sub-Committee can be treated as confidential, I have no doubt about it, but here it is a different case altogether. The Chief Minister of Orissa does not insist on the furnishing of the Cabinet Sub-Committee's findings. What he insists on is the CBI report which is not part of the Cabinet finding nor has it anything to do with the Cabinet Sub-Committee. How that can be treated as confidential I do not understand.

SHRI VIDYA CHARAN SHUKLA: I agree with the hon. Member that it is the duty of the State Government as well as the Central Government to cooperate with each other in the good governance of the country. Here we have said that the CBI report which was submitted to the Sub-Committee was based on the document that the Orissa Government themselves have. They did not add anything at all. They did not examine any document other than the documents which were examined by the CBI and here were some information culled out from them and was given to the Cabinet Sub-Committee for the use of the Committee. So in actual practice whatever the CBI report contained is also contained in the records of the Orissa Government. This is the first point.

Secondly, the CBI informal enquiry that was made and whatever report they gave on the basis of that informal enquiry is treated as an internal noting for the help of the Cabinet Sub-Committee to arrive at certain conclusions, to advise the Prime Minister to come to a conclusion on the memorial that was submitted to the President of India by certain Members of the Orissa Assembly. So because of these things we did not agree to supply this, not only to the present Chief Minister but even to the earlier Congress Chief Minister who had asked for this. So there is no discrimination. There is no question of trying to hide anything because we believe that what we have taken from the CBI report, is available in the records of the Orissa Government.

There is no question of our trying not to give them some information that we have and which they do not have, j

SHRI LOKANATH MISRA: The question is not of discrimination but of a spirit of partisanship. You are extremely partisan and you want to give shelter to a corrupt ex-Chief Minister because he belongs to your party. The point is certain grounds were covered, may be from official files of the Orissa Government but definitely the Central Intelligence Bureau took a lot of time, may be a year and a half, to investigate into these and submit a report. It would be extremely unfortunate if this particular copy of the CBI report is not furnished because the same ground will have to be covered again which involves loss of time, loss of labour and loss of money. If that is to be saved and if you have no hesitation in bringing somebody to book, whether he belongs to your party or any other party, you should help because the entire thing is being looked into by an Inquiry Commission. No Chief Minister is sitting in judgment about these and it is going to be a Commission of Inquiry constituted under the Commission of Inquiries Act. Therefore, if in spite of the CBI findings and any other evidence that could be given to the Commission, your ex-Chief Minister of the Congress is not found guilty, he will not be punished but if you have some evidence already, why do you ask the Orissa Government to go over the same ground again and spend money unnecessarily? Is it how you are going to save the money of this country? You want economy to be observed. Will this lead to economy if another set of men are engaged in going into some matters which have been covered by the CBI?

SHRI VIDYA CHARAN SHUKLA: I have explained this matter already in the earlier answer. I may say that it is very unfair that the hon. Member has chosen to make some insinuation that we want to protect any corrupt Chief Minister. I must say that it is absolutely wrong. We do not want to

protect anybody. I have explained in detail the reasons why we have decided not to send whatever information report we have from the CBI but what the hon. Member thinks is absolutely wrong that the Commission of Inquiry may have to cover the same ground and may have to spend some time for getting all those things. The main point here is that no information which is not available to the Orissa Government is being denied to them. If we have any information which was not available to the Orissa Government, we would have been very happy to give them but as I said, the CBI informal report that was given to the Cabinet Sub-Committee is only taken out of the document or record of the Orissa Government itself and it is treated by us as an internal noting of various Ministries which are used for various purposes in the Cabinet Sub-Committee and for the Cabinet. If we once start doing that, there would be no end to this kind of thing.

SHRI LOKANATH MISRA: Sir, the point is this. Now that they refuse it to the Chief Minister, I would like to know from the hon. Minister if they would also similarly refuse if there is a request from a commission of inquiry for furnishing this report of the C.B.I.

SHRI VIDYA CHARAN SHUKLA: No, we would not refuse similarly. If the demand is received from the commission of inquiry, we shall consider it; at that time we shall consider it.

SHRI BHUPESH GUPTA: Sir, it is a serious matter. I should like to seek the following clarifications, first on the statement by the hon. Minister that the C.B.I. report contained only whatever was contained in the files. If it were so simple, why did you ask the C.B.I. to go there? You could have asked for copies of the files. The fact that you sent the C.B.I. to make investigation shows that there was sifting of evidence, examination of this thing and then collection of material in order to arrive at certain con-

[Shri Bhupesh Gupta]

elusions, as indeed certain conclusions were arrived at. We are in possession of a copy of that report. Therefore, Sir, this is not correct. How does he say this? I should like to know, Sir. At no point of time did the Home Minister, Mr. Gulzarilal Nanda, say that it contained nothing but copies of the files. Do I understand from the hon. Minister that in order to get copies of the files of a State Government this Government deputed the C.B.I. in order to get them? That has to be explained firstly. Therefore I submit, Sir, that this is not a correct statement. Here is clearly an attempt to mislead the House.

Now, Sir, I should also like to know: Is it not a fact that it is the task of every private citizen, all the more so the Government, to help the legal processes and not to come in the way of the legal processes, the operation of the law? When the State Government has decided to hold an inquiry into certain serious allegations of corruption charges, is it not the duty of the Central Government to make available to the State Government this document? Sir, in this case I should like to know why it is being withheld. Documents are not being sent to private individuals or political parties. Documents are sought by a State Government and can be given to the State Government, to the Council of Ministers there, who are under oath of secrecy, and they are not to divulge such things. Therefore, Sir, I do not at all understand why, when the oath of secrecy prevails, when it is a question of sending one set of documents from the Centre to the State Government, why it is not being sent. Do I understand, Sir, that now the States will also be entitled in this manner not to send documents to the Centre, when the Centre wants them, on one pretext or another? Do I understand now that non-Congress Governments function in eight States of India, this Government will not have the privilege of having such an **Official** document in the possession

of the Centre, which relates to their matter, to their conduct of the Government, to their administration of the Government? I want that this should be very much clarified.

Now, Sir, we are told here that Cabinet thing is a confidential matter. The Orissa Government has not asked for the minutes of the Cabinet, or even the conclusions of the Cabinet. Orissa Government has asked for only the report by the Central Bureau of Investigation, which is an independent document. The fact that it went to the Cabinet did not make it a minute of the Cabinet, or put it in that category. Why, Sir, a document which could be shared by officers of the Central Bureau of Investigation and was available for the use of the Cabinet Ministers could not be made available to the State Government? The State Government in its wisdom thinks that the documents is very relevant for the purposes of investigation under the Commission of Inquiries Act, in fact for applying a Central Act in the sphere of that particular State. That, Sir, should be answered.

Now, Sir, I should like to know what will happen if a commission of inquiry asks for it. Here is Mr. Chagla sitting, the great commission of inquiry man of Mundhra fame. Now will Mr. Chagla tell us what will happen if, for example, a commission of inquiry summons all the people concerned, summons the C.B.I. official who conducted the investigation to state what it has got? Now we are in possession of copies of the report, which we believe to be true, and which had not been contradicted in this House, when we raised it, either by the Government or by the Chairman. The Chairman, Sir, had a look at the report and then came to the House and did not allow him to place it on the Table of the House, not on the ground that what Mr. Misra had shown before the House was wrong, but he said this. Sir, and I should like to read it. You were not here then; I wish you were **here.** T <>

reading from the proceedings of the House of February 26, 1965.

"On the 22nd February, 1965, immediately after the Question Hour, Shri Lokanath Misra asked for my permission to lay on the Table of the House certain papers which he said, were copies of the CBI report and findings of the Cabinet Sub-Committee in regard to allegations against the Chief Minister and certain other Ministers of Orissa. I did not give him the necessary permission as I desired to examine the papers and consult the Government. On the same day in the afternoon after the Prime Minister made a statement on the subject, Shri Lokanath Misra wanted to quote from the copies of the papers he had in his possession. I asked him not to quote from these papers as I could not see or examine them or consult the Government."

When we gave time to the Chair, then the Chairman says—again I quote him:

"I have since seen the papers given by Shri Lokanath Misra and also consulted the Government in the matter. The Government do not propose to lay the CBI Report and the findings of the Cabinet Sub-Committee on the Table of the House as they are of the view that these are secret and confidential documents and as such privileged. In these circumstances I will not be able to insist upon the laying of these documents by Government on the Table of the House."

Sir, you note it here. Dr. Zakir Hussain saw the copy which was in his possession. He consulted the Government and examined it—well, I presume, examined the original. At no point did he say that the document which was in the possession of Mr. Lokanath Misra was a forged document. The only thing he said was "since the Government says

it is a confidential thing I would not ask you to lay it on the Table of the House." If it were not genuine, then Dr. Zaki Hussain would have been perfectly entitled not only not to allow him to lay it on the Table of the House, but also to castigate him, take him to task for having brought before the House a forged document, which he did not do. Therefore, Sir, we are in possession of a document which is genuine as per statement. I should like to know what is going to happen if the court summons all of them. Mr. Gulzarilal Nanda cannot take cover; he is now a private citizen. Suppose he is summoned before the commission of inquiry and asked to say, asked to give evidence, suppose others are summoned, do I understand that the Central Government will either indulge in perjury or will not go before the commission of inquiry? I should like to know. Two courses are open to them, either commit perjury or take cover under confidential clauses. Well, perjury is perjury. The other course is to take cover under confidential clauses and say, "We will not go there." I should like to know; it is a highly complicated situation. To us, Government should, in the interests of the Constitution and the normal functioning of the law, make the document available to the Council of Ministers there, who are bound by oath of secrecy, in order that they can apply a Central Act in public interests, for fighting corruption and tracking down the culprits.

And finally one word, Sir. It is in the interests of Orissa because the Orissa Government should, be given opportunity not only to deal with the wayward former Chief Minister, but also to protect the interests of Orissa. This document may reveal very many things, which may help the Orissa Government to protect public property and protect Orissa's economy, and find out the other things that might have happened and have not yet come to light. Therefore, Sir,

[Shri Bhupesh Gupta.] public justice, natural justice, demands, the Constitution demands, the law demands, public standard demands, their own professions against corruption, everything demands that that document should here and now be made available to the Orissa Council of Ministers as demanded by them.

SHRI VIDYA CHARAN SHUKLA: Out of the 'ong speech of the hon Member whatever I can rerr.emi will try to reply and . . .

SHRI BHUPESH GUPTA: Do I understand that they are lacking in memory also? I know they lack morals. Do they lack memory also?

MR. CHAIRMAN: Let him continue.

SHRI BHUPESH GUPTA: You Sir, understood everything that I said Prom your face I could make that out, I know they are lacking in morality and public understanding, but it seems they are lacking in memory also.

SHRI VIDYA CHARAN SHUKLA: Out of the rambling and confused speech on whatever I can cull out I will say something. To begin with. Sir, it is not a question of copying the files and documents of the Government of Orissa. The facts as they are contained in the records of the Government of Orissa are culled out by the CBI Officers from various papers and files of the Government. I do not say that they copied nles of the Government of Orissa. But after taking all these facts and figures from the documents of the Government of Orissa they compiled a report for the use of the Cabinet. That is secret containing the internal notings of the *Government* and these cannot be made public. We do not propose to make such internal notings of the Government public hereafter also. (*Interruptions.*) Please let me continue. The second point that Mr. Gupta made was . . . (*J-temptp-tions.*) I am not yieldinf Sir. I may

be given the time to answe. the various insinuations made by the hon. Member.

SHRI BHUPESH CUPTA: Wot insinuations but direct charges.

SHRI VIDYA CHARAN SHUKLA: I would like to say that there is no question of our hindering any legai process. On the other hand we TVH do our best to assist all legal processes. But we will not be a party to any illegal process, whether Mr. Gupt* or anybody else may suggest it. The third question that he asked is why we have not supplied this report.

SHRI NIREN GHOSH (West Bengal): What is illegal about it? We have not suggested any illegal thing.

SHRI VIDYA CHARAN SHUKLA: The Orissa Government a'so cannot supply us documents like this. I would like to say that it is not a question of our not supplying any report which we should. I have already made this point very clear. I may also inform the House in this connection that we wanted the report of the Auditor-General. But the Government of Orissa did not agree to supply thai report to us.

SHRI BHUPESH GUPTA: When was that?

SHRI VIDYA CHARAN SHUKLA: I am trying to answer his questions, Sir.

SHRI LOKANATH MISRA: Sir, on a point of order. Now the hon. Minister of State in the Ministry of Home Affairs stated that the Orissa Government was not willing to supply him a copy of the report of th' Auditor-General. I want him to make it categorically clear whether it was during the non-Congress Government's regime or during the regime of the Congress Government that this happened. Let him categorically say it.

AN HON. MEMBER- Y*s. let u» bear him.

SHRI VIDYA CHARAN SUUKLA: As far as I remember, Sir, it was during the regime of the Congress Government.

SHRI LOKANATH MISHA: Yes, there you are.

SHRI VIDYA CHARAN SUUKLA: Why are the hon. Members so agitated? I am only giving information to the House.

(Interruptions)

MR. CHAIRMAN: Yes, let him continue.

SHRI VIDYA CHARAN SUUKLA: They have no reason to be agitated. The third point that Mr. Gupta made was . . .

SHRI BANKA BEHARY DAS (Orissa): It is necessary that the Government of India should place this document on the Table of the House. It has now been printed and it can be made available here.

MR. CHAIRMAN: You can also put your questions later. Now let him continue.

SHRI BANKA BEHARY DAS: But he is not stating the facts correctly.

SHRI VIDYA CHARAN SUUKLA: I am not yielding, Sir, I must be given some time to reply and to place the correct facts before the House.

Mr. Gupta wanted to know, whether we will be able to supply the information to a Commission of Enquiry I have already stated that if a request is made by a Commission of Enquiry, we shall consider it. I am not prepared to answer hypothetical questions like if they do this or that, what we shall do. Let a request be received and then we shall consider it and deal with it on merit. I have already stated that we are not going to come in the way of any legal process. We shall definitely aid every legal process in this country. But we shall not

be a party to any illegal process whoever may suggest it. Mr. Gupta has drawn his own conclusions and he is welcome to his conclusions. But we do not agree with them.

MR. CHAIRMAN: Mr. G. Murahari is not here.

SHRI D. L. SEN GUPTA (West Bengal): Sir, on a point of order. The Minister of State in the Ministry of Home Affairs has stated that the Report to the Auditor-General was not made available to him. This, I submit, amounts to misleading the House and so he is liable to be questioned and the matter can be brought to the Privileges Committee of this House. I say this because this is a public document of the Government of Orissa. Whether it was during the regime of the Congress Government or of the Swatantra Government is irrelevant and immaterial. By this statement of his he is misleading the House and so I can move a motion that the matter be referred to the Privileges Committee.

SHRI VIDYA CHARAN SUUKLA: You are most welcome to do that.

श्री विमलकुमार मन्नाजाज जो चौरङ्गिया
(मध्य प्रदेश) : श्रीमान, यह आइ ली जा रही है कि कैबिनेट का डिसेजन है और सीक्रेट रहता है, इसलिए इसको सीक्रेट रखना है और इस वजह से इसको देना नहीं चाहते। कौन सी चीज सीक्रेट रहे, यह निर्णय भी शासन करता है। कैबिनेट के डिसेजन होते हैं उनको बिलकुल गजट में प्रकाशित भी करना पड़ता है और कैबिनेट की कुछ चीजें ऐसी होती हैं जो सीक्रेट रखनी पड़ती हैं। मैं जानना चाहता हूँ कि सीक्रेट रखने के लिए कोई न कोई सिद्धान्त होता है कि जो हमारे देश के हित में हो, हमारे राष्ट्र का उसकी वजह से नुकसान न होता हो—ऐसी चीजें सीक्रेट रखनी चाहिए, अगर उनको एकपंज कर देते हैं तो देश का अहित हो सकता है।

[श्री विष्णु (हमर मन्ना) राजी खौरड़िया] यहाँ पर यह रिपोर्ट रख दी गई, इसकी फाईंडिंग्स उड़ीसा गवर्नमेंट को दे दी गई तो उससे क्या देश का अहित हो जायगा? उससे अहित होगा बिजू पटनायक का जिसने अपने पद का दुरुपयोग करके, अपनी सत्ता का दुरुपयोग करके, अपनी तिकड़म के आधार पर और केन्द्रीय सरकार की आंख में धूल झाँककर सरेआम डाका डाला, उसको नुकसान हो सकता है। यदि उसका हित देश का हित है तब तो सीक्रेट रखाए, हमें आपत्ति नहीं है। अगर डाका हित देश का हित नहीं है तो ऐसी स्थिति में यह विचार करना चाहिए कि जो ऐसे खराब काम कर सकता है उसकी रिपोर्ट जो आगे जांच करना चाहते हैं उनको क्यों न दी जाय। अगर बिजू पटनायक का हित नहीं मानते हैं तो दूसरा हित कांग्रेस दल का हो सकता है। हम समझते हैं कि बिजू पटनायक कांग्रेस का था, उसका मुख्य मंत्री था और जो पाप उसने किए वे अप्रत्यक्ष रूप से कांग्रेस पर बदनामी लाते हैं। अगर इस भावना से सीक्रेट रखना चाहते हैं तो यह भी देश हित की कसौटी पर खरा नहीं उतरेगा। इस पाप को छिपाने के लिए बहुत बड़ा पाप कर रहे हैं जिसे जनता कभी भी क्षमा नहीं करने वाली है। मैं जानना चाहता हूँ कि किस आंक को लेकर सरकार इसको सीक्रेट रखना चाहती है, इसमें कौन सा राष्ट्रहित छिपा हुआ है जिनके नाम पर सरकार झाड़ लेना चाहती है। आज, श्रीमान, आपके सामने प्रकाश चन्द्र सेठी ने कहा कि उसमें बिजू पटनायक का नाम रह गया था। जिसके इतने व्यापक काले कारनामे थे। उसकी रिपोर्ट को छिपाना और वह भी इस सरकार के साथ . . .

श्री जोगेंद्र प्रसाद मिश्र : मेरा क्वेश्चन स्पेसिफिकली बिजू पटनायक के सम्बन्ध में था।

श्री विनयकुमार मन्ना (राजगी खौरड़िया) : वह सरकार इन्कवायर करना चाहती है। अभी हमने बताया कि यह सब उन कागजात

से लिया गया है जो उड़ीसा गवर्नमेंट के पास है, सब इनफार्मेशन उनके पास है। लेकिन अगर वे चाहते हैं, कहते हैं कि आपने उस इनफार्मेशन को क्लेब करने में समय लगाया, मेहनत की, मेहरबानी करके रिपोर्ट हमको दे दी है क्योंकि मामला हमारे पास है, छिपा कर रखने के लिए नहीं है, क्लेब करके आपने जो कनक्ल्यूड किया है वह रिपोर्ट हमको दे दीजिए जिससे उतनी इन्फॉर्मेशन, उतनी शक्ति अपव्यय न करें, हमारे देश का पैसा बचे, तो इस दृष्टि से वह जानकारी दे दीजिएगा, सीक्रेट न रखाए।

एक पाइन्ट यह कहा कि इन्टरनल नोटिफिकेशन मालूम पड़ जाय तो उसका दुरुपयोग हो सकता है। उसे आप अपने पास रख लीजिए, उस पर आपत्ति नहीं होगी मगर जो मेट्रीरियल को इकट्ठा करने के बाद—किसी मंत्री ने क्या नोटिफिकेशन किया यह नहीं चाहते—जो फैसला लिया गया, जो फाईंडिंग्स दी गई उनको एज ए होल उड़ीसा गवर्नमेंट को दे दीजिए ताकि एक कदम मिल जाय तो दूसरा कदम, तीसरा कदम आगे बढ़ा कर जांच हो सके। ऐसी स्थिति में जो आपत्ति आने का प्रश्न है कि किस मंत्री ने क्या राय दी उसकी नोटिफिकेशन नहीं चाहते, केवल जो क्लेब करके कनक्ल्यूड किया उसको बताने में देश का कौन सा नुकसान होता है और उसकी सीक्रेसी आउट हो जाने से किसका नुकसान हो जायगा यह बताने का कष्ट करें।

श्री विष्णु चरण शर्मा : सभापति महोदय, माननीय सदस्य ने स्वयं प्रश्न में काफी विरोधाभास किया। शुरू तो उन्होंने इस तरह से किया कि इसमें क्या गोपनीयता है क्यों इसे सदन के सामने नहीं लाया जाता, बाद में कहा कि इसमें कोई गोपनीयता नहीं है, सब चीजें उड़ीसा गवर्नमेंट के पास हैं।

श्री विष्णु कुमार मन्ना (राजगी खौरड़िया) : आपका कहा ही कहा है।

श्री विद्य. चरण शुक्ल : मैं यह बताना चाहता हूँ कि इसमें गोपनीयता की बात नहीं है, न ही हम श्री बिजू पटनायक के हितों की रक्षा करना चाहते हैं या उनके अहित में जाना चाहते हैं या कांग्रेस सरकार को बचाना चाहते हैं। ऐसी कोई बात नहीं है, ऐसी कोई भावना नहीं है, न ही इसमें कोई राजनीति का प्रश्न है; केवल कार्यविधि का प्रश्न है, हम एक तरह की कार्यविधि भारत सरकार में चलाते आए हैं, हम लोगों के जो अफसर कई कामों में भेजे जाते हैं अपनी इंटरनल नोटिंग में तरह तरह की बातें कहते हैं, उसको हम कभी भी पब्लिक नहीं करते, इसलिए कि जिस स्वतंत्रतापूर्वक वे अपनी भावनाओं को व्यक्त कर सकते हैं सरकारी रिकार्ड में उस स्वतंत्रता में बहुत बाधा पड़ेगी, बहुत खलल पड़ेगा इसलिए इस कार्यविधि को उनकी स्वतंत्रता को अक्षुण्ण रखने के लिये अभी तक चलाते रहे हैं। अब एक बड़े जिम्मेदार सदस्य इस हाउस के इस बात को कहते हैं कि उनको सब को आगे भेज दीजिये और एक नई कार्यविधि शुरू कर दीजिये, यह सब जो मांगे चाहे वह स्टेट गार्मेंट हो या कोई भी हो, भारत सरकार के बाहर की कोई भी एजेंसी हो उसको दे दें, जहां तक हम लोगों का सवाल है इसको हम अनुचित मानते हैं। हम यह नहीं कहते कि हम इसमें किसी तरह के रोड़े अटकाना चाहते हैं, बने आशवासन दिया है हाउस को और वे फिर माननीय सदस्यों को आशवासन देना चाहता हूँ कि हम लोग सम्पूर्ण रूप से इस इंकवायरी के साथ हैं, कोई भी जांच हो उसके साथ सहयोग करेंगे, कोई रोड़ा अटकाने का सवाल नहीं है, जो सहयोग कानून के अनुसार हो सकता है उसको पूर्ण रूप से देने को तैयार हैं। माननीय सदस्यों के मन में किसी तरह की ऐसी भावना नहीं होनी चाहिये कि हम किसी व्यक्ति को, किसी संस्था विशेष को बचाने के लिये ऐसी बात कर रहे हैं। यहां ऐसी कोई बात नहीं है और न आगे होने को है।

public importance

SHRI BANKA BEHARY DAS: Sir, I want to rise on a point of order because we do not want to discuss this matter in this artificial way. The Minister either has not read the Report when he talks like this or he is misleading the House. If he has not read the Report, I would request him to read it and then come here. Otherwise he is deliberately misleading the House by telling untruths because . . .

(Interruptions.)

MR. CHAIRMAN: You should use parliamentary language.

SHRI VIDYA CHARAN SHUKLA: Sir, he cannot say that I am deliberately telling untruth before the House. It is very unfair for him to say so.

SHRI BANKA BEHARY DAS: Sir, you hear me. After hearing me you can judge for yourself, because I have read the Report. I have printed 15,000 copies of that big Volume in English and Oriya. I have read the whole Report and he is telling untruth. We shall discuss this first and then we can come to the questions. That is not a document containing things which in the files of the Orissa Government have been dealt with. I may remind him that in that Report there are certain allegations and every allegation has been dealt with separately. After giving a brief summary of the allegation, that is, after a statement of the case has been made out, next comes the reply of Mr. Biju Patnaik in his individual capacity, not as Chief Minister, and the reply of Mr. Biren Mitra. Then comes the C.B.I. noting. So in respect of every allegation you will find three parts; the first is the statement about the allegation, the next part is the reply of either Mr. Biju Patnaik or Mr. Biren Mitra and the third part is the conclusion which the C.B.I. has given. So it is not at all a fact that in that Report there are only official notings which the Orissa Government

[Shri Banka Behary Das.] can have from their own files. So I want to know from the Minister, through you, Sir, if he has seen the Report. If he has seen the Report then he is stating just untruth; if he has not seen the Report then he should see the Report and then come and tell the Chair. Then only we can ask further questions. Sir, you will have to decide on this. If he comes out with the statement that the statements of Mr. Biju Patnaik and Mr. Biren Mitra have not been incorporated in the Report, I am prepared to lay the Report here in this House because at least 15,000 persons in Orissa are in possession of that Report.

(Many hon. Members rose.)

SHRI BHUPESH GUPTA; Sir, I have a point of order. I say that you defer this discussion till you are satisfied. The Minister has been accused by an hon. Member of deliberately misleading the House and we share his views because we are also aware of what is contained in that Report. In such a situation, Sir, we are all equal in Parliament in your eye. The Minister says that that document is of a particular nature containing notings and other things while another Member says that that document is of another nature. We testify that what the hon. Member says is correct. You take the document that is in our possession and you ask the Government to place the original of that document in your possession and then you will have to decide whether he is not deliberately misleading the House.

(Interruptions.)

MR. CHAIRMAN: The Minister.

SHRI MULKA GOVINDA REDDY {Mysore): Sir, this is . . .

SHRI VIDYA CHARAN SHUKLA: I have been called. *(Interruptions)* All this will be unnecessary if the House hears me.

MR. CHAIRMAN: If so many people speak at the same time it is not possible to hear anything.

SHRI MULKA GOVINDA REDDY: : Sir, this is a very serious matter, which my hon. friend, Mr. B. B. Das has raised. The Minister has given one version and he says that it contains only notings and other things while Mr. B. B. Das has said . . .

MR. CHAIRMAN: Mr. Reddy, kindly sit down. The Minister will reply and afterwards I shall give you a chance.

SHRI VIDYA CHARAN SHUKLA: I do not know what document the hon. Mr. B. B. Das has read but I am prepared to say this that he has not read the C.B.I. Report. What he has read may or may not be the C.B.I. Report but I do say, as he is asserting, that it is he who is indulging in untruths. I am not indulging in any untruth and I am prepared to state in his House that . . .

(Interruptions.)

SHRI BHUPESH GUPTA: Sir, we are prepared to place the whole thing in your hands.

SHRI VIDYA CHARAN SHUKLA: Sir, I must be allowed to complete. The other point which the hon. Member raised was whether the nature of the Report was such that it could be taken as a document containing notings. They are entitled to their opinion but we have treated that Report as an internal noting for our internal purposes. This is our opinion about that Report of the C.B.I, and hon. Members are entitled to their opinion.

(Interruptions.)

SHRI LOKANATH MISRA: On a point of order.

MR. CHAIRMAN: I would request that so many people should not speak at the same time. Let one gentleman speak and let the others wait.

[Shri Triloki Singh.]

To that I would most respectfully submit that the CBI report, if it has been finally made, cannot be confidential. There is a limit. It is not that in any and every matter the Government may seek protection that such and such document is confidential. The CBI was entrusted specifically to go into certain matters which were not only of a quasi-criminal nature, but of a criminal nature as well, not only of taking undue advantage of the position and power enjoyed by certain persons in the Orissa Government, but also deriving pecuniary advantage, which empowers the Government to prosecute them under the common law of the land. Therefore, I cannot conceive of anything more atrocious than that the CBI report is a confidential document and the Government were to take shelter behind it. I would submit that the Minister has not denied that he has read it. He knows the contents of it. He is in possession of the report. The hon. Member this side also is in possession of the report, maybe the report was obtained unofficially. It speaks volumes about the efficiency of the Government that 15,000 copies of a document which they claim to be confidential were printed and distributed. Listen. It is very serious that nobody from the other side, including Mr. Biju Patnaik or Mr. Biren Mitra or the Government as such, had the audacity to challenge the authenticity of the report as published. The report has been got printed and published by my friend, Mr. Banka Behary Das, or any other hon. Member of this House. Therefore, I would submit that you should ask the Minister either to seek protection, claiming it as a confidential document, in which case I would again submit, let us call the Attorney-General. Let us hear him. Under what conditions is it possible for the Government to claim a document in its possession as a confidential document? The matter cannot be shelved like that, shouting from this side and counter-shouting from the other side. It is a very

serious matter and I do not think it would add to the credit of the Government of India, if they want to extend protection to erring persons, persons in high position, found guilty of not only misusing their authority but also misusing their power.

SHRI B. K. P. SINHA (Bihar): Sir. I would like to say something . . .

SHRI RAJNARAIN: Sir, my name is on the list. Is he rising on a point of order?

MR. CHAIRMAN: Are you raising a point of order?

SHRI B. K. P. SINHA: No point of order. No question of that. I do not take refuge under this subterfuge. The name of Shri Triloki Singh does not figure in this list. I never objected.

MR. CHAIRMAN: Unless there is a point of order, I would like to go by the list. You can speak later.

SHRI B. K. P. SINHA: Was Shri Triloki Singh on a point of order?

MR. CHAIRMAN: No, it was not a point of order.

(Interruptions.)

SHRI B. K. P. SINHA: That is what I am urging. Shri Triloki Singh's name was not on the list, but he said something to clarify the issue and I am also intervening in that capacity for that purpose.

MR. CHAIRMAN: I thought you were in the list.* I am sorry.

SHRI B. K. P. SINHA: To cut the matter short I have been puzzled by this whole debate. I do not know what it is all about. Hon. Members on that side contend that they are already in possession of the report and 15,000 copies had been distribut-

AN HON. MEMBER: Printed and distributed.

SHRI B. K. P. SINHA: Therefore, the whole basis that if the report is there, then the work of the Orissa Government and the Commission of Enquiry would be easier falls to the ground; the argument that they will not have to go about ferreting out what is contained in the various files and reports falls to the ground.

SHRI D. L. SEN GUPTA: There is no point of order.

SHRI B. K. P. SINHA: I am not raising a point of order.

MR. CHAIRMAN: Please finish.

SHRI B. K. P. SINHA: Therefore, the whole argument based on the report of the CBI falls to the ground, because the report, they claim, is already in their possession. The other issue is . . .

SHRI BHUPESH GUPTA: On a point of order . . .

SHRI B. K. P. SINHA: No point of order.

SHRI BHUPESH GUPTA: My point of order is, when we seek clarification' or make statements by way of seeking clarification, the person to reply is the Minister-in-Charge and not any other Member.

SHRI B. K. P. SINHA: I am seeking clarification. I am not replying.

SHRI BHUPESH GUPTA: No, no.

SHRI B. K. P. SINHA: So far as the point raised by Shri Triloki Singh, for whom I have very great regard, is concerned, that this House cannot be denied a document that is in the possession of the Government of India, this Calling Attention Notice is not a demand by this House. This Calling Attention Notice relates to the demand by a State Government. The argument of Shri Triloki Singh that this House is being denied the report falls to the ground.

MR. CHAIRMAN: I will now go by the list. I am not going to hear any thing more. I would like to go

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by the list. I should do my duty. Mr. Chitta Basu.

SHRI CHITTA BASU (West Bengal): Before putting my question for clarification from the hon. Home Minister, I want to know from you, Sir . . .

MR. CHAIRMAN: Not from me, but from him.

SHRI CHITTA BASU: The question raised by my friend, Mr. Banka Behary Das, is that he is in possession of the document and the statement made by the hon. Minister of State in the Ministry of Home Affairs does not corroborate the statement he has got with him. Now, the question comes. He has got one statement and he says he has got another statement. Either of the two statements may be correct. Then, what is your decision? The suggestion has been made in the House that you should look into both the statements, both the copies, and see which of the two is correct. I want first to know this from you.

MR. CHAIRMAN: You ask him through me. I do not know anything.

SHRI CHITTA BASU: I have put my question. Now let me come to my own points. I think the CBI was sent to gather information, to examine the files and to make a report. As our Minister says, that was meant exclusively for the use of the Cabinet Sub-Committee. After examining the report of the CBI the Cabinet Sub-Committee might have taken some decision or some note of it. Now, I think the Government of India is interested to see that the corruption alleged against Mr. Bij* Patnaik or anybody else—I do not mean any particular man—is cleared. Any person in high office, who indulges in corruption, should be brought to book and punished, so that corruption can be completely eradicated and people may be offered a clean administration. I think this is the position of the Government of India. The Administrative Reforms Commission also took a serious view of it and suggested cer-

[Shri Chitta Basu.]

tain measures for the constitution of certain bodies to enquire into such allegations, decide things and bring the culprits to book. In this background the Orissa Government is also interested to see that corruption in public life is completely eradicated and the people of Orissa are provided with a clean administration. Here the object of the Government of Orissa and the Government of India is the same. There cannot be two opinions in this regard. In this case while the objective is the same, it is the duty of the Government of India under the Constitution of India 'to help the State Government to discharge its responsibility towards its people. The Orissa Government feels that by enquiring into the matter, by taking certain steps against those persons against whom there are allegations, it can discharge its responsibility to the people.

My second question is this. As our Home Minister said some time ago in this House, he had been to West Bengal to give a friendly advice to the West Bengal Cabinet so that the West Bengal Government may run the Government in the interests of the people and as per the Constitution. Now, if the Government of Orissa requires the help of the Government in the matter of discharging its responsibilities, why is it that the Government of India does not help the Government of Orissa? Does the Government of India feel that Orissa State is a hostile state? Does it feel that there is a necessity of maintaining certain secrecy in a matter which is not a private affair? Secrecy may be between a private person and a private person. Here is Orissa Government which wants to take advantage of certain findings of the Government of India to attain a similar objective as the Government of India. Why is it that the Government of India stands in the way of furnishing certain information so that the Government of Orissa may discharge its responsibilities?

My third question is, if the Government of India is not willing to give the report the Government of Orissa, what other measures the Government of India proposes to take with regard to the findings of the C.B.I., independent of the Government of Orissa? Have they taken any measures on the basis of the findings? If not, what steps the Government of India wants to take independent of the Government of Orissa in this matter so that the culprits 'may be punished?

SHRI VIDYA CHARAN SHUKLA: I have already clarified this question in this House. As far as helping the Government of Orissa is concerned, I have said that we shall give full and complete help and full co-operation to the Government of Orissa in conducting the enquiry, but we cannot go out of the way. We cannot do things which are not done in this respect, and we are not in any way standing in the way of the Government of Orissa. As far as the general observations are concerned, I am in full agreement with them.

SHRI CHITTA BASU: That one has not been answered, whether the Government of India proposes to take any measures independent of the Government of Orissa.

SHRI P. K. KUMARAN (Andhra Pradesh): The question is regarding the unwillingness of the Union Home Ministry to furnish to the Government of Orissa an official copy of the C.B.I. report. The Minister says that the C.B.I. report was intended for the use of the Cabinet, that it is a secret document and that it cannot be given to the authorities who want to use it for conducting an enquiry. There were previous cases also. There were charges against Mr. Kairon when he was Chief Minister, Those charges were enquired into by some authorities. There were charges* against Mr. K. D. Malaviya. Those charges were also enquired into by some authorities. There were C.B.I. reports in those cases also and those

reports were gone into by the Central Cabinet before the charges were retired to certain authorities—in some cases it was a Supreme Court Judge. Here the appropriate Government wants to refer certain cases to Q Commission of Enquiry and wants this report. Am I to understand that in previous cases the report was not made available to the authorities who conducted the enquiry into those charges? Are we to understand that this Orissa Government is being discriminated against by not supplying an authenticated copy of the report?

SHRI VIDYA CHARAN SHUKLA: There is no question of any discrimination. As the hon. Member might remember, the enquires against Sardar Pratap Singh Kairon and Mr. K. D. Malaviya were conducted by Commissions of Enquiry. Whatever help or information the Commissions of Enquiry wanted and whatever could be given by the Government of India was provided to them. In this case when a Commission of Enquiry is appointed, whatever help we can give to the Commission of Enquiry we are prepared to give.

SHRI P. K. KUMARAN: The question is whether the C.B.I. reports which the Cabinet considered in those days, whether those reports were made available to the authorities.

SHRI VIDYA CHARAN SHUKLA: I have already said that in no case in the past such a thing has been done. I have already said that.

SHRI P. K. KUMARAN: Why are you refusing now?

SHRI VIDYA CHARAN SHUKLA: I said we have always refused and we refuse now also.

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमान्,
यभी तक इस संबंध में जितने जवाब गृह मंत्री
जी द्वारा दिये गये हैं उन से किसी चीज का

समाधान नहीं हुआ है। हमारे युवक राज्य
मंत्री ने यह भी बतलाया कि उन्होंने पूरी
रिपोर्ट का पढ़ा है, तो हम कुछ सनसनीखेज
बात उन से पूछना चाहते हैं। क्या उनको
मालूम है कि इसी रिपोर्ट के आधार पर
कलकत्ता दंड न्यायालय में बीजू पटनायक
के खिलाफ मुकदमा शुरू हो चुका है और
उनके खिलाफ वारंट भी जारी हो चुका है?
यह बात आपको मालूम है, या नहीं
और अगर मालूम है, तो उड़ीसा सरकार द्वारा
यह मुकदमा चलाया गया है या आपकी
सी. बी. आई. की रिपोर्ट के आधार पर चलाया
गया है ?

श्री विद्या चरण शुक्ल : मुझे इस बारे में
कोई सूचना नहीं है।

SHRI D. THENGARI (Uttar Pradesh) : In the first place the statement by the hon. Minister is self-contradictory. On the one hand he says that all the parts of the C.B.I. report can be available to the Orissa Government because they are traced from their own files. On the other hand he says that the C.B.I. report is a secret document. The two are self-contradictory. If everything is available to the Orissa Government, then how is it treated as secret? If it is secret, how is it available to the Orissa Government?

Secondly, I want to know categorically whether the hon. Minister considers it superfluous to hand over the report to the State Government because according to him the C.B.I. report is in the possession of the opposition is authentic. That I should like to know.

Thirdly, this is a very serious matter. It affects the relationship between the State Government and the Central Government. It shall not always be a one-way traffic. One State Government has requested you for a certain report. Tomorrow probably your Ministry would demand a document from the State Government. If your Ministry or the Government

[Shri D. ThengariJ

persists in such an adamant attitude, do you mean to say that we will be required to evolve a new code of conduct in a conference of Central Ministers and all 60 State Chief Ministers to deal with all such matters as relationship between the Central Government and the State Governments? Is the Government prepared for such a conference and evolve a new code of conduct between the Central and State Governments?

SHRI VIDYA CHARAN SHUKLA:
There is no contradiction in what I have said earlier. As far as this question of providing the reports to the State Government is concerned, I have already made it repeatedly clear that the notings or the report which are used for internal purposes *m* inter-ministerial discussion, which are considered by the Cabinet, are not usually made available to any outside agency outside the Government of India and there is no question of evolving a code of conduct. This has been the standard practice so far.

श्रीमन्, यह जो कार्यवाही यहा है 22 फरवरी की, इस 22 फरवरी की कार्यवाही में चेयरमैन साहब, जो इस समय हमारे भारतीय गणतंत्रके सर्वोपरि राष्ट्रपति हैं, उन्होंने कहा था :

"The Member should place the document in my hands. I will examine it and I will find out whether it is correct, and whether it should be laid or not."

यह चेयरमैन साहब ने उस समय कहा था लोकनाथ मिश्र जी से कि लोकनाथ मिश्र जी के अधिकार में जो डॉक्यूमेंट है उसको कापी वे चेयरमैन को दें। चेयरमैन साहब उसको पढ़ेंगे, अध्ययन करेंगे, मनन करेंगे और मनन करने के बाद इस नतीजे पर आयेंगे कि वह रपट सही है या नहीं, और उसको टेबिल पर रखा जा सकता है या नहीं।

श्री महेश्वर नाथ कौल (नामनिर्देशित):
कहाँ कहा।

श्री राजनारायण (उत्तर प्रदेश):
श्रीमन्, कोई सवाल पूछा जाय ?

श्री राज नारायण : आपने सुना नहीं है, मैं फिर पढ़ देता हूँ :

MR. CHAIRMAN: Certainly.

श्री राज नारायण : श्रीमन्, आप से निवेदन है कि क्या इस सदन की इस समय ऐसी हैसियत रह गई है कि मंत्री महोदय से कोई सवाल पूछा जाय ? क्या आप के पास कोई इस समय क्षमता बाकी है ? जो मेरी निगाह में आप के पास बाकी है और आप उस का इस्तेमाल करेंगे कि मंत्री सदन में सही उत्तर दें, यह मैं आप से पूछता हूँ? चूंकि आपने मौन होकर स्वीकृति दे दी है, तो मैं अब प्रश्न पूछ रहा हूँ। पुनः आपके द्वारा क्या मैं मंत्री महोदय से यह निवेदन कर सकता हूँ कि वे प्रश्नों का जो उत्तर दें, वह उत्तर इधर उधर छटकने वाला न दें, सही उत्तर दें, छटकने से काम बनता नहीं है।

he Member should place the document in my hands. I will examine it and I will find out whether it is correct and whether it should be laid or not."

अब सुन लिया। कोई दूसरा कहता तब मैं नहीं पढ़ता। आप लोक-सभा के सेक्रेटरी रह चुके हैं, इस लिये मैंने पढ़ दिया।

अब वही चेयरमैन 22, 23, 24, 25, और 26, पांच दिन तक उस रपट को पढ़ें और पढ़ कर के मनन किये। 24 को अब गूणा करें 5 से तो हो जाते हैं 120 घंटे तो 120 घंटे पढ़के और विचार कर के वही चेयरमैन साहब बेचारे खेद प्रगट करते हैं, पश्चाताप करते हैं, अपनी मजबूरी का इजहार करते हैं। मैं चाहता हूँ कि वर्तमान चेयरमैन

साहब अब अपनी मजबूरी का इजहार न करें। क्या मजबूरी जाहिर करते हैं :

"I have since seen the papers given by Shri Lokanath Misra and also consulted the Government in the matter. The Government do not propose to lay The CBI Report and the findings of the Cabinet Sub-Committee on the Table of the House as they are of the view that these are secret and confidential documents and as such privileged."

चेयरमैन साहब ने केवल इतना ही कहा कि हमने इसको देखा, पढ़ा और देखने पढ़ने के बाद हमने सरकार से भी सलाह मशिवरा किया और सलाह मशिवरा करने के बाद वे कहते हैं कि अपना व्यु नहीं बतलाता हूँ, गवर्नमेंट का यह व्यु है कि यह कांफिडेंशियल तरीके का है, इसलिये इसको न रखा जाय। फिर मैं कौन सी वह ताकत लाऊँ कि हमारा चेयरमैन रिप्रेट न करे बेचारा। फिर वे कहते क्या हैं :

"In these circumstances, I will not be able to insist upon the laying of these documents by Government on the Table of the House."

यानी हम गवर्नमेंट को मजबूर नहीं कर सकते कि इस रपट को सदन की टेबिल पर रखा जाय।

"The next question is . . .

यह बड़ा इम्पोर्टेंट है :

"... whether Shri Lokanath Misra may be permitted to lay the papers which he has in his possession and which he claims to be copies of the CBI Report and findings of the Cabinet Sub-Committee on the Table of the House. I regret .

SEVERAL HON. MEMBERS: No, no.

DR, M. "M. S. SIDDHU (Uttar Pradesh): Sir, on a point of order. The ruling of the Chair is to be respected and it cannot be commented upon and no other construction can be placed upon it.

MR. CHAIRMAN: Mr. Rajnarain, please do not comment upon it.

SHRI BHUPESH GUPTA: The ruling of the Chair can be commented upon with a view to . . .

(Interruptions.)

SHRI RAJNARAIN: I am not commenting upon the ruling of the Chair. I can express my disagreement over the ruling. मैं चेयरमैन पर कोई आक्षेप नहीं कर रहा हूँ।

THE LEADER OF THE HOUSE (SHRI M. C. Chagla): Sir, that ruling cannot be criticised. If I have understood my friend—I hope I have understood him—he was casting a reflection on the Chair.

SHRI RAJNARAIN: No, never.

SHRI BHUPESH GUPTA: That is absurd.

श्री राज नारायण : मैं चेयरमैन पर कोई आक्षेप नहीं कर रहा हूँ।

SHRI M. C. CHAGLA: He said that to protect the Government the Chairman gave that ruling.

SHRI RAJNARAIN: No, no.

SHRI BHUPESH GUPTA: He never said that.

DIWAN CHAMAN LALL (Punjab): Mr. Rajnarain, read out what the Chairman, says. May I request my hon. friend to read out the words of the Chairman?

श्री राज नारायण : दिवान चमनलाल जी काहेषबड़ा रहे हैं। मैं पूरा पढ़ देता हूँ।

"I regret I cannot permit him to do so. These are in their very

[श्री राजनारायण]

nature confidential and secret documents and as such I cannot permit them to be aid on the Table of the House. Besides, for obvious reasons, Shri Lokanath Misra cannot authenticate the papers he desires to lay on the Table."

यह हमारी प्रोमीडिंग में है, छपा हुआ है। इस में कोई इन्कार नहीं कर सकता है।

SHRI AKBAR ALI KHAN (Andhra Pradesh): It is a reasonable stand.

SHRI BHUPESH GUPTA: We cannot understand the behaviour of the Government.

श्री राजनारायण : आप जरा धीरज रखिये। आप हमारा कालिग अटेंशन है। मैं आपके द्वारा चाँहता कि श्री वृत्तिकर्षोर प्रसाद सिंह जी हमारे इस भोजन को पढ़ें :

"To call the attention of the Minister of Home Affairs to the reported unwillingness of the Union हमने ध्यानकर्षण ही यह किया है कि जो यहां की केन्द्र की सरकार उड़ीसा की सरकार को सी० बी० आई० की रपट नहीं दे रही है, उसकी ओर हम सरकार का ध्यान आकर्षित करते हैं। "कांफिडेंशियल ऐंड सीक्रेट नेचर" यह कोई मामूली सवाल नहीं है। मैं आपके द्वारा चाँहला साहब से निवेदन करूँगा कि लीगल क्वीवर्लिंग से पोलिटिकल इम्पोर्टंस का महत्व घटाया नहीं जा सकता। इन के लिये सवाल ठीक ही है कि क्या यह केन्द्र की सरकार राज्य की सरकार से एक राज्य के भूतपूर्व मुख्य मंत्री से संबंधित सी० बी० आई० की रपट को कांफिडेंशियल कह कर

Home Ministry to furnish to the Government of Orissa an official copy of the CBI. Report and the Cabinet Sub-Committee's findings on certain allegations against Shri Biju Patnaik, a former Chief Minister of Orissa."

के छिपा सकती है। यह बहुत फंडामेंटल प्वाइंट है। क्या इस सरकार को हक है य कहने का कि यह कांफिडेंशियल है यह कहते हुये कि इस में कोई नयी चीज नहीं है और जो कुछ भी सी० बी० आई० ने लिया है वह वहीं से लिया है और वह सारा रिकार्ड उड़ीसा सरकार के पास विद्यमान है। मैं हैरत में पड़ता हूँ, ताश्चूब में होता हूँ और यह जानना चाहता हूँ कि क्या इस सरकार का दिमाग शकन मस्तिष्क है या शतुरमुग का है कि बाल में सिर गाड़ हुये है, अपने को देख नहीं पा रही है, दुनिया का देख नहीं पा रही है। मे मंत्री जी से विनम्रता से जानना चाहत हूँ कि यह सरकार शकन है या शतुरमुग है। जैसे शतुरमुग—एक जानवर है—बा में सिर गाड़ कर नाचता है और समझता है कि कोई उसको देखना ही नहीं।

MR. CHAIRMAN: You put your question.

श्री राजनारायण : मेरा यह क्वेश्चन है कि यह सरकार है क्या। श्री वांक विहारी जी इस सदन के सम्मानित सदस्य हैं, उन्होंने बताया। आप इसकी हिस्ट्री समझ लीजिए। जब श्री लोकनाथ मिश्र पूरी कोशिश करने के बाद इस रिपोर्ट को सदन की टेबिल पर नहीं रख पाए तब वह रपट चली गई कामिथ जी के हाथ में और लोक सभा में वही रपट कामिथ जी ने रख दी। चाँहला जी गायद वहां थे। लोक सभा की स्थिति कुछ भिन्न थी। कामिथ साहब ने कहा कि मैं निश्चय कहता हूँ कि यह सी० बी० आई० रिपोर्ट है और सरकार की हिम्मत नहीं, क्षमता नहीं, ताकत नहीं, कुल्लवत नहीं कि वह कह सके कि यह सी० बी० आई० रिपोर्ट नहीं है। फिर यह सरकार कैसे कह सकती है कि हम रपट को उड़ीसा की सरकार के पास भेजने के लिए तैयार नहीं हैं।

श्री वृत्तिकर्षोर प्रसाद सिंह : जब आपके पास है, तो फिर क्यों भेजने के लिये कहते हैं ?

श्री राजनारायण : ब्रजकिशोर प्रसाद सिंह ने बिलकुल सही बात कही । अब सवाल यहाँ यह आ गया कि उसमें एक टेक्नीकलिटी है । जहाँ तक कांग्रेस को धराशायी करना था इस रिपोर्ट के आधार पर उड़ीसा में, वह तो धराशायी कर दिया । जिनका पोलिटिकल काम था, वह तो हो गया । पोलिटिकल एडवांटेज हो गया, लेकिन लीगल एडवांटेज नहीं हुआ । उस आधार पर हम उन पर मुकदमा चला सकते थे, कोर्ट में जा सकते थे, वह लीगल एस्पेक्ट पूरा नहीं हुआ । इसलिए हम चाहते हैं, अनुनय विनय करते हैं सरकार से कि सरकार के पास कोई मारेलिटी नहीं रहती, कोई साधु-कर्तव्यता नहीं रहती, जिनके आधार पर वह यह कहे कि हम रपट उड़ीसा सरकार के पास नहीं भेजते ।

एक दूसरी बात श्री बांक बिहारी जी ने बताई जो इस रिपोर्ट में है कि श्री बिजू पटनायक ने अपनी कॉलिंग ट्यूब कम्पनी को आदेश दिया कि 9 रुपया फुट जो ट्यूब बाहर भेजते हैं, वही 18 रुपए फुट सरकार को दिया जाय । मैं जानना चाहता हूँ आपके जरिए माननीय मंत्री जी से कि क्या माननीय मंत्री जी अपने ईमान को सामने रखते हुए यह कह सकते हैं कि इस रपट में यह बात नहीं है । कितने अनावश्यक ढंग से यह सरकार राज्य और केन्द्र के सम्बन्धों को बिगाड़ रही है, कितने अनावश्यक ढंग से यह सरकार देश की जनता में और दुनिया की निगाह में अपनी हंसी करा रही है ।

एक माननीय सदस्य : चांगला साहब चले गए ।

श्री राजनारायण : चांगला साहब चले गए ? वे कहां तक बैठते ?

MR. CHAIRMAN: You want to put a question. Kindly do it.

श्री राजनारायण : हम उनकी उम्र का ज्यादा खयाल करते हैं । वे कब तक बैठे रहते । चांगला साहब का जाना हमारी बात की तार्किक करता है । जो एक साफ दिमाग का आदमी हो, जो वकालत का चुका हो, जज रह चुका हो, हमारी बात से उसके दिमाग में सफाई आ गई कि वे होम मिनिस्टर को कब तक बचाते, इसलिये चांगला साहब चले गए । मैं आपसे पहले ही निवेदन कर चुका हूँ, आपकी इजाजत से पूछ रहा हूँ—आज हमारा दिल बहुत फटा हुआ है, बाद में बताऊंगा सरकार को नहीं कहना है, विरोधी पक्ष को ज्यादा कहना है—हम यह जानना चाहते हैं कि सरकार प्रश्न का उत्तर सीधे-सीधे क्यों नहीं देती ? सिर्फ यह न कहे कि यह कह दिया, वह कह दिया । एक संसदीय प्रथा है, जनतंत्रीय प्रथा है, दुनिया के दूसरे मुल्कों में जहाँ जनतंत्र चल रहा है, वहाँ मंत्री कैसे जवाब देते हैं, यहाँ के मंत्री कैसे जवाब देते हैं । साफ-साफ उत्तर दें । यह सदन की प्रतिष्ठा का सवाल है, सदन में मंत्रियों के कन्डक्ट का सवाल है कि वह कैसा हो । श्रीमन्, मैं आपसे पुनः निवेदन करूंगा कि सरकार को भज्रूर करें कि सफाई के साथ उत्तर दे कि उड़ीसा सरकार के मांगने पर भी रपट क्यों नहीं देती । एक मुझाव और देना चाहता हूँ ।

SHRI B. K. P. SINHA: I seek a clarification from the hon. Member. Of course, he has given up the ground based on duplication of labour, etc. because they claim the report is with them. Now the hon. Member says that it will facilitate launching of prosecution. He is a lawyer. I would like to know from him whether a report is not a secondary piece of evidence and therefore no court of law can act on the basis of a report. The Indian Evidence Act makes it very clear that no conclusions can be drawn from a secondary piece of evidence. Therefore, how does the official production of the report facilitate launching of prosecution?

SHRI BHUPESH GUPTA: A document alleged to be relating to the subject matter of enquiry is very material.

SHRI B. K. P. SINHA: Let me finish. What is relevant for the purpose of a Commission of Enquiry or prosecution are the contents of the document, and the contents are already before them. It is not the document as such which will facilitate prosecution. Therefore, why is he insisting on that?

SHRI LOKANATH MISRA: You are in such a state of confusion that no amount of clarification can solve it.

MR. CHAIRMAN; Please "finish up by putting question.

श्री राजनारायण : श्रीमान, प्रश्नकर्ता से कोई सदस्य क्लेरीफिकेशन चाहता है, तो उसका कर्तव्य है कि क्लेरीफिकेशन कर दे। ब्रजकिशोर प्रसाद सिंह, मैं समझता हूँ, कानून की आत्मा को जानते हैं—मैं तो जानता ही हूँ। मुझे इतना ही कहना है कि जरिस्ट्रूडेंस के सही विद्यार्थी रहे हैं तो इस बात को समझें कि सी० बी० आई० ने जब रिपोर्ट तैयार की तो स्टेट गवर्नमेंट्स से बहुत से पेपर्स, डाक्यूमेंट्स मंगाए थे, अब हमको यह भी सन्देह है कि सी० बी० आई० केस में डाक्यूमेंट्स जो आरीजिनल थे, वह इस समय स्टेट गवर्नमेंट के पास वापस गए या नहीं। जरा समझें। हमारा ऐसा खयाल है कि जो सी० बी० आई० के पास

(Interruptions)

MR. CHAIRMAN: I am just saying that you have taken nearly 20 minutes, from 1 o'clock to 1-20. Now kindly finish up. There are three more gentlemen. We would like to finish it soon.

श्री राजनारायण : मैं समझता हूँ कि ब्रजकिशोर प्रसाद सिंह हमारे क्लेरीफिकेशन से संतुष्ट हो गए होंगे।

दूसरी बात सरकार कहती है कि कैबिनेट का नोटिग है। कैबिनेट की नोटिग के अतिरिक्त उसकी कोई रपट होगी, बाडी होगी, तो कैबिनेट

की नोटिग को तोप दें, ढक करके उसको फोटोस्टेट करा दें, उसको प्रमाणित कर दें कि यही सी० बी० आई० की रपट है। उसके आधार पर जिन-जिन पेपरों का प्रसंग आया होगा, अगर वे पेपर वहाँ पर नहीं होंगे, तो हम कोर्ट से कह सकते हैं कि सी० बी० आई० ने इस पेपर को लिखा है कि मंगाया था, अब उसने इसको गायब किया या केन्द्रीय सरकार ने छिपा दिया। इस तरह हमारा प्रोटेक्शन होगा, कोर्ट हमारी बात को सही मानेगा और उनके ऊपर उचित ढंग से मुकदमा चलेगा। यह सब दिक्कतें हमारे सामने आ रही हैं। इसलिए मैं माननीय मंत्री जी से अदब के साथ कहना चाहता हूँ कि माननीय मंत्री जी रिग-मरोल (rigmarol) न करें, मूँदेहु आंख कतहुं कोऊ नाही' गोस्वामी तुलसीदास की इस चौपाई के मूताविक काम न करें, आंख खोल कर चलें।

श्री विद्या चरण शुक्ल : सभापति महोदय, मैं बहुत आदरपूर्वक यह कहना चाहता हूँ कि श्रीमान राजनारायण जी ने जो भी प्रश्न पूछे हैं, उनमें से अधिकांश का उत्तर मैं दे चुका हूँ।

एक चीज जो उन्होंने पूछी है, उसको मैं फिर से स्पष्ट कर देना चाहता हूँ—वह है नोटिग की बात। मैंने यह कहा कि जो सी० बी० आई० की रिपोर्ट कैबिनेट सब-कमेटी के काम के लिए तैयार की गई थी, उसको हम इन्टर्नल नोटिग की तरह ट्रीट कर रहे हैं, इसलिए हम उसको कहीं भी भारत सरकार के बाहर जाने नहीं दे सकते। यही हमारी परम्परा रही है और इस परम्परा को हम रखना चाहते हैं।

श्री राजनारायण : इन्होंने इसका उत्तर नहीं दिया। 9 रुपए फुट जो पाइप बाहर भेजते थे, जैसा कि बांक बिहारी जी ने बताया कि इस रिपोर्ट में है—वह सही है या नहीं है? (Interruption) पाइन्ट आफ आर्डर। बांक बिहारी जी ने यह बताया कि 9 रुपए फुट पाइप जो बाहर भेजा जाता है, उसी पाइप को उड़ीसा सरकार की 18 रुपये फुट देते थे।

श्री लोकनाथ मिश्र अंर 18

श्री राजनारायण : 11 रुपए और 18 रुपए ; उड़ीसा सरकार को 18 रुपए फुट देते थे—क्या यह बात सही है, यह मैं जानना चाहता हूँ माननीय मंत्री जी से ।

MR. CHAIRMAN: It has nothing to do with this report. When the Enquiry Commission's report comes all these matters will come up then.

SHRI BHUPESH GUPTA: The question is whether a report should be given or not. It is a question of fact whether the report contains this thing.

SHRI VIDYA CHARAN SHUKLA: Are we going into detail . . .

SHRI BHUPESH GUPTA: Why not?

SHRI RAJNARAIN: He is neither denying nor accepting it. It is correct. This should go on record.

SHRI KESAVAN (THAZHAVA) (Kerala): The hon. Minister has made a statement and" he has given answers to several questions. He has also stated that he has gone through the report. There are others also who have gone through the report. Mr. Biju Patnaik is a big gun of the Congress. Taking all these factors into consideration. I come to the irresistible conclusion that the concerned report is against the interests of Mr. Biju Patnaik. Can the hon. Minister deny this conclusion?

SHRI VIDYA CHARAN SHUKLA: The hon. Member's conclusions are right.

SHRI BANKA BEHARY DAS: Sir, here again, I may tell the Minister that he is again misleading us. The report does not contain ' only the replies of Mr. Biju Patnaik and Mr. Biren Mitra, but it also refers to a few documents of some companies in Calcutta, the offices of which were visited by officers of the C.B.I, and copies of those documents were brought and those references are there in that report. So it is abso-

lutely an untruth when the Minister says that the report only contains those materials which are accessible to the Orissa Government from their own files. Either he is misleading us and telling an untruth or I am prepared to face the charge . . .

MR. CHAIRMAN: Do not say "untruth".

SHRI RAJNARAIN: It is parliamentary.

SHRI BANKA BEHARY DAS: It is parliamentary. That is why I am saying it.

SHRI BHUPESH GUPTA: He is saying something which a man outside would call a "lie."

MR. CHAIRMAN: It is safer perhaps if we, parliamentarians, use a language which is honourable.

SHRI BHUPESH GUPTA: A man outside would call it a "He".

SHRI NIREN GHOSH: This Government has no honour. How can you help them?

SHRI BANKA BEHARY DAS: The Minister is not prepared to protect their own C.B.I, officers and their organisation, for I can tell the Minister that because they acted like this and wanted to shield Mr. Biju Patnaik and his colleagues, Mr. Biju Patnaik everywhere goes on saying—it has been reported in the Press—that the C.B.I, report is a Chowkidar's report; you know who a Chowkidar is; and he also goes on saying that a dog cannot be hanged on the basis of that report. This has come out in the Press. I want to know from the Minister whether he is again going to state here that the report only relates to the notings on the files of the Orissa Government? This I want to know categorically. If it is not a fact, if he has read it, then I will request him to send a copy of the report to the Orissa Government. Here also a distinction has been made. The Minis-

[Shri Banka Behary Das.] ter, replying to Mr. Lokanath Misra, said that the former Chief Minister, Mr. Sadasiba Tripathy, wanted a copy of the report and at that time the Home Minister did not give him a copy. Now because another Chief Minister wants it and so he is not prepared to share that report with him. But there is a lot of difference between these two instances. When the report came out and we published it, the Chief Minister of Orissa purchased some copies from us and wanted to know whether it was a correct report. It was for his personal reference. The Governor of Orissa also purchased a copy from us. When the then Chief Minister of Orissa wanted the report, he wanted it for his personal reference. But here he has himself admitted that when the present Chief Minister or the Home Minister writes to him, he clearly states that they want a copy of the report only to set up a Commission of Enquiry which we have pledged to the people of Orissa to do. You know, and the hon. Minister also knows very well, that all those Opposition parties in Orissa in their Election Manifesto promised to the electorate that they would set up a Commission of Enquiry to enquire into the misdeeds of ex-Chief Ministers and Ministers. So now they are going to set up an Enquiry Commission and they have already written to the Supreme Court of India for lending the services of a judge. And in that connection, the Orissa Government wants the report. So I want to know from the hon. Minister whether, in view of the urgency of this matter, he is going to make available a copy of the report to the Orissa Government. If he is not going to give a copy of the report to the Government of Orissa in which there is certain additional information, besides the information that is available in their files, then he will be accused of not only criminal suppression "but also shielding these very corrupt people who are running the Congress organisation there in that State. Also I

want to know from the hon. Minister whether he knows that Mr. Kohli, who was in charge of making that report, has clearly stated that all the files that he wanted were not made available to him. All these files were suppressed, or they were manipulated at that time. I also want to know from the hon. Minister whether Mr. Kohli in that report has stated that many of the allegations were of such a nature that it was not possible for him to enquire into the facts. So, for all these reasons, the report is very important from the point of view of the Enquiry Commission that the Orissa Government is going to set up. In view of all these facts and in view of the fact that so many non-Congress Governments have emerged after the last elections and with a view to having healthier relations between the Centre and the States—because we know that even confidential reports are shared between the States and the Centre—I want to know from the hon. Minister whether he is prepared to share the report and give a copy of the report to the State Government of Orissa on the basis of which they can conduct an enquiry. Here I would again remind the hon. Minister that the C.B.I. produced a long report in which, besides their own remarks, the remarks of Mr. Biju Patnaik and Mr. Biren Mitra also were there as also some of the copies of documents that are available with the firms with which Mr. Patnaik was dealing. A summary of that report also was prepared by the C.B.I. which was given to the Cabinet Sub-Committee which was not prepared to read such a long report. So there are two reports with the Government—one, the long report pertaining to every allegation, and the other, a summary of it. There is also a beautiful introduction by Mr. Kohli who was in-charge of that report. So I want to know from the hon. Minister whether because of the seriousness of the matter and because the Orissa Government is not in possession of all the facts, they are going to share that report with the State Government

Secondly, he has referred to the question of the Auditor-General's report. When this question was raised here in Parliament, either in the Rajya Sabha or in the Lok Sabha, the Minister of Home Affairs said at that time that because the Auditor-General was conducting the enquiry, we could not get it and that if the Orissa Government gets it, it would become public property. So that report is a public property in which the Auditor-General has categorically stated that by entering into a business deal, with Mr. Biju Patnaik and Mr. Biren Mitra, lakhs of rupees had been overspent by the Government of Orissa. So it is not a question of administrative impropriety as the Cabinet Sub-Committee had said. It is a question of embezzlement, it is a question of corruption, it is a question of mis-spending the exchequer's money which was entrusted to them by virtue of their office. So I want to know whether, in view of all these facts, he is going to accede to the request of the Government of Orissa because by doing so, he will be only helping in eradicating corruption in the public life of this country. Also in view of the recommendations of the Santhanam Committee, of which we are always proud, may I know whether he is going to send this report to the Government of Orissa or whether he is again going to say that there is nothing which is not available in the official records of the Government of Orissa?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Sir, I heard half the speech here and the other in my room. The point is that when we say that this particular document cannot be given to the State Government, our idea is not to non-cooperate with the State Government to have any enquiries made. If they want to have any enquiries made, certainly whatever cooperation this Government can give we want to give. We want them to proceed about their enquiries, because they have also asked us to find out from

the Delhi High Court to appoint a Judge to carry on this enquiry and we are about to write to the Chief Justice of the Delhi High Court for this. So it is not our intention to screen anybody or to protect anybody from an enquiry but the basic point is this and I would request this hon. House to appreciate this that this report or document which is being discussed here was a document which was asked for by the Cabinet. I will give certain facts. The Cabinet appointed a Sub-Committee to consider this question when a representation was received or a memorandum was received. That Cabinet Sub-Committee, of which I had the honour or privilege to be a Member with another colleague who is sitting here, who was also a Member of the Sub-Committee, decided upon the procedure how to make enquiries about that memorandum. It decided to ask the Director of the C.B.I. to go and find out certain facts from a study of the documents in the Secretariat. He went and studied certain documents and prepared this report. Though the Director of the C.B.I. was asked to go and find out these facts, it was not an investigation under the Criminal Procedure Code as such. When an investigation is undertaken it is not merely a checking of facts but taking evidence of people, asking some people to make statements and then it becomes a certain investigation under the Criminal procedure Code. It was not so. Under these circumstances, it is not an investigating report of a Police Officer. It was a sort of an internal study made by that officer. Even the Cabinet Sub-Committee could have asked a Joint Secretary to go and make a study that but we thought that an experienced officer, who is interested to study the facts should better go and do that. (*Interruptions*) Let me give the facts and you form your opinion later. When such a report was given to the Cabinet Sub-Committee, it was a document meant for the use of the Cabinet Sub-Committee and, therefore, it becomes a document of the Cabinet. It is a

[Shri Y. B. Chavan.] convention and a good convention that Cabinet documents are treated as secret documents. Also we have said—I am sure the Minister of State* has said—that if the Inquiry Commission later on requires this document and if it is admissible as evidence, this Government will have to study this question then.

SHRI M. N. KAUL: How is it admissible?

SHRI Y. B. CHAVAN: If it is admissible then. According to me, it is not admissible even then.

SHRI BHUPESH GUPTA: How do you say that?

SHRI Y. B. CHAVAN: But that will be decided by the Commission certainly, not by you or me or anybody.

SHRI BHUPESH GUPTA: Do not prejudge the work of the Cabinet. On a point of order. I would ask the word to be expunged because it should not be known even before the Commission has been appointed that the Home Minister of the country thinks that that particular document is inadmissible as evidence. Therefore, I request this word to be expunged.

SHRI Y. B. CHAVAN: We will be guided by the Commission itself because the Commission will have to decide what is admissible and what is not admissible. It is not the Home Minister's view or Mr. Bhupesh Gupta's view or the Chairman's view that matters, with apologies to you. Sir. It is the Commission's view that will matter. So I would like to assure this House and, through this House the country that if any State Government wants to make any enquiry against anybody, our idea is not to stand in between, our idea is not to cover anybody but at the same time certain documents which are secret documents will have to be treated as such.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE COMPANIES ACT, 1956

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS (SHRI BHANU PRAKASH SINGH): Sir, I beg to lay on the Table:

- (a) A copy of the Ministry of Law (Department of Company Affairs) (Notification G.S.R. No. 311, dated the 2nd March, 1967, publishing the Cost Account Records (Cycles) Rules, 1967, under subsection (3) of section 642 of the Companies Act, 1956. [Placed in Library. See No. LT-496/67].
- (b) A copy each of the following Notifications of the Ministry of Industrial Development and Company Affairs (Department of Company Affairs) under subsection (3) of section 620-A of the Companies Act, 1956:
 - (i) Notification G.S.R. No. 607, dated the 22nd April, 1967.
 - (ii) Notification G.S.R. No. 608, dated the 22nd April, 1967. [Placed in Library. See No. LT-580/67 for (d) and (ii)].

REPORT (1965-66) OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

THE MINISTER OF STATE IN THE DEPARTMENT OF SOCIAL WELFARE (DR. SHRIMATI PHUL-RENU GUHA): Sir, I beg to lay on the Table, under clause (2) of article 338 of the Constitution, a copy of the Fifteenth Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1965-66. [Placed in Library. See No. LT-575/67].

SHRI B. K. GAIKWAD: (Maharashtra) : On a point of information, Sir. I want to know from the hon. Minister as to how many reports are