

**MOTION RE THE FIFTY-FIFTH
REPORT OF THE PUBLIC ACCOUNTS
COMMITTEE**

MR. CHAIRMAN : Motion regarding the Fifty-fifth Report of the Public Accounts Committee. Shri Lokanath Misra.

As there are a large number of speakers, I think I will have to budget the time. I think I would like to give 20 minutes to the mover and 15 minutes' to others.

SHRI M. N. GOVINDAN NAIR (Kerala) : Thirty minutes and twenty minutes.

MR. CHAIRMAN : I cannot accommodate you then.

There will be no lunch recess.

SHRI LOKANATH MISRA (Orissa) : Mr. Chairman, I beg to move the following motion :

"That the Fifty-fifth Report of the Public Accounts Committee with reference to the observations of the Committee contained in para 4.128 of the Fiftieth Report of the Public Accounts Committee be taken into consideration."

Sir, I am extremely unhappy that I have to do a very unpleasant job today. I wish . . .

SHRI ARJUN ARORA (Uttar Pradesh) : Do not do it.

SHRI LOKANATH MISRA : I have to do it.

MR. CHAIRMAN : Yes, please go ahead.

SHRI LOKANATH MISRA : I wish the hon. Minister, Shri Subramaniam, had not given us the occasion to do it. It is because of the actions of a certain Minister that the other House and this House had to waste two full days of their working hours.

SHRI MULKA GOVINDA REDDY (Mysore) : To prevent so much of waste, it is being done.

SHRI LOKANATH MISRA : I consider Shri Subramaniam to be one of the ablest and the most competent of Ministers in the Central Government. But the difficulty is that in his competence and ability he is misguided. The more the competence, the more the ability, the more the capability,

the more is the possibility of its abuse and here is a glaring case of such an abuse. I doubt very much whether it would have been possible even for the Public Accounts Committee to find out the truth if he had continued to be Minister till today in the same Ministry. I am happy that he is not there and this is how things could be unearthed. He is competent to the extent of even not allowing the Public Accounts Committee to come in possession of facts which the PAC should have been given.

Now, the first point to be looked into is whether any irregularity has been committed or not. I said, it is because of his competence and ability that he has been able to commit so many irregularities and abuse his competence. What are those irregularities ? I must give a background to the House so that it would facilitate further discussion of the matter.

Now, the parties concerned are Messrs. Amin Chand Pyarelal and Surendra (Overseas). The Minister concerned is Shri C. Subramaniam and Sardar Swaran Singh is* his predecessor. I have no definite information about it. But there have been allegations . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh) : The Fifty-fifth Report concerns only Shri C. Subramaniam.

SHRI LOKANATH MISRA : We are not considering the 55th Report, we are also considering the 50th Report.

SHRI MULKA GOVINDA REDDY : Actions following therefrom.

SHRI LOKANATH MISRA : When an hon. Member in this House is briefed, he must be briefed properly for the Minister. He cannot half-heartedly do it.

(Interruptions)

شری عبدالغنی (پنجاب) : -ارجن
اروڑا صاحب آپ سے ہمیں ہیلپ کی
امید ہے۔

†[श्री अब्दुल गनी (पंजाब): अर्जुन अरोड़ा
साहिब, आप से हमें हेलप की उम्मीद है।]

fHindi transliteration

SHRI LOKANATH MISRA : Sir, with these interruptions, you will kindly allow me 30 minutes since we are debating it the whole day.

MR. CHAIRMAN : Please try.

SHRI LOKANATH MISRA : Now, Sir, these firms in question were black-listed previously even under a favourable regime and the hon. Minister who succeeded his predecessor must have looked into the file—He is a competent man, I have said, and as soon as he got into this particular Ministry, he got a grip over the whole Ministry and naturally, before dealing with them, before disposing of this particular file, he must have gone into the history of them and in having gone through the history of the file, he must also have found out that in the previous regime these particular businessmen and business houses had definite advantages obtained. I will refer now to some of the remarks of the Fiftieth Report of the Public Accounts Committee. Paragraph 4.130 says:—

"One of the reasons given for issuing customs clearance permit was to avoid demurrage . . ."

THE MINISTER or EDUCATION (SHRI M. C. CHAGLA) : On a point of order, Sir. The motion which is under consideration specifically says :

"That the Fifty-fifth Report of the Public Accounts Committee with reference to the observations of the Committee contained in para 4.128 of the Fiftieth Report of the Public Accounts Committee be taken into consideration."

If you look at paragraph 4.128, It says :

"The Sub-Committee are unable to understand the circumstances under which the Minister changed his previous orders so soon that the business suspension with M/s. Aminchand Payarelal group of firms should not be communicated to other Government Departments."

And the Fifty-fifth Report is nothing more than the elaboration of this paragraph, therefore, sir, my point of order is that the ambit of this debate should be restricted to para 4.128 of the Fiftieth Report and the elaboration of this part contained in the Fifty-fifth Report. We should not roam far and

wide over the whole Report which deals with many other transactions which are not under consideration in this House today.

SHRI MULKA GOVINDA REDDY: There is no point of order in what the Minister Says.

SHRI LOKANATH MISRA : Can I have a word on this point of order ?

MR. CHAIRMAN : He has indicated that we are considering the Fifty-fifth Report and the portion of the Fiftieth Report relevant thereto and not the whole Report.

SHRI LOKANATH MISRA : I am not going into the whole report. I am going only through the relevant portion.

MR. CHAIRMAN: Of the Fiftieth Report.

SHRI LOKANATH MISRA: Yes, Sir. These are relevant points because these must have been brought to the notice of the hon'ble Minister before he passed the first order. One of the reasons given for issuing customs clearance permit was to avoid demurrage. His predecessors was very much obsessed about demurrage that the party had to pay. Therefore, in spite of :

"Restriction on Import of certain goods —(i) save as otherwise provided in this order, no person shall import any goods of the description specified in Schedule I except under, and in accordance with, a licence or a customs clearance permit issued by the Central Government or by any officer specified in Schedule II."

MR. CHAIRMAN : You need not go into the details of that.

SHRI LOKANATH MISRA: All I want to say is that the Minister should have studied the files.

MR. CHAIRMAN : You think he issued the order without studying the files.

SHRI LOKANATH MISRA: With this background, Sir, the Minister was pleased somehow to pass an order on the 16th November, 1962.

Of course, there was another immediate cause for it. The immediate cause was, it was stated by the Ministry—I do not think the Leader of the house has any objection

to my quoting from the Fifty-fifth Report—J
quote :

"It was stated by the Ministry of Iron and Steel that they issued an order on 16th November, 1962 that all business dealings with M/s. Amin Chand Pyarelal group of firms should be suspended by H.S.L. and Iron and Steel Controller until the dispute leading to accumulation of semis at the ports was finally Settled. As the dispute between these parties' and the Government has not yet (July, 1966) been -settled the suspension order is still in force."

Now, Sir, this was the first order issued. I consider even this order to be a very lenient one because previously these very firm9 were blacklisted, as I said, in a very favourable regime. Therefore, after having passed this order there was no occasion for the Minister to tone down the rigour of the order. That is what I was trying to explain.

Now, the second order was passed for irregular disposal of 700 tons of imported rounds by M/s. Surendra Overseas. Fortius the Secretary submitted a note as is evident from the proceedings' of the Fifty-tifth. Report of the Public Accounts Committee. It says on page 3 :

"Suspension of business dealings with the firm (and its allied and associated concerns) by the Iron and Steel Controller for a period of two years will, I think, meet the requirements of the case."

The Minister, having known the background of these firms, did not naturally depend upon the Secretary's advice even though the Secretary had his own reason to be lenient about the firm. Therefore, because he took a very stern measure, I have to congratulate the Minister. In paragraph 1.13 it further says :

"The Minister did not agree with the Secretary and passed the following order on the same day :

"It Should be a general order so that other Government Departments and Institutions also do not deal with those firms."

I am trying to explain to the House how there has been absolutely no distinction between the first order and the second order so far as the business party is concerned mste that has been made a plea by the hon'ble Minister in course of his explanation to the other House and in course of his explanation subsequently to the Public Accounts Committee and his other statements also.

The hon'ble Minister has shifted ground from place to place. On the first occasion, in the Lok Sabha, he s'aid that it was because of the assessment by the Transport Ministry that he toned down the rigour of his order subsequently. In the Public Accounts Committee he said that it was because of the letter of apology submitted by one of the Directors of these firms. Now, Sir, the point that I would like to emphasise is that because the truth was not being told the Minister could not make out for himself as to what would be the objective impressions of his statements on different occasions. In the Lok Sabha he said that it was the Transport Ministry's assessment. In having obtained the Transport Ministry's assessment about this particular firm the Minister has also been lenient. He had the

dealing with these firms for the past So many years in his own Ministry. There were cases of smuggling against these firms. They were importers, and defaulting importers, there was a Special Police Establishment case pending against this particular firm. Inspite of that, I cannot really imagine how a Minister of his intelligence and competence could ask one of the Deputy Secretaries to talk on the telephone to the Deputy Secretary in the Ministry of Transport, to find out the assessment of their Ministry

depend upon them in finally passing an order in this particular file. There is something else behind it. What is behind that I will come to that. But can anybody with average intelligence believe the Minister when he says that he asked his Deputy Secretary to ascertain on the telephone their assessment of the fact ?

THE MINISTER OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(SHRI C. SUBRA-MANIAM) : Sir, may I . . .

SHRI LOKANATH MISRA : You will have your say.

SHRI C. SUBRAMANIAN : Sir, I would like to know where the hon'ble Member got the information from that I asked the Deputy Secretary to contact the other Deputy Secretary on the telephone. There is no such thing. The note says that the Deputy Secretary says that he heard the Additional Secretary in the Ministry of Communication. He may build his arguments on that. But there is nothing on the file to show any such thing.

SHRI LOKANATH MISRA: Whether it was a Deputy Secretary or an Additional Secretary, makes little difference. A Deputy Secretary one year after will become an Additional Secretary.

SHRI AKBAR ALI KHAN : It was not the suggestion of the Minister.

SHRI LOKANATH MISRA : It was not the suggestion of the Minister, but the Minister depended ultimately on that suggestion. That is what I want to say. It may not have originated with the Minister but an intelligent Minister depended upon a Deputy Secretary's note of an assessment on the telephone from another Ministry.

SHRI AKBAR ALI KHAN : He did not say it originated from it.

SHRI LOKANATH MISRA : But ultimately this gentleman was guided by this particular noting. It could not have originated in so many ways. It cannot be on the file itself. The Minister might have put in a word on the telephone to his Deputy Secretary to ascertain from the Joint Secretary of the other Ministry. That makes little difference and that is absolutely no excuse.

MR. CHAIRMAN : He gave you some information. Please carry on with your argument, if that helps you in the argument.

SHRI LOKANATH MISRA : This is what he depended upon. Subsequently during the evidence before the P.A.C. he said that the apology weighed heavily on his mind, that he got emotional and therefore he thought that every body had a future and he guaranteed a future to this firm, Messrs. Surendra Overseas, at the expense of the country. He became so emotional. I would ask him cer-

tain questions, whether the particular gentleman, Mr. Jit Paul, met him at an unusual hour. He says: 'My doors are always open, as if they are open throughout the night. The door has never been open to me, a Member of Parliament.

MR. CHAIRMAN : Have you tried to get in ?

SHRI LOKANATH MISRA: I did not have any business and therefore I did not have any occasion. But he takes great credit in saying that his doors are always open. I do not presume that he meant by that that his doors were open during the night because this particular gentleman, Mr. Jit Paul, for your information and for the information of the House, I can say, came by the evening plane the same day, on the 20th July, from Calcutta. He must have reached here at 10 in the night the same day and thereafter he must have met him. It takes time to drive from the aerodrome to his house and therefore he must have met at the earliest at 10.30 p.m. How was it that the interview was fixed up for him as soon as he got down from the plane and as soon as he drove straight to Mr. Subramaniam's house ? Was he a State guest?

SHRI M. C. CHAGLA : We must not travel outside the record. The hon. Member is not giving evidence. If you permit personal knowledge of Members to be imported into the debate.

SHRI LOKANATH MISRA: Let him say 'no'.

SHRI M. C. CHAGLA : Will he forgive me ? We are dealing with the record. Let the hon. Member, I beg of him, confine himself to the record which is large enough but if every Member was to import personal knowledge in to this debate, I do not know where we will go.

SHRI D. L. SEN GUPTA (West Bengal): We are discussing the matters connected with the case.

SHRI LOKANATH MISRA : I have the highest regard for Mr. Chagla. I am constrained to comment that the Chairman of the Mundhra Commission has become the defender or the defence counsel for all the corrupt people here. I am sorry to say that

SHRI M. M. DHARIA (Maharashtra) : I object to this statement that he has become the defender of all corrupt people.

SHRI M. C. CHAGLA : It is serious reflection. This must be expunged. I will not be in this chair, I will not be a Minister for a second if I was called upon to defend any practice which I know to be corrupt.

SHRI M. M. DHARIA : That remark must be expunged.

MR. CHAIRMAN : Mr. Misra, you better withdraw that.

SHRI LOKANATH MISRA : Yes, Sir.

MR. CHAIRMAN : His remarks are withdrawn. Proceed with the argument.

SHRI D. L. SEN GUPTA : On a point of order. Is it the ruling of the Chair that the speaker or anyone who might be speaking today shall have to confine to the letter of the Report or he can state his argument on matters connected therewith ?

MR. CHAIRMAN : I have made it plain that the Fifty-fifth report is under discussion and the parts of 50th report relevant to the 55th Report and if I see anybody who has a different notion of relevancy than I have, I would pull him up.

SHRI LOKANATH MISRA : Now my personal information should be contradicted by the Minister if he can do so. I would very much like to be contradicted if that is so but my information is that he came at an unusual hour.

The next point is this. (*Interruption*). Do not interrupt me. Do you have any brief ?

MR. CHAIRMAN : I would request Members not to interrupt him. Let everybody say what he wants unless someone thinks that it is wrong.

SHRI LOKANATH MISRA : Then the Minister went out of his way in assuring this defaulting firm to help in their industries. There was no occasion for it, there was no need for it. He (firm's representative) writes on the 20th : "I am glad and

grateful for your kind assurance of support to us in our future industrial undertakings." What was the occasion for it ? He had come to apologise for his past mistakes, for being pardoned or condoned. What was the occasion for the Minister to go out of his way to assure him: 'You have been found guilty by the Government so far as your commercial dealings or trade dealings with the Government are concerned but we shall definitely consider you honest in your industrial undertakings'. What is this ?

SHRI C. SUBRAMANIAM : Will you read the following paragraph ?

SHRI LOKANATH MISRA : "While we fully appreciate the advice you very kindly gave us that we should concentrate our activities more on industry than on trade, we wish to inform . . ." Was he their industrial adviser ? Was he acting as a Minister or was he Suren德拉 Overseas's industrial adviser ? He had absolutely no business unless there was some other consideration for it. Firstly, the time was unusual for the meeting. Secondly, he went out of his way in his advice. I do not know if their own industrial adviser would have advised them this way because they could depend on the Government's future attitude in the background of their past conduct but here was a Minister who definitely assured them: 'I would support you in your industries'. What was the necessity for it ? Why did he do it unless there was some consideration for going out of the way for helping them ?

SHRI AKBAR ALI KHAN : This is very unfair that the document should be quoted in part; unless the whole import is taken . . .

MR. CHAIRMAN : Mr. Akbar Ali Khan, you do not want him to read the whole report. I will not allow him to do that.

SHRI LOKANATH MISRA : This is a self-contained paragraph. Somebody who could not be trusted in the matter of trade and commerce, how could an intelligent person consider him trustworthy in the case of industry particularly when he would have to deal with commodities which are obtainable on permit or quota ? How did he consider him to be trustworthy for dealing with such things ? My party therefore has always been pleading that the root of corruption in the Government is because of licence,

[Shri Lokanath Misra.] permit and quota and here is a specific instance where the Minister has found this particular firm in other fields to be untrustworthy but wants to give them permits and licences for the setting up of industries.

Incidentally I would bring a small matter in this connection. The name of one Mr. Swamy has been mentioned in this report. I reliably learn that he owns a foreign liquor shop in Delhi and many of our officers . . .

SHRI D. L. SEN GUPTA: Also Ministers . . .

SHRI LOKANATH MISRA: I do not think Ministers are involved, but many of the officers, Sir, talk on telephone about their organisation¹, about different companies. They meet there and discuss about administrative problems and take a decision on a glass of wine.

MR. CHAIRMAN : Now you have taken your time.

SHRI LOKANATH MISRA : Now the Government feels satisfied that they have done their job by announcing a committee to go into these matters. What I would suggest is that, if a committee goes into the matter, it must go also into matters connected with Mr. Subramaniam. The Chairman of the Public Accounts Committee himself, Sir, has said that the party is extremely influential. The names of the personnel of the committee, therefore, should be announced. Such a committee must inspire the confidence of the people.

Now, Sir, incidentally I shall quote Mr. Chagla, the Leader of the House's remark in connection with the Mundhra deal. He says :

"After very anxious consideration I have decided that this inquiry should be held in public. A public inquiry constitutes a very important safeguard for ensuring that the decision will be fair and impartial. The public is entitled to know on what evidence the decision is based. Members of the public will also be in a position to come forward at any stage to throw more light on the facts disclosed by the evidence. Justice should never be cloistered—it should be administered in broad daylight."

Now that he sits next to the Prime Minister, I would like him, if he has any conviction in what he has said in this report to persuade the Prime Minister to accept his point of view. I quite agree with his point of view, and it should be under the Commissions of Inquiry Act.

MR. CHAIRMAN : I would now request you to finish. That will do.

SHRI LOKANATH MISRA- Sir, the Public Accounts Committee has gone into all the records which were in the possession of the Government. Now, Sir, if a commission is appointed, their job would be to find out the records from other sources also, may be from Surendra Overseas, from Aminchand Pyarelal and from all other concerns connected with them, their associate concerns. Unless it has wide powers, how can it obtain papers from all of them ? They are influential parties; the Chairman of the Public Accounts Committee himself says that, and we saw how Mr. Sukhthankar could not lay his hands on the papers in possession of Dr. Teja; there is that glaring example just recently, and the Prime Minister, in spite of that, wants to repeat the very same thing, and put a hurdle in the work of the committee. There I have nothing to say, I hope she would appreciate these remarks.

MR. CHAIRMAN : Now, Mr. Misra, you have taken more than seven minutes.

SHRI LOKANATH MISRA: All right, Sir. Here I conclude.

The question was proposed.

MR. CHAIRMAN : There are three amendments to the motion, which may be moved at this stage without a speech. Amendment No. 2 is only in the name of Shri Bhupesh Gupta. He is not here and so it is not moved.

SHRI M. N. GOVINDAN NAIR : Sir, I move :

1. "That at the end of the motion, the following be added, namely :—

'and having considered the same, this House records its approval of the findings and observations contained in the said Reports.'"

SHRI NIRFIN GHOSH (West Bengal) : Sir, I move :

3. "That at the end of the motion, the following be added, namely :—

'and having considered the same, this House is of opinion that a Commission under the Commissions of Inquiry Act, 1952, be constituted to conduct an open inquiry into all aspects pertaining to the transaction referred to in the said Fifty-fifth Report."

The questions were proposed.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh) : Mr. Chairman, Sir, at the very outset permit me to congratulate the Public Accounts Committee on the performance of their magnificent task in unravelling the mysteries and the various malevolent ways practised by private enterprise in this country in relation to the public sector.

SHRI BIREN ROY (West Bengal) : You mean, private enterprise.

SHRI K. V. RAGHUNATHA REDDY : I mean exploitation of public enterprise by private enterprise and carrying out exploitation through malevolent acts in the process of making money. On this occasion I am reminded of one of the statements made by Professor Gadgil—who is" very happily with us here—when he delivered his Convocation Address to the Nagpur University how the officers of the Government, though not all, some of them, enter into previous arrangement with the private concerns and get favours appointments, and with that end in view how they deal with these public institutions as private institutions. Now this* is one of the very dangerous developments of private enterprise in this country. I am one of those who believe that, though committees and commissions of inquiry may be appointed from time to time and swindler after swindler may be discovered, unless we put an end to this social and economic structure which has given rise to swindlers and racketeers and racketeers, unless we go through a process of rationalisation limiting the role of the private sector, we will not be able to deal with this problem of social pathology which is of an intrinsic

character in the organic structure of the

social and economic system. Unless this is done, we may move only from one swindler to another swindler whatever the competence, honesty and capacity of the Ministers may be.

With this¹ background, Sir, I come now to the question that is really concerned with the Public Accounts Committee's Fifty-fifth Report. If we remove all the epithets used by my friend, Mr. Misra, the gravamen of the charge against the Minister concerned is that after taking into account certain activities of Amin Chand Pyarelal he had passed an order at one time on the 28th or 29th of June, and he had revised the order subsequently on the 23rd of July. That, in substance, is the gravamen of the charge, which is the subject-matter of the Report of the Public Accounts Committee, and nothing else. In this context, before we deal with the question whether the Minister acted *bona fide* or otherwise, whether he exercised his powers competently, whether he exercised his discretion in a proper and judicious manner or not, we will have to take into account the various surrounding circumstances, because one circumstance leads to another circumstance giving rise to inferences, from a piece of circumstantial evidence. This is how this matter will have to be approached. Before I deal with this question I may just give a point of information. The order the hon. Minister passed, the 16th November order, relates to a transaction of 1961. As far as the order passed by the Minister in relation to the transaction of 1961 is concerned, we may call it lenient or harsh; there is no demur on the part of either the Public Accounts Committee or on the part of any other hon. Member. That I want the Members of this hon. House to kindly bear in mind. Now the order which forms the gravamen of the charge, that aspect of the matter relates to a transaction that had happened in 1957. That is the default committed by Amin Chand Pyarelal in relation to an illegal transaction of 700 tons of rounds. This offence had been committed in 1957, not in 1961 or 1962 or 1963 when the Minister had been in charge of this Ministry. Now, Sir, the question that has to be really considered is this. Obviously the Minister had taken trouble in order to see the way how the various operations that had been conducted by the various business firms, and as a result of his own personal investigation into these matters he

[Shri K. V. Raghunatha Reddy.] was coming across all these instances and transactions', one of which is this. And in relation to the other, he had already passed orders. Now, Sir, the question that is really asked is : "Is the Minister so innocent ? And presuming that the Minister is a very competent man, did he properly exercise his; sense of discretion, or the power of discretion vested in a Minister ?" Here the executive authority exercised discretion, not the Ministerial power. There is a distinction between the power of the executive authority and the Ministerial act because, in the case of a Ministerial act, he will have to simply follow the command of the law, and as far as¹ the executive authority is concerned, he must exercise his conscience, his sense of discretion in the most judicious manner and pass orders.

These are the two ^conditions which we have to keep in mind before we deal with this question. There are again three aspects which we may have to remember for a proper appreciation of the case. The Government is empowered to take three courses of action whenever they come across a contractor or businessman who is contravening the regulations or the rules of the law. One can blacklist the firm or businessman. Blacklisting is¹ done when certain conditions are present. In those conditions, with the consultation of the Home Ministry in certain cases and in certain cases *suo motu*, the Ministry itself, provided the administration section of that Ministry is agreeable can blacklist the firm or businessman, banning the departments concerned from having any business transactions with that party. Ail the business is abandoned with that party as far as the Departments in that Ministry are concerned.

Another thing is a general order which can be passed and which will be taken into account or taken note of by all the other Departments for proper action, as soon as it is passed and the Minister is supposed to have passed such a general order earlier, that is. on the 28th of June, 1963. If a Minister passes a general order, then *ipso facto* it does not become operative. It is only a matter of information being Sent to other Departments for the purpose of taking cognisance of the fact that a particular Ministry is of the view that here is a man who had not dealt with things properly.

Therefore, all the other Departments are told, "Please beware of this man. You will have to take care of him." That is the meaning of the general order which Mr. Subramaniam passed at that point of time.

A banning order also can be passed by the Minister in relation to his own Department restricting or instructing his own Department not to have any business dealings) with that party.

What we have to understand is that the entire contention in this matter rests on this, whether the Minister exercised his discretion properly or not. Now if we take into account the quantum of punishment that has been awarded in this case, that would give us some guidance as to whether the Minister acted properly or not. As far as the 23rd July order is concerned, it is my submission. Sir, that it is materially different in relation to its operative effect from the order of the 16th November. I do not want to go into the phraseology used in the various orders. But for the purpose of substantiating my argument I will illustrate the case this way. If a person, if a Department, wants to enter into a contract with another businessman, the law of contract comes into operation. That is to say there must be an offer and there must be an acceptance on the other side. Suppose a person or a firm has got the capacity to make an offer to me, I can refuse to deal with that firm unless there is a subsisting contract out of which action for damage may lie. As far as my future action is concerned, I can say I will not enter into the contract. That is the essence or the meaning of the order of the 16th November which the concerned Minister had passed, which is in the nature of a D.O. letter. What exactly is the difference? As far as the 23rd July order is concerned, it is relevant to point out here that the Steel Controller's order relates* to the acquisition as well as disposal of steel and various other connected goods. Unless the Steel Controller permits or there is some authority emanating from the Steel Controller or the Ministry of Steel, if it is a major transaction in steel or in pig iron, then these things cannot be done by any party in this country, whatever might be his position. That is stated in para 4 and para 5 of the Steel Controller's order and they deal with this question specifically and there is no ambiguity about it. Then

order of the 23 rd July prohibits all dealings as far as the Ministry of Steel is concerned. That means it not only prohibits contracts' of the Ministry of Steel and of the Iron and Steel Controller, with this firm, but it also prohibits by way of licensing or permits, exports and imports, all dealings even of the private steel industry in relation with this firm, even of private industrialists like the Tatas. If this point is clear, what we have to appreciate is that in 1959 the firm started with a business of 12 per cent exports and 6 per cent imports. In 1960 the firm had jumped up to 59 per cent imports and 60 per cent exports of the total steel business. This is like a Napoleonic rise. If we understand the quantum of business that these people have been doing in 1959 and the proportion in which it has risen, whatever might be the mystery involved in this rise, the point which I want to urge before the House is that the Steel Controller's order and the operation of that order passed by Mr. Subramaniam, apply to this part of the business. It obviously means that the basis on which the financial empire of Messrs. Amin Chand Pyarelal had been built was actually affected by the order of the 23rd July. If this is the case, can we, as Members, be exercising a sense of discretion and evaluating the facts, can we go to the extent of saying that this is a perverse order passed by the Minister without taking into consideration the misdeeds of the party concerned? Perversity will become a ground to constitute lack of *bona fides* . . .

MR. CHAIRMAN: You will have to finish in two minutes.

SHRI K. V. RAGHUNATHA REDDY: May I request you to give me at least five more minutes?

MR. CHAIRMAN: I will not be able to do it. If I do, then somebody else will have to be denied some time.

SHRI K. V. RAGHUNATHA REDDY: Perversity under law would constitute a ground from which you can infer lack of *bona fides* if the perversity is "of such a character that no human being, no prudent human being or reasonable human being would ever pass such an order in relation to the facts of the case. On the contrary if we take into consideration all the facts of this case and the surrounding circum-

stances and the quantum of business that will be affected by this" order, I have not the slightest hesitation in submitting to this House that Mr. Subramaniam's order is not only a judicious order, but it is completely based on *bona fides* and is based on a proper appreciation of all the facts and the conduct of the person concerned. We should appreciate the facts and how this order affects the quantum of business of Messrs. Amin Chand Pyarelal and all the attendant circumstances. If we do not do that, we may feel that he has not done the right thing. If we take into consideration all the relevant facts, we will appreciate that he has exercised his judgment properly. It may be possible for one judge to take one view and another judge may take another view, as Mr. Chagla will be able to tell us. On the same set of facts one judge may award a death sentence and another judge may award life imprisonment. But that does not mean that the judges had acted injudiciously or acted *mala fide*.

SHRI MULKA GOVINDA REDDY: May I ask one question, Sir?

SEVERAL HON. MEMBERS: No questions.

SHRI MULKA GOVINDA REDDY: The question is this. The hon. Member is trying to say that there is no difference between the order of the 28th June and the order of the 23rd July. But is it not a fact that while the order of the 28th June was a general order banning all transactions with this firm, that of the 23rd July was not?

MR. CHAIRMAN: Mr. Reddy, you are on the list of speakers and you are going to make a speech. You can make this point then.

12 NOON

SHRI M. N. GOVINDAN NAIR: Mr. Chairman, Sir, I am very much surprised to find Mr. Subramaniam on the Treasury Benches after what has happened in the other House and after the Government have taken a decision that they will constitute a committee to enquire into this steel scandal. Now in this context I would like to remind hon. Members about certain assurances given in this House on behalf of the Govern-

[Shri M. N. Govindan Nair.] ment by the Home Minister regarding certain norms of behaviour by the Ministers*. You should be remembering that in 1964 while the Santhanam Committee Report was under discussion a certain point was raised as to how we are to deal with corruption at the highest level. On that question there was a meeting of the Chief Ministers at Bhubaneswar. They laid down certain norms and the norm was, if it appears' that the complaint against a Minister in the Central Government calls for further enquiry the Prime Minister should take up and with the help of such information as he may be able to obtain through the sources available to him should satisfy himself whether a *prima facie* case exists. If it is' found that there is a *prima facie* case the Minister concerned should normally be asked to step down. On the basis of this decision of the Chief Ministers the Home Minister in this House gave an assurance in 1964 that if a *prima facie* case is proved, the Minister will be asked to step down. Now during the discussion in the other House and in the Report that has been submitted by the P.A.C. it has been clearly made out that there is a *prima facie* case and the Government was "pleased to appoint a Committee to enquire into the steel deals. Now the point is raised that the Minister is innocent. I would like to remind Mr. Ohagla, who, a few minutes ago when some remark was made by my friend, Mr. Misra, got a little bit angry, what he has said about the behaviour of Ministers. If there are misdoings in his Ministry can he escape responsibility? When you have appointed a Committee to enquire into the misdoings of the Ministry of Steel and the Steel Controller, the Minister cannot escape responsibility for what has happened during his time. So my contention is that if you stick to the assurances given by the Home Minister regarding certain norms to be followed by the Government in case of such charges against Ministers, the Minister cannot escape responsibility. I am very happy that the Prime Minister is here and I want an assurance from her as to what she is going to do about it.

Now coming to this question, from the other side a very able lawyer was asked to -- peak in defence of the Minister. I wa*^ trving to follow his argument. With the little time at my disposal I may not be able

to elaborate and show to the House how flimsy and false his arguments were. Mr. Chairman, in order to understand the implications of the various orders that the Minister had issued it is necessary to go into the details of the business these firms had with the Government. For example, here it was mentioned that on 16th November 1962 the Minister had passed an order r>us> pending all transactions by the HSL and the Steel Controller. What was the background? In 1959 when machinery was not fully set up in our steel plant, we had semi-steel to be disposed of and we wanted steel. Therefore a barter deal was arranged and in that barter deal these firms were asked to export the semis that were produced in our steel factories and in return to import steel into this country. This was the transaction. How this transaction took place, what irregularities there were, I shall not go into but no tenders were called and pre-import licences were given with the result that the Government had to suffer a huge loss. The loss we had to suffer was in crores in terms of foreign exchange. The expected exports were to the tune of 49*2 lakhs but their actual performance was only 256 lakhs and so the shortfall was to the extent of 236 lakhs odd. When the firms failed to discharge their responsibility the Minister took the right decision that hereafter unless these things are cleared business* with these firms should be suspended. That was a correct order but you should remember that the contract that the H S.L. and the Steel Controller had with these firms was in the nature of a barter deal. This is not to be forgotten because this has very much to do with what he did at a later stage.

Now, coming to the next order, the next order was based on some other transaction, that is, import of 700 tons of rounds' and their irregular disposal. So on the 29th an order was passed. Now my friend was trying to make out the difference between that order, blacklisting and all that. Since I have no time I shall just read out what the order was :

"The matter has been examined and it has been decided that business dealings should be suspended with M/s. Surendra Overseas and all its allied and associated concerns for a period of two years with immediate effect. A general order may

please be issued immediately under the blacklisting code so that other Government Departments and Governmental institutions, may also not deal with these firms for the period Specified above. A copy of the order may please be sent to me as soon as it is issued."

This was the order issued to the Iron and Steel Controller from the Ministry on the 29th June 1963. All that the P.A.C. has been telling is that this order was Subsequently changed, and what is it that led to this change? That is the crux of the problem. This order of the Minister dated the 29th June 1963, as the P.A.C. itself has pointed out, was specific, complete and final and they were conveyed to the Iron and Steel Controller as such on the 29th June 1963. In view of the above facts—the Committee say—the Committee are unable to accept that these orders were in a draft form. So, as far as this order was concerned, it was specific, it was definite and it had to be immediately carried out. This was the instruction. When it came to the Controller on the 6th July, the Deputy Secretary changed his mind and wrote back to the Minister asking for a clarification. And what was the clarification sought? The clarification sought was whether some of the concerns belonging to this group should be brought within the purview of this order. So, the reference was about three concerns, two re-rolling mills and one shipping concern. This was referred back to the Ministry and on the 12th another order went from the Ministry saying that these two re-rolling mills may be exempted. So, the first order was for all the firms belonging to this group. Then, as a result of a reference by the Deputy Secretary concerning three firms—one shipping firm and two re-rolling mills—after examining the whole thing, the Minister exempted the two re-rolling mills. The shipping firm was not exempted in the letter of the Ministry and it is about this very shipping concern the whole development takes place later. So, not only in the first order, but even in the second order when the three concerns were referred back to him he had occasion to go into the facts of the case. He decided that only two re-rolling mills may be exempted and that the shipping firm may not be exempted. Why? As far as the shipping company was concerned, they have been blacklisted earlier. They were charged with

smuggling. They were defaulters to the Government. There were a hundred and one charges against this very firm. That is why on the 12th July, when the Minister decided that the shipping firm should not be exempted, he was swayed by these considerations. That is the point.

Then, the second order was also very categorical and it was specifically mentioned that immediately it should be implemented. But when it came to the Steel Controller, again on the 17th, he wrote back saying that as far as the shipping concern was concerned, the Transport Ministry had to be consulted and here also it is very interesting to note that the letter which, in the normal course should reach the Minister on the 18th or 19th, as pointed out by the PAC itself, was delayed. The second reference was made on the 17th. Then, on the 20th the historic meeting takes place between the Minister and Mr. Jit Paul, a representative of the firm. Whether it took place at the middle of the night . . .

(Time bell rings) MR.

CHAIRMAN : Two minutes more.

SHRI M. N. GOVINDAN NAIR : The difficulty in this case is this. It is all right.

MR. CHAIRMAN : Please proceed.

SHRI M. N. GOVINDAN NAIR : In the middle of an argument I had to stop. That is the difficulty.

MR. CHAIRMAN : I wanted to give you an indication.

SHRI M. N. GOVINDAN NAIR : I am not speaking on anything else except what is in the Report. But, Sir, if in the middle of an argument I am stopped, what is the fun? I am just coming to this question because the background is absolutely necessary to convince you how it was a *mala fide* transaction. So, when on May 16 he issued the order he knew what type of transactions these firms were conducting. Then, again, the Minister had another opportunity when the matter was referred back to him to look into the affairs of the shipping concern and after meeting Mr. Jit Paul on the 20th, on the 22nd again the whole order is changed. That is it. So, what happened on the 20th to make the Minister change his

[Shri M. N. Govindan Nair.] mind in order to change Ms order so that, in effect, this order was* absolutely of no value? Already you should remember that by May 16 transactions with these firms were suspended and that suspension was still in force. Then, the Minister issues a second order on the 23rd. The old suspension order of November 16 was still in force. So, what is new in this ? Mr. Raghunatha Reddy was trying to make out that there was something new. There was absolutely nothing new. As I pointed out earlier, the 'agreement with the firm was a barter deal. It was the barter deal that was suspended when they said that both the HSL and the Steel Controller should not enter into further contracts' with them. It was this barter deal that was suspended and that was not clear. So, here is a case where after the Minister was fully convinced, not once, not twice, but more than that, and a definite and correct decision was taken on the 29th June, it was modified on the 23rd July. It is left to the Minister to prove that he did not act in a *mala fide* way. The responsibility is¹ not ours. It is for the Minister to prove that he was not weighed by any considerations and it is not for us to go into it. But from all the facts which were before the PAC and also all the facts that are before the House it is very clear that he was motivated by *mala fide* considerations.

MR. CHAIRMAN : I think you have Summed up.

SHRI I. K. GUJRAL (Delhi) : Sir, my hon. friend, Mr. Govindan Nair, unfortunately even today, as usual, sees *mala fide* everywhere, whether it is a railway accident, whether it is an order of a Minister, whether it is Bombay 'Bundh'. Whatever be the motion before the House, Mr. Govindan Nair always questions its *bona fide* and considers it as *mala fide*. I was hoping Mr. Govindan Nair particularly to know that false allegations could be made. He—and his Party particularly—has had the experience of how his leader was maligned on charges which they never accepted to be correct and at that time Mr. Govindan Nair was very anxious to prove to the world that character assassination was a common thing. Therefore, I hope that when Mr. Govindan Nair gets up and asks for proof . . .

SHRI M. N. GOVINDAN NAIR: It is not my finding. It is the finding of the PAC, on which the Government and Members' from all Parties are there. It is not my finding.

SHRI L. K. GUJRAL: Mr. Govindan Nair should not get excited, because I am coming to the PAC as well. I am only trying to say that Mr. Govindan Nair, when he makes allegations about others, should always remember that there are many things in his own cupboard. Therefore, I would not like to go into it. I would only like to submit to you that it is rather unfortunate that the discussions on the PAC Report have been clouded by many factors. These have been clouded by short discussions. These have been clouded by loaded questions. These have been clouded by remarks here and there, and therefore unfortunately both here and elsewhere whenever the discussion of the P.A.C. Report has come, we have started with a mind which to a degree has been sought to be prejudiced. Therefore, I would appeal to all my friends that while we are discussing the merits of the case, let us examine it purely on merits and not be prejudiced by whatever the Press wrote or whatever gentlemen here or elsewhere said. I am not one with the P.A.C. and with the Members here that this concern Amin Chand Pyarelal with which this Report mainly deals is a story which is very sordid, which is very sad, and which needs enquiry. Whether it is in the matter of imports where they are able to acquire 59 per cent share of the entire imports of steel or whether it is a matter of export where they are able to get 60 per cent share in the exports, it is something which needs enquiry, and even a cursory glance makes one feel that the functioning both of the Steel Ministry and of this firm is so horrid that a thorough enquiry is called for. It is surprising as one peruses the Report, whether it is barter deal, whether it is bank guarantees, whether it is imports without licence, that this firm is able to get away with everything. There is not a rule that they have not violated, there is not a law which they have respected. Therefore, I hope that when a Committee of Enquiry is appointed by Government, the Government will see to it that it comprises those persons whose impartiality is beyond doubt and also that they will give the Committee authority sufficient, adequate and necessary to see that its authority is

neither questioned nor cramped nor called to court under any plea whatsoever or any such things like the usual procedures which are resorted to by the litigants. I hope under the Commissions of Enquiry Act the Government will give it sufficient powers to see if it can have a thorough enquiry, can go deep into the question and into the merits of the case. We are all concerned that the administration must be clean. We are second to none in demanding that there must be no unhealthy business in this country and we on the Congress side are second to none in seeing to it that our public life, whether it is on this side of the House or that side of the House, must be clean, that it must be of a standard, so that we are all proud to belong to a healthy public life—Let us not some time like a misled revolution come to that stage where revolutions start eating their own children and let us not become crusaders of the type where the crusaders start killing the innocent and do not care for those who have been guilty. Therefore, I say let us not perform something on the pattern of a Greek tragedy in the public life of ours, and let us therefore be very cautious, very careful while we come to the conclusion whether a particular gentleman was *bona fide* or *mala fide* in his intentions. Hang the culprit by all means but let us also, in this sovereign body, be protectors of the innocent.

I now come to the point. With this as the background I pose a question. What has Mr. Subramaniam done? The maximum charge against Mr. Subramaniam is, as the 50th Report said, they were unable to understand as to why the Minister changed his orders. This is the maximum charge that can be got out of the Report itself. But before I come to that I ask three or four questions of my friends here. Was it at Mr. Subramaniam's instance that the deals were made? Was it not Mr. Subramaniam himself who on his own initiative when he learned that there were certain ingots lying at Vizag port ordered an enquiry and was it not he himself who, in spite of the advice of the Law Ministry in spite of the legal advice given to him, said "no": "whatever the advice may be we shall deal with a party which is not dealing fairly with us"? Therefore, he took action which went very far. How far? It went so far that his Ministry, the Steel Ministry stopped dealing with a firm, which had by LI MRS/65—2

then acquired 60 per cent, as I said, interests in exports and 59 per cent interests in imports. He banned that by an administrative order, not because he had penalised them on a charge for which they were not guilty but because administratively he had come to the conclusion, law or no law, that dealings with that firm must not continue.

In the second case again, when it came to his notice, he took up the case and passed an order which has now brought difficulties for him. I do accuse Mr. Subramaniam for many things, and two such things are that he is very keen and he wants to achieve results. If he were not so keen on these things, these troubles for him would not have arisen. If he had chosen to keep quiet when the Law Ministry advised him, if he had chosen to keep quiet when the legal advisers told him not to do it, then perhaps he would not be today in this situation that we are finding him. I ask you, what is the essence of the 50th Report? [Interruption]. If I sit down without replying to any of your points, then get up. The essence of the 50th Report so far as Mr. Subramaniam is concerned is that the Secretary could not explain as to what were the reasons for the change of the order. That is the essence of the Report. In the 55th Report after the Committee got hold of more evidence the Committee came to the conclusion—I quote :

"The Committee regret to note that in his evidence before them in March, 1966, the Secretary did not mention either about the interview of the representative or about the letter from the representative of the firm. This, according to the Committee, was an unfortunate omission."

So far as this observation goes, if at the time of the 50th Report the Secretary had brought to their notice, firstly, that he had recorded and written in the file, the Secretary himself, giving the reasons for the change of the order being on the advice of the Transport Ministry; secondly, if he had told the P.A.C. at that time that he had seen the letter of Mr. Jit Paul, they would be discussed with him; if he had told these facts to the P.A.C., the P.A.C. would not have come to the conclusion that it was not known to it as to why the orders were changed. That is so far as the negative aspect goes.

[Shri I. K. Gujral.]

I now come to the positive aspect. The question arises that the Committee before they heard Mr. Subramaniam observed in the 55th Report itself, Chapter I—and I will submit to your consideration that the first chapter was written by the P.A.C. before the evidence of Mr. Subramaniam. In para 1.35 the Committee says :

"However the reasons for this revision even after the detailed examination by the Committee still remain somewhat obscure, especially in view of the fact that a similar suspension order dated 16th November, 1962 was still in operation."

This was the sum total of their observation before they heard Mr. Subramaniam. Then they heard Mr. Subramaniam and the evidence is on record, and in Chapter II of the Report in 2.7, which is most relevant, what does the Committee say ? The Committee says :

"This seems to indicate that the assessment of the Transport Ministry was mainly responsible for the revision of the order."

I am quoting the P.A.C. Report.

'Thus', the Minister has given two reasons for the change of his order.

The Minister, however, agreed that on the facts placed before the Committee they were fully justified in making the observation in para 4.128 of 50th Report."

The Minister could have disputed that the 50th Report was not justified. But after hearing the Minister, after getting the corrections from the Secretary . . .

(Interruptions)

SHRI M. N. GOVINDAN NAIR: Will you read 2.10 ? He is misleading.

"In view of this the Committee are unable to appreciate the distinction which the Minister has drawn. In any case, it was neither spelt out nor so understood by the Department."

SHRI I. K. GUJRAL: If he will permit me to give my own quotation myself, I will

be better off and he will also be better off. I was trying to read only the relevant portion because you are limiting the time. (Interruptions) Relevant in the sense that it concerns the House and the country. I am neither concerned with you or myself, I am concerned that justice must be done in a correct spirit.

MR. CHAIRMAN: Mr. Nair, when you get a chance you can quote in your speech what he has not quoted.

SHRI I. K. GUJRAL : Sir, paragraph 2.7 says:

"This seems to indicate that the assessment of the Transport Ministry was mainly responsible for the revision of the order. The Minister in his evidence however emphasised that in view of the apology and assurance of good conduct given by the representative of the firm, he decided to give another chance to this group of firms.

"Thus, the Minister has given two reasons for the change of his order."

Sir, I want to go only so far by saying this that the Committee after hearing Shri C. Subramaniam in that meeting had accepted that the reasons were no more obscure why Shri Subramaniam had changed the order.

Now, I come to the main point which the Opposition is trying to make out from Shri Jit Paul's letter which they say is the main part of the *mala fides*. What did Jit Paul say?

MR. CHAIRMAN : Two minutes more.

SHRI I. K. GUJRAL: Sir, the interruption time should be given.

SHRI LOKANATH MISRA : I have had so many interruptions but I was able to do it.

MR. CHAIRMAN : I gave you thirty minutes.

SHRI I. K. GUJRAL: Shri Jit Paul in the last portion of his letter—I am ignoring

the other portions—demanded only two things. I am quoting :

"1. that the Iron and Steel Controller may be permitted to deal with us in the usual manner as before, and

2. that orders may be issued to settle our claim with the Hindustan Steel Ltd. against the claim filed on us by the Steel Company of Wales Ltd."

Sir, the Minister even in his revised order did not concede any of these two requests. Why did he not concede them ? It was because the Minister knew and he was conscious of the fact that the main mischief, as quoted in the 50th Report, of these firms was in the Department of Steel and the Hindustan Steel Limited. Their 50 to 60 per cent of business, as they have said, was with this Department. They became millionaires, not through their two rolling mills, they had amassed wealth not by the Apeejay Lines; they amassed wealth by their wrong, guiltful and unlawful dealings with the Steel Ministry and the Minister never gave them the benefit of their representation. He never permitted them to deal with the Steel Ministry. Not only the Steel Ministry, but due to his order they could not have any dealings with Hindustan Steel Limited, they could not get imports, they could not get barter deals, they could not deal with the Tatas and the IISCO. So, even if it is alleged that Shri Jit Paul was able to persuade the Minister to let him have the benefit of doubt, if one were to call it so, the Minister did not show him mercy. But if the Minister's intentions were *mala fide*, more than anything else, he should have permitted them to deal with the Steel Ministry.

I will sit down only by saying that we demand—and I join with the Opposition in this—that a thorough probe should be held, that the Committee should be given all powers . . . (*Interruptions*) Committee or Commission, as long as the effectiveness is there, it is all right. To make a distinction . . .

SHRI NIREN GHOSH : But...

MR. CHAIRMAN: Mr. Niren Ghosh, please, please.

SHRI I. K. GUJRAL: Whether it is a Commission of Inquiry or a Committee or a group, whatever it is, only if it has enough powers to probe thoroughly, to go deeply into the root, it is acceptable to me. Even if it is called by a big name, if it does not have those powers, it is not acceptable to me.

I submit that the intention of Shri Subramaniam throughout has been *bona fide*; he has acted in good faith and he has never done anything which would bring him into disrepute.

SHRI MULKA GOVINDA REDDY: Mr. Chairman, I may assure the Prime Minister that we are not interested in witch-hunting, that we are not interested in making reckless allegations against officers who are not present here. But when the Ministers fail to take responsibility for the misdeeds, for the actions, committed by their subordinates, sometimes we are forced to make some allegations or charges against the officers concerned.

In this 55th Report, the Public Accounts Committee is not satisfied with the explanation given by the Minister. On the 28th June, 1963, a complete, final order was passed prohibiting all transactions with Amin Chand Pyarelal group of concerns and he had directed that all the departments should be intimated that no transactions of any sort should be undertaken with Amin Chaid Pyarelal group of concerns. Further, on the 29th June, 1963, these orders were communicated to the Controller of Iron and Steel. These orders were provided in the presence of the Deputy Controller of Iron and Steel. On the 6th July, a reference has been made by the Controller of Iron and Steel Seeking some clarifications.

I fail to understand as to why the Controller of Iron and Steel made this reference to the Ministry when the very orders are passed and communicated on the 29th when he was present in the office of the Ministry of Iron and Steel. So, he sought a clarification from the Ministry and in that letter, he had also mentioned about the shipping line, the Apeejay Lines. But the Minister passed an order that the two rolling mills may be omitted from the operation of this. It was communicated on the 12th and again on the 17th July another back reference was

[Shri Mulka Govinda Reddy.] made by the Controller seeking another clarification whether this shipping line should be included or should be excluded. Ordinarily, this should have reached the office of the Secretary on the 18th or 19th. It is presumed that it has reached that office on the 20th, the day on which the famous Shri Jit Paul arrives at Delhi and meets the Minister. It looks as though whatever is communicated to the Controller of Iron and Steel, everything, is leaked out to this firm's representative, Shri Jit Paul. It is evident from the Report that the office of the Iron and Steel Controller has been a handmaid of this group of concerns. They were not seeking instructions from the Ministry, they were seeking instructions and advice from this monopoly concern which has exerted all its influence to see that it is given favourable treatment in spite of the fact that it had committed innumerable offences. Mr. Jit Paul sees the Minister on the 20th. He writes a letter to him on the 22nd and the Minister passes the order on the 23rd reducing the rigour of the original order. On June 28th the order was passed much against the advice of the Secretary of the Ministry. On the 23rd July he had passed the same order which he would have passed on the advice of the Secretary of the Iron and Steel Ministry. But one thing which any right-thinking man fails to understand is why the Minister rejected the advice of the Secretary on the 28th June, and even though the Secretary did not advise him to do so, why it is that he did reduce the rigour of the order especially when the representative of this firm, Mr. Jit Paul, met him. One fails to understand the reason behind this. Either the Minister must have done it under compelling circumstances' or he must have succumbed to the evil influences of money. But I am not prepared to level that charge knowing as I do Mr. Subramaniam. He is free from corruption.

SHRI M. N. GOVINDAN NAIR : Does it mean only money ?

SHRI MULKA GOVINDA REDDY : I can say he is free from the evil of money. That charge I am not prepared to make against Mr. Subramaniam. But in this particular case I charge that he has been influenced by the higher ups. He has failed to answer a very important question that was raised. You will find in the Das Commis-

sion Report that Sardar Pratap Singh Kairon, the then Chief Minister of Punjab, had written a letter to Mr. Subramaniam. He has not denied whether he received that letter or not. In his evidence he has said that now and then he went to Sardar Swarar. Singh. But Sardar Pratap Singh Kairon used to go and meet him. It is quite evident from this, Mr. Chairman, that the Minister who wanted the general order, prohibiting all transactions with this group of firms, to be circulated to all departments, was convinced that they were not free from abuse of power or position and that they were selling their licences at exorbitant rates and which, because of so many crimes committed by their firms, were blacklisted. Even the Apeejay Lines (Private) Ltd., which is supposed to be a shipping concern, was involved in getting import licences and misusing those imports'. Similarly, on page 90 of the Fiftieth Report of the Public Accounts Committee you will find that Surrendra Overseas was also blacklisted. Messrs Apeejay Private Ltd. was also blacklisted. They had import licences for importing iron and steel. This is a concern dealing not only in shipping but also in iron and steel. I, therefore, fail to understand why the Minister, knowing as he does the background history of all these concerns, who was convinced that these firms should be treated very harshly and should not have any business dealings with the Iron and Steel Controller or with any other department of the Government, changed the rigour of the order on the 23rd July. His explanation has not convinced the Public-Accounts Committee. The reason behind this change of order seems to be that he was under the powerful influence of the Ministers concerned who were interested in this firm of Messrs Amin Chand Pyarelal. From 1954 most of these companies have been blacklisted in one way or the other.

The Minister says that the Transport Ministry advocated that this Shipping line should be omitted from the operation of this order. Mr. Jit Paul has also expressed regrets and requested for being given one more chance. How many chances these firms have been given from 1954 will make a long list. One company or the other was blacklisted at one time or the other. From the very beginning they have been doing dirty things. So many times they ensued and to give another chance ;

firm was not within the reasonable jurisdiction of the Minister. I, therefore, say that the Minister has not exercised proper care, proper caution, proper responsibility and proper discretion in changing his order on the 28th June. It is utter irresponsibility on the part of the Minister.

He has also stated in his evidence that the letter addressed by the Controller of Iron and Steel is not free from suspicion. So it is quite evident, Mr. Chairman, that this sordid story of the dealings of this firm with the Iron and Steel Controller and the suspicious way in which this office of the Iron and Steel Controller behaves deserves to be enquired into. Mr. Chagla himself has said in the Chagla Commission report that the Minister should take constructive responsibility for the misdeeds of his subordinates and he should also take direct responsibility for changing his own order without any reasonable ground. I, therefore, urge that it will not be enough to appoint a committee to go into the iron and steel deals only with this group of firms but with all the important groups concerned. I demand a public enquiry under the Commissions of Inquiry Act. Even the Chairman of the Public Accounts Committee has said that there are very powerful and influential interests involved in this. He demanded that whatever committee is appointed, it should be of a high order and unapproachable. I therefore demand the constitution of a Committee under the Commissions of Inquiry Act with a Supreme Court judge as the Chairman to enquire into this. The Vivian Bose Commission was appointed to enquire into the affairs of the Dalmia concerns. Why should the Government hesitate to appoint a Commission of Inquiry not only to enquire into the affairs, acts of commissions and omissions of this group of concerns but also the acts of commissions and omissions committed by Mr. Subramaniam and his predecessor and all those persons who held the portfolio of Iron and Steel till to-day ?

SHRI M. M. DHARIA: I have been carefully listening to the speeches of the leaders of the Opposition not only in this House but also I had an occasion to listen to them in the Lower House. The more I listened to their speeches, the more I am reminded of the remark of one of my friends who said : 'Mr. Dharia, this great

capital of yours, or ours, deserves two international awards, one for the huge buildings or the construction activity for the Government offices and the second award for the tremendous capacity for generating confusion in the country.' I do not know who are these Opposition leaders to whom this credit goes but I feel when we go through the records of the P.A.C., when we go through the statements made by the Minister . . .

SHRI LOKANATH MISRA : Whose was the confused mind that made this remark ?

SHRI M. M. DHARIA : I am coming to that. When we go through the other reports, what do we find ? The deal concerned was about ingots which were lying idle at Visakhapatnam. It was the Minister who first recognised this fact. I may refer to page 11 of the P.A.C. Report where it is said :

"So it is only for this purpose:

'I do not think we should negotiate with Aminchand Pyarelal group on the basis indicated in the report of Cleetus. Other offers may be negotiated with different parties. If Aminchand Pyarelal should demand damages on any account, that may be dealt with separately.

We may claim damages in respect of Contract No. 28 as no performance has been attempted by the party.

Till this matter with Aminchand Pyarelal group is finally settled no contract of any sort Should be entered into with them either by HSL or Iron and Steel Controller.'

This order I passed. As a lawyer I can place before this Committee, I was not taking a penal action but telling them as a party to party. "I am not prepared to deal with you." But as far as the order of 1963 and the follow-up action on this is concerned, it is on the basis of regular order."

We shall have to take into consideration this difference between the two orders. It is this Minister who after becoming the Minister of that Department, not only tried to renovate the whole Ministry but also

[Shri M. M. Dharia.] appointed a committee under the Chairmanship of Mr. K. N. Raj to see that the whole of the Ministry is streamlined. Several actions were taken.

References are being made that on the 20th July the Minister was of one opinion and on the 22nd July how is it that the Minister changed it? But the several circumstances' are not taken into consideration. The Minister was concerned with the trading company of Messrs. Aminchand Pyare-lal. So far as the industrial concerns are concerned, so far as the shipping concerns are concerned, the Minister had to consider them because there were other Ministries which were concerned regarding the other dealings'. Even if we look at the formation of the various companies, there are different shareholders, there are different managements. Even we shall have to take a legal point of view in our country. Here there are notes and notes passed from the Legal Affairs Ministry and they have stated all the while that no such action should be taken. What is the definition of 'ingots' ? Messrs. Aminchand Pyareial were saying that it must be a material which could be rerolled and in so far as it is not possible, we are not here to make the purchase or fulfil the contract. All these legalistic opinions were there and it is in this context that we shall have to look at the whole episode. The Minister was before the P.A.C. and forthrightly stated things. Many things have been stated by the speakers from the other side, that there are some statements and misstatements but even to-day what did we see ? While Mr. Misra was making a reference to the Deputy Secretary, he said 'Additional Secretary'. He has come prepared, he had his notes, he has been studying since yesterday or the day before and in spite of that such slips do occur. It is no use blaming the Minister if such things occurred. We have to take into consideration these things. The Minister is of course an individual. I would like to point out here that when we speak of the Minister, we should go carefully through the proceedings and we find that not a single Member has challenged the *bona fides* of the Minister. Everybody has stated that here is a person with honesty and sincerity of purpose. Again a reference is made to the office of Mr. Chagla when he was in charge of the Mundhra Commission, Mr,

S. N. Dwivedy when making a statement . . .

SHRI LOKANATH MISRA: On a point of order. Can that be quoted ?

MR. CHAIRMAN: You may not quote the proceedings of the other House.

SHRI M. M. DHARIA : Mr. Chagla was quoted. Even today Mr. Misra had made reference and said that there should be a public enquiry and that justice should be in broad day-light. We are not here to object. Even Mr. Chagla, if asked, will say the same thing but when ? Only if a *prima facie* case is made out or established, then alone such a commission should be appointed and not otherwise. So far as Mr. Subramaniam is concerned . . .

(Interruptions)

SHRI ARJUN ARORA : He has not read the P.A.C. Report.

SHRI M. M. DHARIA : My friend, Mr. Gujral, has pointed out the difference between the 50th Report and the 55th Report and the remarks passed in the 55th Report even in Chapters 1 and 2. The remarks passed in Chapter 1 of the 55th Report and the remarks passed in the 55th Report shall have to be bifurcated because the first part in the 55th Report concerns opinion prior to the examination of Mr. Subramaniam and the other part deals with the position after the examination of Mr. Subramaniam and in the other part, even those misunderstandings have been removed. The P.A.C. has not again stated in that latter part : 'We are not yet convinced why this order was changed.' No such statement is made even by the P.A.C.

SHRI NIREN GHOSH : There were . . .

MR. CHAIRMAN : Every party will have its say,

SHRI M. M. DHARIA : Therefore, we are sitting to-day and we are in politics.

There are many parliamentarians 1 P.M. who have devoted their lives to politics. Sir, if they had been in the outside world, perhaps they would have gained much more. They would

have been living lavishly and in bungalows enjoying many other things. But here are persons who have devoted their lives for the good of the country as a whole. Here are persons who have been sincerely and honestly working for the good of the country, and if there are no *mala fides* against those Ministers, to malign them without any basis will not be proper for any House, for any parliament, and it is in this direction that I would like to say that Mr. Subramaniam stands as clean as ever. His record is absolutely clean and even the Opposition Members have not so far alleged—responsible Members will never allege—that he is a person who is having any relationship with corruption and all that. Under these circumstances, Sir, I am not here to say that the recommendations of the Public Accounts Committee should not be followed. Sir, I am proud of the Public Accounts Committee in this country of ours. During the last fifteen years we have established good democratic traditions, and the Public Accounts Committee is one of the illustrations. It symbolises how we have been stabilising democracy in this country. In this* Public Accounts Committee there are Members of all the parties—the majority are from the Congress Party—but they have been functioning independently and have been maintaining their independent character. I congratulate the Public Accounts Committee and also the Chairman of the Public Accounts Committee for maintaining that independent character. So, Sir, this is the way we have been functioning. Now when we have been allowing the Committee to function independently and when the Government has agreed, so far as these recommendations of the Public Accounts Committee are concerned, that they shall be respected, I entirely agree with my friend, Mr. Gujral, when he said that an inquiry committee should be appointed. But here I would like to point out that this inquiry committee should necessarily be empowered to call any witness under the Evidence Act. Otherwise, this Aminchand Pyarelal, and others, who are the greatest monopolists in our country, who are perhaps the offenders against our own democracy, well, they will not allow us to function. So from this point of view, if we are to call for records, if this committee is not properly empowered, it will not be effective. Sir, in its Fiftieth Report the Public Accounts Committee has said:

"The Sub-Committee, therefore, suggest that these cases should be investigated by a high powered committee which should consist of a person of the status of a High Court Judge; an officer from the office of the Comptroller & Auditor General of India; an officer from the Central Board of Revenue well-versed in Customs Law, Import and Export (Control) Act, 1947 and Income-tax Law. This high powered Committee should be suitably assisted by an agency expert in investigation of the cases."

Sir, I go a step further. It should be equally empowered with the necessary powers. Otherwise it will not be effective.

I have got some time to go, Sir ? Mr.

CHAIRMAN : Two minutes.

SHRI M. M. DHARIA: Sir, in the other House there were several Opposition leaders who were demanding the resignation from Mr. Subramaniam but, Sir, in this case I am sure that the approach taken by the hon. Prime Minister is necessarily the approach which is essential to maintain the democratic traditions of this country. If the hon. Prime Minister is convinced about her colleague that there are no *mala fides*, it is the duty of the hon. Prime Minister to give protection to her colleague. It is not only Mr. Subramaniam so far as these deals are concerned. The hon. Prime Minister was not even the Prime Minister; even then the Opposition leaders have demanded the resignation from the hon. Prime Minister when she was not even the hon. Prime Minister or even the Minister according to my information. Sir, my submission is that when here in this case there is no *mala fide*, there is no *prima facie* case, how can one say that a particular commission should be appointed ? Does this mean that he has to immediately resign ? It is not a fair request to insist on his resignation. But this is a request creating a sort of confusion. Sir, this character assassination shall have to stop in this country. When we are saying that we want to use our privileges and discretions, Sir, the privileges and discretions could be effective provided they are judiciously exercised, and not otherwise. Let us have that judicial approach to all the affairs.

श्री अटल बिहारी वाजपेयी (उत्तर प्रदेश) : समापति जी, मैं अपने मित्र श्री गुजराल को बधाई देना चाहता हूँ कि उन्होंने यह मांग की है कि सारे मामले की जांच कमीशन आफ इन्क्वायरी ऐक्ट के अंतर्गत होनी चाहिये। यदि मेरे मित्र श्री धारिया भी इस मांग का समर्थन करते तो कांग्रेस पार्टी की प्रतिष्ठा और भी बढ़ जाती। प्रधान मंत्री ने जांच करना स्वीकार किया है क्योंकि पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट से एक प्राइमाफेसी केस बना है। श्री धारिया का यह कहना सत्य नहीं है कि कोई प्राइमाफेसी केस नहीं बना। प्रश्न यह है कि इस जांच का स्वरूप क्या हो। सभी स्वीकार करेंगे कि जांच ऐसी होनी चाहिये जो सभी सम्बन्धित क्षेत्रों में विश्वास पैदा कर सके, जो निष्पक्ष हो, उच्चाधिकार से संपन्न हो और जिसको किसी तरह से प्रभावित न किया जा सके। स्पष्ट है कि जांच सुप्रीम कोर्ट के किसी जज की अध्यक्षता में होनी चाहिये। सारे कागज-पत्र, सभी सम्बन्धित तथ्य, सभी गवाह उनके सामने आ सकें, इसके लिये जरूरी है कि वह जांच कमीशन आफ इन्क्वायरी ऐक्ट के अंतर्गत होनी चाहिये। यदि प्रधान मंत्री महोदय इस बात को स्वीकार कर लें और इस आशय की घोषणा कर दें, तो काफी हद तक वे इस सदन को और जनता को इस बात का विश्वास दिला सकेंगे कि वे सचमुच में चाहते हैं कि हमारे सार्वजनिक जीवन से भ्रष्टाचार का उन्मूलन हो।

समापति जी, प्रश्न यह नहीं है कि कोई मंत्री इस्तीफा देता है या नहीं देता। सचमुच में इस्तीफे की मांग नहीं की जानी चाहिये थी। सम्बन्धित मंत्री को स्वयं इस्तीफा दे देना चाहिये था। अगर सार्वजनिक जीवन की शुद्धता को बनाये रखना है, अगर देश में आचरण का मानदंड स्थापित करना है तो मंत्रियों को सीज़र की पत्नी की तरह से संदेह से परे होना होगा। केवल संदेह से परे होना ही काफी नहीं है, उन्हें संदेह से परे दिखाई भी देना होगा। क्या इस कसौटी पर श्री सुब्रह्मण्यम्

आचरण खरा उतरता है? यह कहना गलत होगा कि पब्लिक एकाउन्ट्स कमेटी ने उन्हें बरी कर दिया है। अपनी दूसरी रिपोर्ट में उनसे जिरह करने के बाद, उनकी सफाई को सुनने के बाद, जितने तथ्य श्री सुब्रह्मण्यम् उस समिति के सामने रख सकते थे, सब में गहराई से जाने के बाद भी पब्लिक एकाउन्ट्स कमेटी कहती है :

"However, the reason for this review, even after the detailed examination by the Committee, still remains somewhat obscure."

SHRI C. SUBRAMANIAN : This is the first part.

श्री अटल बिहारी वाजपेयी : मैं दूसरे पा पर भी आ रहा हूँ। दूसरे पार्ट में समिति यह नहीं कहा है कि जो कुछ सफाई दी गई वह उससे संतुष्ट है।

श्री आई० के० गुजराल : यह भी नहीं कहा है कि असंतुष्ट है।

श्री अटल बिहारी वाजपेयी : क्या जो न कहा आप उसको ही लेना चाहेंगे ?

(Interruption)

SHRI MULKA GOVINDA REDDY ; Mr. Gujral is not in his seat, Sir. He has moved towards the Treasury Bench.

श्री अटल बिहारी वाजपेयी : समापति जी, मैं यह कह रहा था कि क्या सारे मामले पर एक संकीर्ण दृष्टि से विचार किया जायेगा या सारे मामले पर विचार करते समय इस बात का ध्यान रखा जायेगा, कि किसी तरह का संदेह जनता के मन में नहीं होना चाहिये।

महोदय, श्री सुब्रह्मण्यम् ने अपने डिप्टी स्टॉल कंट्रोलर और चीफ स्टॉल कंट्रोलर को संदेह से परे करना जरूरी नहीं समझा है। उन्होंने अपने डिप्टी कंट्रोलर पर और चीफ कंट्रोलर पर संदेह किया है। मगर वे चाहते हैं कि उनके ऊपर कोई संदेह न करे उन्होंने

क्यों संदेह किया या उनके मन में ऐसी धारणा कैसे बनी ? मैं उनके वक्तव्य का एक अंश आपके सामने रखना चाहता हूँ ।

जब उन्होंने आदेश जारी कर दिया 28 जून के आदेश का, तो वह ड्राफ्ट नहीं था, वह अंतिम आदेश था । उस आदेश पर तुरन्त अमल होना चाहिए था, जैसे 23 जुलाई के आदेश पर तुरन्त अमल हुआ था । यह बात सदन के ध्यान में लाने लायक है कि 20 जुलाई को जीतपाल मंत्री महोदय को मिला, उसका पत्र 22 जुलाई को मिला, 23 जुलाई को आदेश का मसौदा तैयार किया गया और सेक्रेटरी ने 24 जुलाई को आदेश पर दस्तखत कर दिए । सब काम बड़ी जल्दी, बड़ी फुर्ती से हुआ । क्या सरकारी दफ्तरों में फाइलें इतनी जल्दी चलती हैं ? अगर यह बात है तब तो एडमिनिस्ट्रेटिव रिफार्म्स कमिशन कायम करने की जरूरत नहीं थी । आप देखें कि 28 जून का आदेश कलकत्ता को कब भेजा गया, चीफ कन्ट्रोलर के दफ्तर पर से उस पर अमल क्यों नहीं किया गया, 12 जुलाई की चिट्ठी, फिर 17 जुलाई की चिट्ठी क्यों भेजी गई, क्यों मौका दिया गया उस फर्म को मंत्री महोदय से सम्बन्ध स्थापित करने का, अपने प्रभाव को उपयोग में लाने का ?

मैं आपसे निवेदन कर रहा था कि जो भी आदेश बदला गया उसके सम्बन्ध में मंत्री महोदय ने समिति के सामने, पब्लिक एकाउन्ट्स कमेटी के सामने जिरह में स्वीकार किया है कि दो कारण थे आदेश बदलने के—एक तो कन्ट्रोलर के दफ्तर से दो बार मुझे पूछा गया, मेरे मंत्रालय को पूछा गया । एक तो इस बारे में पूछा गया कि रोलिंग मिल्स पर यह आदेश लागू होगा या नहीं—यह डिपुटी कन्ट्रोलर ने पूछा, उस समय कन्ट्रोलर विदेश यात्रा पर गए थे । जब कन्ट्रोलर महोदय वापस आए तो आदेश को अमल में लाने की बजाय उन्होंने एक और स्पष्टीकरण मांग लिया । स्पष्टीकरण यह था कि क्या यह आदेश एपीजय पर

भी लागू होगा । जब समिति के सदस्यों ने पूछा कि 28 जून के आदेश को कार्यान्वित करने के बजाय कन्ट्रोलर के दफ्तर से ये चिट्ठियाँ क्यों भेजी गईं तो मंत्री महोदय ने कहा कि चीफ कन्ट्रोलर और डिपुटी कन्ट्रोलर दोनों मिले हुए थे यह तो मैं नहीं कह सकता क्योंकि अगर एक की चिट्ठी होती तो उस पर तो शक किया जा सकता था, मगर दोनों पर शक करना मुश्किल है । मगर फिर भी उन्होंने आगे जोड़ दिया कि इसमें शक है—

"Therefore two persons had made these references and my own impression is that I do not think that both of them would be guilty. If one had done this there is room for suspicion. Even now I would not say that it is free from suspicion."

अपनी चमड़ी की रक्षा के लिए मंत्री महोदय अपने अधिकारियों पर सन्देह की उंगली उठाने के लिये तैयार हैं । तब फिर उन्हें इस देश को, संसद को और विरोधी दलों को दोष नहीं देना चाहिए । अगर आचरण के मानदंड को स्थापित करने के लिए हम उनके आचरण पर उंगली उठाने के लिए तैयार हैं । सभापति जी, प्रश्न यही है कि 28 जून के आदेश को क्यों बदला गया । मंत्री महोदय ने दूसरे सदन में कहा कि ट्रांसपोर्ट मिनिस्ट्री से एक पत्र आया था । पब्लिक एकाउन्ट्स कमेटी में कहा गया कि बीच में फर्म का एक आदर्श मुझे मिला था और फर्म ने माफी मांगी थी । दोनों बातें ठीक नहीं हो सकतीं । अब मंत्री महोदय दोनों में ताल-मेल बिठाने की कोशिश कर रहे हैं । मान लीजिए कि ट्रांसपोर्ट मिनिस्ट्री का आदेश आया था, तो क्या यह जरूरी नहीं था कि केवल अधीनस्थ को उस आदेश से बरी कर दिया जाता, केवल शिपिंग से सम्बन्धित फर्म को बरी कर दिया जाता ? सारे मंत्रालयों को उस आदेश से बरी करने की जरूरत नहीं थी ।

जहां तक फर्म के व्यक्ति के मिलने का सवाल है, मंत्री महोदय समझा नहीं सके कि

[श्री अटल बिहारी वाजपेयी]

वह क्यों मिला, कैसे मिला, उनकी बैठक किसने आयोजित की, किसकी सिफारिश लेकर वह आया। उन्हें यह भी याद नहीं कि जब वह उनसे मिला तो उस कमरे में कौन था। क्यों नहीं उन्होंने विश्वासपूर्वक कहा कि मेरे अलावा कोई नहीं था? वे कह सकते थे, मगर शायद उनकी आत्मा ने कुरेदा होगा कि इतना झूठ बोलना ठीक नहीं है। इसलिए उन्होंने कहा कि मुझे मालूम नहीं है कौन था। यह बात एक मंत्री के मुंह से जब सुनी जाती है और जिस पृष्ठभूमि में सुनी जाती है तो सन्देह को कम नहीं करती, बढ़ाती है। इस बात से भी इनकार नहीं किया जा सकता और पब्लिक एकाउन्ट्स कमिटी ने भी इस ओर इंगित किया है कि जो सबसे पहले का आदेश था उसमें और 23 जुलाई के आदेश में इतना ही अन्तर है कि पहला आदेश तो अनिश्चित काल के लिए था, मगर 23 जुलाई के आदेश द्वारा मंत्री महोदय ने अवधि दो साल की कर ली। पहले आदेश में अवधि बढ़ सकती थी, इस आदेश में अवधि कम कर दी गई। अमीचन्द प्यारेलाल की फर्म ने बीच में जो गड़बड़ किया था उसके लिए सजा देने की वजाय पहले अपराध के लिए जो सजा दी गई थी उसको कम कर दिया गया। क्यों कम किया गया? मंत्री महोदय एक और मौका देना चाहते थे अमीचन्द प्यारेलाल को। मौका देना चाहते थे उस फर्म को जो 50-51 से सरकार के विभागों के साथ व्यापार करती रही है, सम्बन्ध रखती रही है और जिसके विरुद्ध पब्लिक एकाउन्ट्स कमिटी अपनी रिपोर्ट दे चुकी है, जिसके विरुद्ध पहले भी आदेश जारी किया जा चुका है। यह मौका देने की जरूरत क्या थी? क्या मंत्री महोदय को विश्वास था कि एक मौका देंगे तो वह सुधर जायेंगे? मगर शासन ने उन्हें इस बात की छूट नहीं दी कि वे मौका देकर पापियों का सुधार करें। यह काम साधु समाज के जिम्मे सौंपा जा सकता है, स्टील मिनिस्टर के जिम्मे नहीं। इस पर सन्देह की उंगली उठनी स्वाभाविक है कि उन्होंने ऐसा

या तो राजनीतिक दबाव के कारण किया या किसी अन्य कारण से किया। अब कहा जाता है कि विरोधी दल बताएं कि अन्य कारण क्या हैं—क्या आप यह कहते हैं कि मंत्री महोदय ने अमीचन्द से रुपया ले लिया या श्री जीत पाल के द्वारा रुपए ले लिए? यह तो मंत्री महोदय साबित करें कि उन्होंने रुपए नहीं लिए। यह साबित करना विरोधी दलों का काम नहीं है। हमारा तो इतना ही कहना है कि मंत्री महोदय का आचरण संदिग्ध है और जिसका आचरण संदिग्ध है वह मंत्रीमंडल में रहने लायक नहीं है।

कहा जाता है कि श्री सुब्रह्मण्यम् प्रधान मंत्री के बहुत अधिक निकट हैं। अगर यह बात सच है तो प्रधान मंत्री को धर्म-संकट से बचाने का श्री सुब्रह्मण्यम् के लिए एक ही तरीका है कि वे स्वयं इस्तीफा दे दें, प्रधान मंत्री के ऊपर यह निर्णय न डालें, जैसा कि मंत्री छोड़ा करते हैं कि मेरा तो अपने नेता पर विश्वास है और अगर वे कहेंगे तो मैं छोड़ दूंगा, अलग हो जाऊंगा। यह प्रधान मंत्री के साथ न्याय नहीं है। अगर पब्लिक एकाउन्ट्स कमिटी की दोनों रिपोर्टों के बाद, संसद के विवाद के बाद श्री सुब्रह्मण्यम् की आत्मा जागती है, आचरण के मानदंड कायम करने का उनका इरादा है तो उन्हें त्यागपत्र दे देना चाहिए। लेकिन अगर वे त्यागपत्र नहीं देंगे तो प्रधान मंत्री महोदय को निर्णय करना होगा। यह बात देश में आम तौर पर कही जा रही है कि शास्त्री जी के निधन के बाद भ्रष्टाचार के उन्मूलन का जो अभियान चला था वह धीमा पड़ गया है, वह रोक दिया गया है क्योंकि प्रधान मंत्री के निष्कटवर्ती लोग उसमें फंस सकते हैं इस बात की आशंका है। अगर श्री सुब्रह्मण्यम् से त्यागपत्र नहीं मांगा गया तो यह धारणा और भी बल पकड़ेगी। यह न प्रधान मंत्री के लिए ठीक होगा और न देश के लिए ठीक होगा।

एक माननीय सदस्य : आपको तो फायदा होगा।

श्री अटल बिहारी वाजपेयी : सभापति जी, मैं फायदे की बात नहीं कर रहा हूँ। यह प्रश्न पार्टी का नहीं है। जब कुछ भ्रष्ट मंत्रियों के विरुद्ध कार्यवाही की गई तो उससे हमारे लोकतंत्र की ताकत बढ़ी। उसका श्रेय कांग्रेस दल को भी मिला। अगर श्री सुब्रह्मण्यम् इस्तीफा दे देंगे तो विरोधी दलों का फायदा नहीं होगा; विरोधी दलों का फायदा तो इसमें है कि श्री सुब्रह्मण्यम् मंत्री बने रहें, मंत्रिमंडल में काम करते रहें और हम लगातार उनसे कहते रहें कि अगर शर्म हो तो इस्तीफा दे दो। यहाँ तो कांग्रेस दल को अपना हित देखना चाहिए। कांग्रेस दल का हित इसमें है कि श्री सुब्रह्मण्यम् से इस्तीफा मांगा जाय। जांच हो रही है, उच्चाधिकार सम्पन्न जांच होगी। सुब्रह्मण्यम् इस्तीफा दे सकते हैं, जांच में अपने को पेश कर सकते हैं। अगर जांच में निष्कलंक प्रमाणित हो जाय तो दुगने उत्साह के साथ, शोभा के साथ वापस आ सकते हैं। इससे लोकतंत्र की भी गरिमा बढ़ेगी, प्रधान मंत्री की प्रतिष्ठा में भी वृद्धि होगी और कांग्रेस दल का भी फायदा होगा। हमारा फायदा तो इसमें है कि भ्रष्ट मंत्री मंत्रिमंडल में बने रहें और हम जनता में इस मामले को उठाते रहें।

सभापति जी, मैं खत्म कर रहा हूँ। प्रश्न यह नहीं है कि सुब्रह्मण्यम् जी का आज तक का आचरण क्या है, प्रश्न यह नहीं है कि स्वाधीनता संग्राम में उन्होंने किस तरह से योगदान दिया, प्रश्न यह भी नहीं है कि मद्रास में एक मंत्री के नाते उन्होंने कैसी सेवायें कीं प्रश्न यह है कि क्या उनका एक कदम गलत पड़ा है, क्या उनका एक आचरण ऐसा है कि जिस पर सन्देह किया जा सके। विश्वामित्र का सारा जीवन तपस्या में बीत गया मगर एक पाप ने उनकी सारी तपस्या पर पानी फेर दिया, युधिष्ठिर कभी झूठ नहीं बोले मगर एक बार झूठ बोले तो उनका रथ जो धरती से ऊपर चल रहा था वह धरती पर नीचे आ गया। प्रश्न आज तक के जीवन का नहीं है, एक आचरण का है। एक आचरण संदेह से भरा है इससे

कोई इंकार नहीं कर सकता। लोकतंत्र का तकाजा है, संसदीय लोकतंत्र का तकाजा है कि जो मंत्री संदेह से विमुक्त न हो वह मंत्री न रहे। धन्यवाद।

SHRI ARJUN ARORA : Mr. Chairman, Sir, it is a rare occasion on which I agree more with my friend, Mr. Atal Bihari Vajpayee than with my esteemed friends and colleagues, Messrs. Gujral and Dharia. The P.A.C. has been forthright in its observations. I need not quote from the P.A.C. Report. Para 4.128 on page 92 of the Fiftieth Report and in the Fifty-fifth Report paras. 1.17, 1.31, 1.35, 2.7, 2.10, etc. have not only been read by Members of this House but by the country at large. Therefore I will not waste the limited time at my disposal in quoting from them. The fact is that the P.A.C. was not satisfied with the conduct of the Ministry and the Minister. The Minister himself took the unusual step of appearing before the P.A.C. and with all this debating skill and all his art of advocacy, which I have on many occasions admired, he was unable to convince the P.A.C. What should an honourable parliamentarian do when such a situation arises? Mr. Chairman, it is worth while recollecting that the P.A.C. is no ordinary body. The P.A.C. is Parliament itself. There are certain functions, certain responsibilities, which require a detailed look and which Parliament cannot perform itself, sitting in this Chamber. That work is assigned to the P.A.C. and what the P.A.C. does is the work of Parliament. What the P.A.C. holds, I should think, is held by Parliament. When the P.A.C. finds inaccuracies in the statement of the Minister, when the P.A.C. finds his reasons obscure, when the P.A.C. is not satisfied with the manner in which he has acted, the manner in which he has changed his orders, I should think that an honourable parliamentarian will hold that Parliament has no confidence in him and he will resign.

SHRI I. K. GUJRAL : Where is it said ?

SHRI ARJUN ARORA : You read the Report. I have quoted the paras of the Fifty-fifth Report which Mr. Gujral should read and then interrupt me and I will satisfy him.

SHRI G. MURAHARI (Uttar Pradesh) : The trouble is he is jaundiced.

SHRI ARJUN ARORA : The Minister is not a serviceman. A serviceman has got a greater claim on his' job and the serviceman is expected to stick to his job. I find today that the guns which roared against Mr. Bhoothalingam in the last week of July are silenced. They have been silenced somehow. (Interruptions). The guns are there.

SHRI M. M. DHARIA: There are no guns.

SHRI ARJUN ARORA : Still the guilty conscience is there. Mr. Bhoothalingam is entitled to greater protection from Members of Parliament than Mr. Subramaniam. As Mr. Bhoothalingam is a Serviceman, his job is to stick to the service and work for his promotion. A Member of Parliament is not a serviceman; a Minister is much less so. The Minister, if he is keen on democracy and if he has respect for parliamentary institutions about which we talk a great deal, Should resign the moment a body like the P.A.C. finds his explanations unsatisfactory to say the least, and even Mr. Gujral will have to concede that the P.A.C. was not satisfied and it has not given a clean chit to the Minister. I must say I like Mr. Subramaniam and the way in which he dealt with and conducted the negotiations regarding the Bokaro Steel Plant with the United States Government, the honourable manner in which he handled those negotiations, won the admiration of the country and of myself also. But a Minister may fail any moment and here the P.A.C. has held that his conduct is not one of which he should be proud.

SHRI M. M. DHARIA : No; the P.A.C. has nowhere said these words. We would like you to show the record.

Star ARJUN ARORA : You will get the record and you will get the reward also.

MR. CHAIRMAN : Don't put words in the mouth of the P.A.C.

SHRI ARJUN ARORA : Sir, we in this country talk a great deal of democracy and parliamentary institutions but when it comes to the question of paying our respect for parliamentary institutions we fail to act.

Here we have a very distinguished Leader of the House. I ask him to tell this House whether in a situation like this a Minister of the Government of the United Kingdom, that is Britain, would have stayed on i minute after the P.A.C. Report, particularl / the Fifty-fifth Report, was submitted. The day of the Fifty-fifth Report was laid on the Table of the House I tuned my radio I or thrice to find out if Mr. Subramaniam, the honourable man that he is, has resigned or not. The radio disappointed me and I find now Mr. Subramaniam has disappoint -ed me even more. By not resigning on the day the Fifty-fifth Report was laid on the Table of the House when his explanatio s were found obscure, Mr. Subramaniam has fallen in my esteem. He has injured himself, he has injured the party to which he and I belong, he has injured the Goveir -ment and, what is more serious, he has injured the country . . .

SHRI BANKA BEHARY DAS (Orissa): And democracy.

SHRI ARJUN ARORA : ... by creating the impression in the country that d cratic institutions and parliamentary instill -tions are a good slogan but not some to act upon. I must, however, say that ifce Prime Minister did very well in announcing in the other House her acceptance of the recommendation of the P.A.C. regarding the appointment of a Committee of Inquiry. I however feel that that declaration was a belated one. Mr. Chairman, you will agree, and the House will agree, that a step taken in time may be found Satisfactory but the same step, if it is taken in a belated manne-, may turn out to be an unsatisfactory one. In this case, if in April or May, when the Fiftieth Report of the P.A.C. was laid on the Table of the House—and it was the Fiftieth Report which recommended this enquiry—the Prime Minister had appointed a Committee of Inquiry as recommended by the P.A.C, I would have been satisfied and I am hopeful that the country would have been satisfied. In view of the fact that the declaration was made on the 22nd Augu<?, after Parliament and the country had cussed the matter in great detail and after the Fifty-fifth Report came out, a comrr I of inquiry fails to satisfy the country. 71 is a difference between a committee a i commission. The Mundhra court of er-| quirv. over which the Leader of the F-

presided, was a Commission constituted under the Commissions of Inquiry Act. He was the Chief Justice at that time and even otherwise, because of the notification under the Commissions of Inquiry Act, the Commission had all the rights of a court. When Mr. Dharia comes forward and advocates that the committee should be given this right and that right, he probably betrays his ignorance of fundamentals. Nothing becomes a court merely because somebody gives it certain rights. A court is something defined under the General Clauses Act and various other enactments, whose names I need not mention. A court constituted under the Commissions of Inquiry Act will alone be a court competent to deal with this matter. The Government have done so—and the results have been satisfactory. In the Mundhra case the country was satisfied with the verdict of the then Chief Justice and now the Leader of the House, Mr. Chagla. In the case of the Vivian Bose Commission of Enquiry we found that all the legal obstacles, could be met and a report worth the name of that distinguished jurist, Mr. Justice Vivian Bose, came out only because the Commission was constituted under the Commissions of Inquiry Act. If the Government even now does not constitute a commission with full powers to go into the matter, not only into the Subramaniam affair, not only into the political or other moral responsibilities of Mr. Subramaniam in this case but also into the evil deeds of the Amin Chand Pyarelal group, into the deeds of Mr. Bhoothalingam, into the deeds of the Iron and Steel Controller, the Deputy Steel Controller and so on, unless a comprehensive enquiry is made by a commission, the country will not be satisfied. Mr. Chairman, a Minister and a democratic Government have not only to be honest but they have also to appear to be honest. They have to be accepted by the country as such. A Minister, like Caesar's wife, has to be above suspicion and the P.A.C. has made it clear that Mr. Subramaniam has ceased to be above suspicion. So, I join Mr. Atal Bibari Vajpayee, with the full consciousness of a Congressman of at least two generations, that Mr. Subramaniam should resign.

SHRI A. D. MANI (Madhya Pradesh) : Mr. Chairman, there are certain broad issues which have emerged in this debate and which are reflected in the amendments to the motion which have been tabled. I

Should like, briefly, to serialise the issues. The first question is whether Mr. Subramaniam had exercised sufficient care in making statements on the subject in either House of Parliament and whether he was justified in modifying his statements as he has subsequently done. The second issue, which is the most important issue, is whether the blacklisting order of the 28th June, 1963, was the correct one and whether the modification of the order of 23-7-63 was justified. This is really the crux of the matter and as my friend, Mr. Govindan Nair has pointed out, he charges *main fides* to Mr. Subramaniam in respect of his amendment of the order. Now, the question before the House is whether Mr. Subramaniam in the public interest and public propriety could have modified the order. The third point is whether Mr. Jit Paul's interview and his apology was sufficient justification for the amendment of the order. The fourth point is whether the Transport Ministry's report was a valid, one for changing the order, whether improper influence was exercised and whether there is room for suspicion about the integrity of the Ministry in the matter. Now, the question has also been raised whether there should be a Commission under the Commissions of Inquiry Act or a committee of the kind suggested in the Fiftieth Report of the PAC. I personally have no objection to a Commission of Inquiry being instituted, but there are certain difficulties in regard to a Commission of Inquiry. I think I would be failing in my duty if I do not draw the attention of the House to them. In the case of a Commission of Inquiry, as my hon. friend, Mr. Abdul Ghani, knows, affidavits alone are filed. Mr. Kairon was not examined. In the Mundhra enquiry Mr. T. T. Krishnamachari was examined and also the Governor of the Reserve Bank. If a Commission of Inquiry has to be effective, there has got to be oral examination and cross-examination of witnesses.

SHRI LOKANATH MISRA : It is provided.

SHRI A. D. MANI: But in the case of the Kairon enquiry the enquiry was on the basis of affidavits filed on both Sides. I have got certain reservations in regard to Com-misusage of Inquiry. About sensitive matters like expert deals, there are a number of

[Shri A. D. Mani.]

shady transactions taking place in this Ministry and perhaps in other Ministries also and if facts are brought to light, they may injure us. Nothing should be done which would injure our export trade. I am personally of the view that the recommendations made by the PAC should be accepted, namely, a high level enquiry committee should be appointed. *(Interruption)* It should be published and also the text of the evidence tendered before the committee should be available to Members of Parliament. There are certain difficulties about a Commission of Inquiry, because I was involved in a contempt case in respect of a Commission of Inquiry. The other question is whether Mr. Subramaniam's conduct should be enquired into and I have certain unpopular views to put forward, unpopular because they have been put forward from this side of the House on the subject and I would seek the indulgence of the House for these views. I would like to say that though I am convinced that the modification of the order of the 28th June, 1963 was defensible on grounds of public propriety, in view of all that has been said about Mr. Subramaniam and about his conduct, he should follow the example of Mr. Bhootha-lingam. A very courageous example has been set by the civil servant, whose conduct was discussed on the floor of this House. He wrote to the PAC and the Government saying that the enquiry should also include matter* referred to him by the PAC. I think politicians should not lag behind civil servants in this matter. I personally would like Mr. Subramaniam to write to the Prime Minister saying that though she might have full confidence in him and that she feels that there is nothing in the action he has taken, he would like the committee, which is going to be appointed, to go into any matter connected with the observations made about him. I think that in the interests of public life such a stand should be taken by the Minister. On the 19th August, 1963 I had occasion to speak about the blacklisting code. The views that I am going to express today are not views fabricated for this occasion. These views have been strenuously expressed on the floor of this House, not only in debates, but also in questions to the Minister. In regard to blacklisting of transactions, I have always felt—and I have had this matter examined

by a very eminent legal luminary—that it is not proper to penalise concerns which have nothing to do with illegal transaction because of a certain element of common proprietorship. I was thinking this was a commonsense view and I was fortified when I was told by a very eminent legal authority, whose name I do not want to disclose, that the view that I had on the subject was the correct one in law.

SHRI LOKANATH MISRA . But the difficulty is that he did not act under legal advice.

SHRI A. D. MANI : I am only mentioning that I have got to examine whether the order can be defended on grounds of public propriety. I had faced this question on the 19th of August, 1963 when the Jaipur Udyog Limited was blacklisted on account of the enquiry conducted by the Vivian Bose Commission into five concerns. The order of blacklisting was wrong because the Jaipur Udyog Limited had not done anything illegal. I wish Mr. Subramaniam had been frank enough to take that stand before the Public Accounts Committee because it is open to a Minister to modify an order which he thinks is not defensible on public grounds.

The question arises whether the Transport Ministry's communication to him was a sufficient ground for the modification of the order. I think, Sir, I would not mind stating my views firmly that that was a very sound justification for the modification of the order and that I do not think that public interest has been sacrificed by what he had done. His first order of the 28th June, 1963 was a bad order in law. The second order that he passed on the 23rd July, 1963 was a sound order, and I do not think that public interest has in any way been sacrificed by the Minister.

The other question is whether anything has been shown in the evidence tendered before the Public Accounts Committee or whether anything has been said after the discussion of the Public Accounts Committee Report which goes to show that the financial integrity of Mr. Subramaniam is open to question. This is, Sir, a matter which has got to be frankly faced. The Public Accounts Committee has nowhere said that his integrity is open to doubt. All that it has said is that this action is

inexplicable. I am not sure who went there and saw him. I wish Mr. Subramaniam had been completely frank about this matter because when this matter was raised in the other House and somebody asked a question whether Sardar Pratap Singh Kairon saw him, he said he had no recollection. Sardar Pratap Singh Kairon is such a formidable man that any person meeting him will remember him for his lifetime. I do not know how Mr. Subramaniam says he did not know whether Sardar Pratap Singh Kairon saw him. I am trying to piece it like a detective novel . . .

MR. CHAIRMAN : But not that long. It is usually long.

SHRI A. D. MANI: He might have a recollection, and if the T.A. bills of the Punjab Government are examined, I am certain that Mr. Kairon was in Delhi at that time. Whether he saw Mr. Subramaniam or his Secretary I do not know. So it is not convincing. The Minister defended before the Public Accounts Committee that Mr. Jit Paul gave an apology on behalf of the concerns. I have examined the apology. We newspaper people are often blacklisted by the Ministry of Information and Broadcasting for something published in the paper. If we have got to get the order modified, we have to tender an abject apology. The apology tendered by Mr. Jit Paul was a weak apology. I do not know how the Minister accepted that apology.

SHRI ATAL BIHARI VAJPAYEE : You do not know what he said orally.

SHRI A. D. MANI : I do not know how he accepted the apology, but as I said the stand taken by the Transport Ministry itself was a sound justification for modifying the order.

Sir, it is always difficult to speak on a personal level about anybody. Mr. Subramaniam has been a controversial figure. He had done things when he was in Madras which had been regarded as highhanded. But nobody has brought the charge of corruption against him. Prof. Ranga, the leader of the Swatantra Party, speaking about this matter in the Lok Sabha said that nobody had brought this charge of corruption against him. He might have yielded to advice tendered. But the question is whether

the advice was tendered for the modification of an order which was bad in law. Suppose an order is manifestly unjust and somebody comes* and says you modify this order. Is he guilty of impropriety if he modifies it ? I do not think, Sir, that on these grounds it is open to one to doubt the *bona fides* of Mr. Subramaniam. He has not acted however with full frankness in this matter. I am prepared to concede it, but I would not say that he has acted for *mala fide* reasons in modifying the order. I wish even now he would stand up and say that the order should have been modified because, as I said, the blacklisting code itself is based on a negation of the principles of natural justice.

The question has been raised whether he should resign. I am glad that references have been made to Mr. Subramaniam's outstanding capacity. This Government is not bristling with very much of talent unfortunately. Mr. Subramaniam is a man of profound capacity. He is a man who is handling a very difficult portfolio. If there has been a taint of suspicion about him, if I had felt that he acted improperly and for improper considerations, I would tell him personally and I would tell him on the floor of the House that he should resign. The principles that the House should bear in mind are the principles which have been enunciated in Jimmy Thomas's case. In England in 1934 an allegation was made* against Mr. Jimmy Thomas that his son had made some money on the stock exchange by leaking out budget secrets. The matter went up before an enquiry. Even though the charge was made against Mr. Jimmy Thomas. Mr. Thomas was not asked to resign. He resigned after the enquiry was over.

SHRI LOK ANATH^V MISRA : What about the Fletcher's case ?

SHRI A. D. MANI: Fletcher's was a different case. Here is a case where nobody has brought any fresh material or record beyond what is contained in the Public Accounts Committee report to show that the action of Mr. Subramaniam was *mala fide*, improper and open to suspicion of corruption. As long as there is no corruption involved, we cannot ask the Minister to resign because no improper act has been committed. It is open for a Minister to commit mistakes.

SHRI LOKANATH MISRA : I would like to get this clarification. You said the other day that Fletcher could resign because he had lent his car to somebody who drove it without licence.

SHRI A. D. MANI: You are presuming guilt on the part of the Minister while I take the fundamental stand that the blacklisting code is wrong according to law, and that what the Minister did on the 23rd July was the right order, because for the sake of a few concerns' which had committed irregularities is it proper to punish other concerns ? It is like punishing the entire family for the mistake of the father. I have always held that view, I have produced satisfactory material and a number of questions have been put to Mr. Subra-maniam on this blacklisting code. I would like to appeal to him as a person who admires him to write to the Government saying that even though the enquiry does' not refer to him the enquiry should take note of the observations made by the Public Accounts Committee and ask for information from him and have evidence from him, if necessary. This is necessary in the interests of public life and in the interests of his own name.

SHRI AKBAR ALI KHAN : Sir, it is rarely that I agree with Mr. Mani, but this time I think in some of the observations that he has made I am inclined to agree with him.

SHRI MULKA GOVINDA REDDY : Do you at any time differ from the Congress Benches ?

SHRI AKBAR ALI KHAN : If the Congress Benches are in the WTong, if I am convinced that the Public Accounts Committee had said something which created a strong suspicion or a sense of *mala fide*, I assure you that all of us will ask Mr. Subramaniam and those concerned to go and we will express strong expressions against those persons regarding whom we feel that their hands are not clean. But here the point is simply this: What has the Public Accounts Committee done in relation to his order of June and July and regarding the transactions and orders in November and August ? That is the point. Has the Public Accounts Committee charged him with anything ? First of all, let us be

very clear about what responsibility he was discharging. In the iron and steel industry public money has been invested to the extent of Rs. 800 crores. Even if all the public sector undertakings are put on one side and the iron and steel industry is put on the other side, the latter is a bigger industry. Let us also understand that it has been a new, big industry where we had to meet contingencies. The head of the Ministry, the Minister, had to take decision* immediately; otherwise any delay in decision will also cause harm to the industry and loss to the country. The third thing that I would say is that in general we feel that, as the administration goes on in a very easy and leisurely manner, the business also is conducted in an easy and leisurely manner. This Parliament has had more than once to express its' strong disapproval of the public undertakings where delays had occurred, where things had been done in a delayed manner and where the sense of urgency, that sense of responsibility, is not felt. Having such special features in the iron and steel industry, if a Minister or if a responsible officer takes a decision on the question, it may be that equally capable men may take a different decision. The point is whether it was a matter of exercise, of his discretion in a proper way or in an improper way, or whether it is' a matter where there is a strong suspicion about his* integrity. That is the issue before us.

[THE DEPUTY CHAIRMAN in the Chair]

There is a code of Steel Ministry. A distinction has been made in penalty. You have also heard about it, I need not repeat, that the legal opinion was that there was no case. It stands to the credit of Shri Subramaniam that in the opinion of the Legal Department there was! no case. Regarding that he said, no, although there is no case, all these deals should be struck off. I will come to it. Then not only that. There were three things. One banning in his own Ministry, the other banning regarding industries and the third blacklisting. I want the House to be very clear about it. I think a lot of confusion has" been created by not making a distinction between banning in his own department, banning in all the other Ministries and blacklisting. So far as blacklisting is concerned, it covers all departments irrespective of agreement or no agreement with those department*. So

of all Ministries is concerned, far as banning water says so, it is open to everyone if one does not follow it up. So the Minister's Ministry is concerned, it far as his own Ministry works.

There are two factors which I humbly beg to put before that so far this industry. One factor here is no body who try is concerned, if Amin Chand Pyare-defends the conduct, and the conduct of the group of concerns enquired into and very those firms must be taken. Let it strict measures should. But let it be clear. Not only that, else is also enquired into whether anybody the involved in this. And it stands to the of this Government that as soon as the

PAC Report and its recommendation can be

the Prime Minister announced in the other House that there will be a Committee and the matter will be fully enquired into. After that, let us see what the PAC has said regarding this matter. Is there anything in which they suspect the conduct of the Minister? I say, in the first case, when he laid down the penalty, he said, banning by all the Ministries. That is, I am talking to you about November. Then he said that so far as June 23 is concerned regarding ... I am sorry. The first was it was only contractual deal in his own Ministry.

SHRI LOKANATH MISRA: No, business deal. There is a distinction.

SHRI AKBAR ALI KHAN: But we interpret it as a contractual deal. But you say it covers all deals. It is only interpretation. The second is a general point. The third thing is when these two factors are brought to his notice. One was that the other department said, well, in shipping, as it has been noted, the record of these people has been very good. Why should it be deprived of these services? Then the question is*, he may have exercised his discretion wrongly, wrongly in the sense that as a Minister he ought not to have allowed these things. But he did allow them. But is that the reason for which you suspect a Minister and ask for his resignation and ask the Prime Minister that she should ask for his resignation? That is the point.

The other thing is, it is abundantly clear, and I hope that my friend, Shri Misra and others, will appreciate that so far as his LI 14RS/66—

3

own Ministry is concerned, he did not make any concession; he did not modify his order at all. I mean, that was the direct thing because as you know, 60 per cent of this whole deal was done by this Amin Chand Pyarelal group of concerns and others and in iron and steel they were more or less the chief men, magnates. If Shri Subramaniam wanted to save them, the right thing would have been to pass a general order. But he might have made some modification on his own. He did not do it.

Now, the second factor that I have to place before ...

SHRI LOKANATH MISRA: You wanted him to encourage him in industry.

SHRI AKBAR ALI KHAN: I am coming to have referred to it. We have to position. I am sure you

are not so far off about the Public sector. My friend, Shri Govindan Nair, says, well, it was a matter of private men. You please put yourself in a position of a man who is very devoted to work who at the same time wants the to prosper, a person who wants the to develop. And in that zeal, in this enthusiasm, in that devotion, if he said, 'Well, I, dear friend, you have expressed an apology. It may or may not be an active apology. Well I will reconsider provided you take part in the development of the industry and not in any other trade.' Do you think that it was something wrong? I am 2 P.M. sure if Mr. Misra would have been there, with his generous mind, with his desire to develop the country, he would have said the same thing. Not only that, he has put all those letters and all those things on record. That factor has to be taken into consideration. If Mr. Subramaniam had thought of doing something which was not dignified, do you think he would put the letter of Mr. Jit Paul on record and the endorsement of his Secretary on record? I am sure if these matters had been brought before the Public Accounts Committee at the earlier stage, then the observation of "being obscure" would not have been made. I give credit to Mr. Subramaniam for requesting the Committee to go and explain before them though it was not his duty.

[Shri Akbar Ali Khan.] He could have explained it at a later stage. With the permission of the Chairman he went there and stood the cross-examination. So these are the two factors—(i) the Transport Ministry, (ii) the apology and, I say, (hi) his intense desire that this industry develops and improves. In a way he has created greater confidence in this industry. All these factors* Madam, explain his conduct.

My friend, Mr. Vajpayee, thought that the question of his previous career was immaterial. With due regard to my esteemed friend, I would say that in such matters the previous character, the previous standard does become a relevant factor. I do not say it is a conclusive factor, but it does become a relevant factor. A man, who had been for ten years in Madras as Education Minister, opposed many things and got into trouble . . .

श्री विरञ्जन वर्मा (मध्य प्रदेश) : हमें तो बहुत मासूम है। बेयर से कुछ, उनकी तरफ देखिये।

SHRI AKBAR ALI KHAN : ... in other matters also my friend may or may not agree with me, but I think there is one defect Mr. Subramaniam, and it is this, Mr. He is very capable. He is very honest. He is very dynamic, and when you have that frame of mind, sometimes you are a little negligent and careless to others. You are a little negligent to the facts that face you.

श्री शीलभद्र याजी (बिहार) : यह आप बहुसियत बुजुर्ग कह रहे हैं, यह बात सही नहीं है।

SHRI AKBAR ALI KHAN : That is my view, Mr. Yajee. You or Mr. Arjun Arora may not agree with me, but there are Some who agree with me. My point is this. These are the circumstances that will make you see whether the man has worked *bona fide* or not.

श्री शीलभद्र याजी : आप जो नसीहत दे रहे हैं . . .

SHRI AKBAR ALI KHAN: That is my view. That is not *Nasihah*. I feel that he

put himself into trouble. I may be wrong. because he is very dynamic and honest. Therefore, he thinks that* and honest thing. That is why I admitted certain mistakes with this trouble to him. I have brought Madam, that there is no fully submit, behaviour or misconduct, of any misconduct, has not suggested any such circumstances, I feel that- In these be conducted, and till the enquiry should be taken against the Ministry, say, against anybody, Minister or anybody. I have asked me, As you order did consent will sit down. The last Pyarelal greater emphasis against compared to the 11th November

श्री गोडे भुराहरि : मंडम डिप्टी चेयरमैन महोदया, पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट पर बोलते हुए थोड़ा सा मुझको मावधान रहना पड़ेगा क्योंकि मैं खुद पब्लिक एकाउन्ट्स कमेटी का मेम्बर रहा हूँ और इसलिये मैं जो कुछ भी कहूँगा वह उसको ध्यान में रखते हुये कहूँगा।

यहां पर अभी तक जो बहस हुई है उसमें ज्यादातर पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट और उसकी फाइंडिंग्स के बारे में न कह कर श्री सुब्रह्मण्यम् जी की नैतिकता, उनकी जो काबलियत है और उनके बारे में और भी जो कुछ है वह कांग्रेस के सदस्यों ने कहा है, उसके बारे में ज्यादातर यहां पर चर्चा हुई है, सिर्फ एक सदस्य श्री अर्जुन अरोड़ा साहब ने पब्लिक एकाउन्ट्स कमेटी की फाइंडिंग्स के बारे में कुछ जिक्र किया लेकिन ज्यादातर जो यहां पर बहस हुई है वह सुब्रह्मण्यम् साहब के बारे में और उनकी जो काबलियत है उसके बारे में हुई है। मुझे उनकी काबलियत के बारे में कुछ नहीं कहना है। हो सकता है कि वह बहुत काबिल हों। किन किन चीजों में वह काबिल हैं उसके बारे में भी मैं कुछ नहीं कहना चाहता लेकिन पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट में जो कुछ भी लिखा गया है उसको पढ़ा जाय, दो रिपोर्टें हुई हैं, एक सुब्रह्मण्यम् साहब के बयान करने के पूर्व और दूसरी

उनके बयान करने के बाद, और जो फाईडिंग्स पब्लिक एकाउंट्स कमेटी ने उनके बयान के पूर्व दिया उसके लिये उनका बयान सुनने के बाद पब्लिक एकाउंट्स कमेटी की यह नहीं राय रही है कि कोई उसमें तब्दीली की जाय और जो कोई प्वाइंट्स उठाये गये और जिसके बारे में पब्लिक एकाउंट्स कमेटी में सुनवाई हुई उसमें अगर एक-एक पैराग्राफ को आप देखेंगे तो उसमें यही देखेंगे कि कमेटी की राय में वे संदेहात्मक रहे हैं। मैं एक-एक सब को कोट नहीं करना चाहूंगा क्योंकि समय भी बहुत कम होगा लेकिन अगर आप पढ़ेंगे तो एक-एक चीज के बारे में कमेटी की फाईडिंग्स यही रही हैं कि उसमें कोई रोशनी नहीं पड़ी है या कोई तब्दीली की जरूरत नहीं पड़ी है। इस हालत में पब्लिक एकाउंट्स कमेटी का जब एक रिपोर्ट हो गया तब मुझे कभी-कभी ऐसा लगता है कि एक मिनिस्टर जब अपनी गद्दी पर बैठ जाता है तो उसको छोड़ने के वक्त जैसे छिपकली सटी रहती है उसी तरह से वह सटे रहने की कोशिश करते हैं। अगर श्री सी० सुब्रह्मण्यम् साहब बहुत काबिल हैं, बहुत आनेस्ट हैं और उनका जीवन—जिसकी यहां तारीफ हुई है जो सुबह से अभी तक मैं सुन रहा हूं—अगर यह सब सही है तो आज सुब्रह्मण्यम् साहब सामने बैठ कर के यह विवाद नहीं सुनेंगे, उनको चाहिये था...

श्री शीलभद्र याजी : यह तो आप लोगों का केस सुनने को है।

श्री गोडे मुराहरि : ... जिस दिन पब्लिक एकाउंट्स कमेटी की रिपोर्ट आई उसी दिन इस्तीफा दे कर चले जाना चाहिये था और कहना चाहिये था कि जब तक मेरा नाम इसमें से साफ नहीं होता और यह सब संदेह नहीं हट जाता तब तक मैं मिनिस्टर नहीं रहूंगा अब तब मैं समझता कि सुब्रह्मण्यम् साहब में कोई काबलियत है, कोई आनेस्टी है और वह बहुत काम के आदमी हैं लेकिन आज मैं इस चीज को मानने के लिये तैयार नहीं हूं। मैं

यह नहीं कह रहा हूं कि पब्लिक एकाउंट्स कमेटी की रिपोर्ट में यह कहा गया है कि इनको डिसमिस किया जाय या इनका रेजिगनेशन मांगा जाय, यह पब्लिक एकाउंट्स कमेटी नहीं कह सकती, मैं जानता हूं कि पब्लिक एकाउंट्स कमेटी इस तरह की फाईडिंग नहीं दे सकती।

श्री शीलभद्र याजी : आप कहते हैं।

श्री गोडे मुराहरि : लेकिन जो मसला उसके सामने आता है उसके बारे में तहकीकात कर के एक-एक मसले के ऊपर राय देती है और यह साफ है कि जो कुछ भी उन्होंने किया, अभीचन्द प्यारेलाल के जो जीत पाल साहब हैं उनसे बातचीत की और उसके बाद उस आर्डर का माडिफिकेशन हुआ, वह नतीजा निकालता है, उनकी जो कुछ भी बातचीत हुई होगी और उसके बाद क्या वहां पर बात हुई, जीतपाल साहब ने क्या कहा, श्री सुब्रह्मण्यम् ने क्या कहा, उसका रिकार्ड तो कोई है नहीं। जब उनसे पूछा जाता है तो उनको याद भी नहीं पड़ता है। तो इस हालात में एक ही संदेह होता है कि मामला कुछ गड़बड़ है। अब किस तरह की गड़बड़ है यह मैं नहीं कहना चाहता हूं। लोगों ने करप्शन की बात की। कुछ लोगों ने यहां पर यह कहा कि जब तक श्री सुब्रह्मण्यम् के खिलाफ कोई करप्शन का चार्ज नहीं होगा उनको हटाना नहीं चाहिये। करप्शन का चार्ज इससे ज्यादा क्या हो सकता है कि उनकी मिनिस्ट्री एक आर्डर देती है और उसी आर्डर को तब्दील किया जाता है—किस घटना के बाद? उस कंपनी जिस कंपनी ने हिन्दुस्तान के लोगों का करोड़ों रुपया लूटा है, हिन्दुस्तान की सरकार का रुपया लूटा है, उसमें कौन-कौन मंत्री और अफसर इन्वाल्व्ड हैं, उसमें मैं नहीं जाना चाहता, बड़ी लम्बी कहानी हो जायगी, वह हिन्दुस्तान में कांग्रेस सरकार की एक शर्मनाक कहानी है, पिछले दस पन्द्रह साल की कहानी है, 1950 से आज तक इस कंपनी के जरिये देश को लूटा जा रहा है। और भी बीस कंपनियां उसके इर्दगिर्द में हैं जिसके मालिक एक हैं, बाकी उसके रिश्तेदार

[श्री गोडे मुराहरि]

हैं और एक कंपनी ब्लैकलिस्ट होती है दूसरी कंपनी तैयार हो जाती है, एक कंपनी को कोई कॉन्ट्रैक्ट नहीं मिलता है तो दूसरी के नाम से एक कंपनी खड़ी हो जाती है और वही लोग जो इसमें डाइरेक्टर्स हैं उसमें भी डाइरेक्टर बन जाते हैं और एक नहीं हर एक मिनिस्ट्री इसमें इन्वाल्व्ड है। मैं कहना चाहूंगा केवल सिर्फ आइरन एण्ड स्टील मिनिस्ट्री का मामला नहीं है। यह अमीचन्द प्यारेलाल का मामला तो डिफेंस मिनिस्ट्री में भी जाता है, एक्सटर्नल अफेयर्स मिनिस्ट्री, फाइनेंस मिनिस्ट्री, कामर्स मिनिस्ट्री जो भी मिनिस्ट्री आप ले लें हर मिनिस्ट्री में उनके मामले चलते हैं और हर मिनिस्ट्री में यह देखा गया है कि उनका रिकार्ड क्या है। मेरा तो यह कहना है कि यह कोई नयी बात नहीं है कि श्री सुब्रह्मण्यम् यहां पर आकर कहे मैं उनके बारे में ज्यादा नहीं जानता, यह बिल्कुल झूठ है। अमीचन्द प्यारेलाल का पूरा रिकार्ड उनको अच्छी तरह से पता था। इसके साथ-साथ कई कम्प्यूनि-केशन्स गये हैं हिन्दुस्तान स्टील लि० के, कई चिट्ठियां हैं जो स्टील मिनिस्ट्री को ऐसी गड़बड़ी के बारे में लिखे हैं। इन सब के बावजूद श्री सुब्रह्मण्यम् साहब एक बार नहीं कई बार उनसे मिलते हैं। उन्होंने कहा है कि 20 जुलाई को वे मिले हैं। उसके बारे में जब पूछा जाता है तो कहते हैं कि हम को याद नहीं पड़ता है कि उस आदमी से पहले मिला हूं या नहीं लेकिन यह बिल्कुल साबित किया जा सकता है कि उन्होंने उसके पूर्व उसी अमीचन्द प्यारेलाल के रिप्रेजेंटेटिव्ह से बात की है, इन सब चीजों के बारे में। हो सकता है उस डील के बारे में बातचीत की हो या दूसरे डील के बारे में बात की हो। तो हर डील में इस कंपनी का गड़बड़ सड़बड़ मामला रहा है। इसके बावजूद यहां पर आकर एक टेकनिकैलिटी को लेकर यह कहना कि ट्रान्सपोर्ट मिनिस्ट्री का जो रिकमन्डेशन था वह भी एक महत्वपूर्ण कारण था इस आर्डर को बदलना और फिर यह आड़ लेना कि मेरी जो कुछ बात-

चीत जीतपाल के साथ हुई वहीं सिर्फ कारण नहीं था बल्कि ट्रान्सपोर्ट मिनिस्ट्री का भी मामला था इसलिये वह आर्डर बदला गया यह ठीक नहीं है और यह मिनिस्टर को शोभा नहीं देता है। और वे यह भी कह रहे हैं कि यह भी कुछ भी मामला हुआ मेरे पूर्व हुआ, मेरे आने के पूर्व जो मंत्री थे उनके जमाने में यह सब डील हुआ और अमीचन्द प्यारेलाल की फर्म ने बहुत उन्नति की। अगर ऐसा है और ये इतने आनेस्ट हैं तो मैं यह भी चाहूंगा कि वे आकर कहें कि किस ढंग से इस कंपनी को बढ़ावा दिया गया, इनके पूर्व और कौन मंत्री इसमें इन्वाल्व्ड थे, और सिर्फ यही नहीं, अगर सरदार प्रताप सिंह कैरों का भी प्रेशर रहा हो तो कह देना चाहिये। अगर ये आनेस्ट रहते तो उनके सामने कहना चाहिये था कि हां, इन-इन मंत्रियों का प्रेशर हमारे ऊपर था। लेकिन उन सब चीजों का जिक्र करने के लिये वे तैयार नहीं हैं। तो ये सारी जिम्मेदारी उन्हीं के ऊपर जाती है और जो कुछ गड़बड़ मंत्रालय में हुई है, इन सारी बातों की जिम्मेदारी उन्हीं को उठानी चाहिये और सही है कि उठाये क्योंकि हो सकता है उनके पूर्व जो डील हुआ हो वह हुआ हो लेकिन जब मिनिस्टर बन गये और उनको पता था कि ये सब गड़बड़ मामला था और उसके बाद आर्डर पास किया तो क्या जरूरत थी उसको बदलने की। प्रश्न तो यही है : अगर बदलते तो किस ढंग से बदलना चाहिये था ? उनको चाहिये था कि अमीचन्द प्यारेलाल की जो कंपनी है उसको नेशनलाइज करके उसकी सारी जितनी कंपनियां हैं उनको ज़ब्त करवा देते सरकार से क्योंकि उनको मालूम था कि क्या गड़बड़ कर रहे हैं। लेकिन वह सब नहीं किया और आर्डर चेंज किया, बदल दिया। और कैसे बदला ? बदला इस ढंग से कि उस कंपनी को फायदा हो सके तो उसको मैं बिल्कुल "मैला-फाईड" समझता हूं। इसके सिवा करप्शन और किसी चीज का नाम हो तो मैं नहीं समझ सकता। अगर कोई मिनिस्टर को धूस देकर पकड़ सके और उसको सामने लाकर कहे

यह करप्शन है यह करप्शन है तो फिर अलग बात है। मेरी समझ में तो करप्शन के जो कई तरीके हैं उनमें एक यह भी करप्शन का मामला है, अगर सही तरीके से देखा जाय तो।

अब यह कहा जाता है कि श्री सुब्रह्मण्यम् साहब कभी-कभी जोश में आकर कह डालते हैं कि मैंने एस० एस० पी० के लोगों को दोनों सदनों में कहते सुना, यहीं एक बार उन्होंने फर्माया, कि उनकी कुछ और मामले में दिल-चस्पी है और इसलिये मेरे खिलाफ़ ये सब उठाते रहते हैं। मैं इसका उत्तर देना चाहूंगा, क्योंकि उन्होंने जानबूझ कर एक ऐसा वातावरण हिन्दुस्तान में पैदा करने की कोशिश की है कि चूंकि वे दक्षिण के हैं इसलिये ये सब लोग उठाते हैं, अगर कोई दक्षिणवर्ती का मामला नहीं होता...

श्री शीलमन्न याजी : ऐसा उन्होंने कभी नहीं कहा है।

श्री गोडे मुराहरि : मैं जानता हूं। कहने की जरूरत नहीं पड़ती लेकिन जिस ढंग से वह जवाब दिया वह काफी था समझने के लिये।

श्री अकबर अली खान : हमारे हाऊस में तो नहीं कहा।

श्री गोडे मुराहरि : और कई लोगों ने इस चीज को बढ़ाने की कोशिश की। मैं जानना चाहूंगा, जब श्री केशवदेव मालवीय गये या एच० एम० पटेल गये या जब लालबहादुर शास्त्री जी ने अपना इस्तीफा दे दिया, तो ये सब क्या दक्षिण के थे। और मैं भी उतना ही दक्षिण का हूं जितना सुब्रह्मण्यम् साहब हैं, हो सकता है वे कोयम्बटूर में 200 मील हमसे आगे रहते हों लेकिन मैं रह चुका हूं मद्रास में। इतना ही फर्क है उनके दक्षिणवर्ती होने में और मेरे दक्षिणवर्ती होने में। उस आड़ में पब्लिक की सम्पत्ती गैर करना, यह मैं नहीं समझता कोई आनेस्ट काम होगा।

SHRI AKBAR ALI KHAN : But he said it neither in the Lok Sabha nor here.

SHRI G. MURAHARI: You never allowed him to say it but he did refer to it.

(Interruption)

SHRI AKBAR ALI KHAN : He never referred to anything like that.

श्री गोडे मुराहरि : जब हिन्दी का आंदोलन चल रहा था तब सुब्रह्मण्यम् साहब इतनी मजबूती से इस्तीफा देने को तैयार हो गये थे, उस वक्त तो इस्तीफा देने के लिये बड़े राजी थे, लेकिन अब तो उससे ज्यादा गहरा मामला है, जो कि उनका खुद का मामला है, फिर क्यों नहीं उन्होंने इस्तीफा दे दिया। ये कहना चाहते थे लेकिन उन्हें कहने नहीं दिया गया।

उपसभापति : दो, तीन मिनट और हैं।

श्री गोडे मुराहरि : इन्टरप्शन से वक्त खराब कर देते हैं। तो मेरा यही कहना है कि यह जो मंत्री जी का मामला है इसको सिर्फ एक कमेटी के सामने जाने से काम नहीं चलेगा। कमेटी को आप सौंपेंगे लेकिन यह क्या कमेटी होगी उसकी कोई खबर नहीं। लेकिन लोक सभा में कुछ अनाउन्स किया गया कि एक कमेटी बन जायेगी और आज अखबारों में भी हम देखते हैं कि एक कैबिनेट की कमेटी बनी है, श्री नन्दा उसके चेयरमैन हैं, और यह कैबिनेट कमेटी बैठकर यह फैसला करेगी कि कौन-कौन मामले पर उस कमेटी को अधिकार होगा जांच करने का। मैं समझता हूं इस तरह दुनिया को धोका देना, विरोधी दल को भी धोका देना और पब्लिक एकाउन्ट्स कमेटी को और दूसरों को धोका देना ठीक नहीं है। इस तरह का गोलमटोल करके किसी मिनिस्टर को बचाने की जो कोशिश हो रही है उससे आप हिन्दुस्तान के लोगों को धोका नहीं दे सकते। लोग खूब समझते हैं कि क्या मामला हो रहा है। बीस साल से जो कुछ भी पाप इस सरकार में इकट्ठा हो रहा है वह पाप का ढ़ड़ा अब फूट रहा है और एक-एक करके फूटेगा

[श्री गोडे मुराहरि]

और लोगों को पता चल जायेगा कि क्या मामला है। अब भी अगर सरकार बचानी है तो उसके लिये एक ही रास्ता है कि जो भी मंत्री इसमें इन्वाल्ड हों उन सबका इस्तीफा दिलवा कर नये मंत्री बना लें। इसमें कोई हर्ज नहीं। मैं नहीं समझता कि कांग्रेस में इतनी काबलियत की कमी है कि कोई एक मिनिस्टर चला जायेगा तो दूसरा मिनिस्टर नहीं मिलेगा। काफी लोग पड़े हैं, ले लीजिये किसी को और फिर भी आपका काम चलेगा।

प्रधान मंत्री (श्रीमती इंदिरा गांधी) : आप क्या राय दे रहे हैं ?

श्री गोडे मुराहरि : मैं अपनी बात कह रहा हूँ और साथ ही साथ राय भी दूंगा।

THE DEPUTY CHAIRMAN : Your time is over, Mr. Murahari.

श्री गोडे मुराहरि : राय देना इसलिए जरूरी है कि यहां एक पार्लियामेंट है और आप उसकी प्रधान मंत्राणी हैं। आप पार्लियामेंट में सुनने के लिए आई हैं, राय सुनने के लिए आई हैं और इसीलिए मैं राय दे रहा हूँ। आपको मेरी राय पसंद नहीं होगी, यह मुझे मालूम है क्योंकि जिस ढंग से सरकार चल रही है। अगर मेरी राय से सरकार चलेगी तो फिर शायद आप वहां नहीं बैठेंगी।

THE DEPUTY CHAIRMAN : That will do. Mr. Karmarkar.

SHRI G. MURAHARI: Let me just wind up.

THE DEPUTY CHAIRMAN: You should have done it already.

Mr. Karmarkar.

SHRI D. P. KARMARKAR (Mysore) : Madam Deputy Chairman, I intervene in this debate for two reasons. One is that, naturally, such a debate concerns every Member of the House, apart from party affiliations. The second reason why I stood

up to intervene was that this question that is presented for the consideration of the House involves more matters than are obvious on the surface. In the midst of this discussion what appears to have been obscure from the minds of the Members is what the P.A.C. exactly has said. I think, after all these hours of discussion, the House needs to be reminded that all that the P.A.C. has said is that it sticks to its observations though I am not able to appreciate the logic of the P.A.C.'s recommendations. When the P.A.C. came to the conclusion under 4.128, certain matters were not before them, and therefore they adopted a wording which assumed that some matters were not clear to them. Now in their latest report, the Fifty-fifth Report, they say that they see no reason to depart from 4.128. What do they say there ? In 4.128 they say :

"The Sub-Committee are unable to understand the circumstances under which the Minister changed his* previous orders so soon that the business suspension with M/s. Amin Chand Pyarelal group of firms should not be communicated to other Government Departments."

Even after the circumstances are placed before them, they may or may not accept the validity of the circumstances explained to them. But there is no justifiable reason for the P.A.C. to stick to what they had said in 4.128, namely :

"The Sub-Committee are unable to understand the circumstances under which the Minister changed his previous orders so soon that the business suspension with M/s. Aminchand Pyarelal group of firms should not be communicated to other Government Departments."

Now after this some water did flow under the bridge. The Minister went up before the P.A.C. and by and large—we have not here before us an accused person and we are not a court of law—and by and large the position is this that the Minister has explained to us. We may take it; we may reject it. We may count that he has spoken the truth or we may count that he has uttered a lie—that is our own judgment. But then the fact remained that the Minister gave us two reasons for the change in his order, firstly that the party interviewed

him, firstly or secondly—whatever it is—and secondly, that the Transport Ministry came into the picture. And here it is necessary to remember one little detail, which appears to have been missed by the House, that, as soon as the Minister for Iron & Steel made that order, under the rules that were in force it should not *ipso facto* bind all the other Ministries, as is said there in the letter by the Deputy Controller or the Controller written back to the Ministry. All that could be done after this order was that that order had to be brought to the notice of the other Ministries. They may accept it; they may reject it; there is nothing binding about it or when he had withdrawn that part of the order whereby that order would be communicated to the other Ministries. In a way the order, in fact, came to the notice of the other Ministries, because one of the Ministries came up. Now this is one small point that is missed. The other small point that is missed is that the Minister had really no logical reason to know that the firm was black-listed earlier. I will not take my own time and the time of the House by repeating what is said there of the other blacklistings. There were three blacklistings done prior to 1963 belonging to the Ministry of Works, Housing and Supply, and I, as someone who has been a Minister once, know that we are so much busy. I mean to say, if you are busy, you are so busy that you have no leisure to know what is happening in the other Ministries unless it was circulated to everybody, unless it was brought to your notice. A Minister normally can be excused if he has no knowledge, because nobody knows, nobody enquires which party has been blacklisted in any of the Ministries concerned, and there is no reason to disbelieve the Minister when he says—unless one has strong reasons to the contrary—that this blacklisting by the Ministry of Works¹, Housing and Supply was before the Minister when he revised that order. Now these two facts appear to me to be significant.

Now I am coming to the position why this debate has been important. Naturally, I do not complain against it. I would invite the opposition to do the worst that is possible. In fact, it is their duty to do the worst in a reasonable manner. We had even, during the last week, baseless allegations flung round about. We had an allegation in connection with some other matter that

Prime Minister's three relatives were employed—in fact two of them were not related—and things like that. We had another allegation that somebody was involved, and things like that. Now when such allegations are bandied about, it becomes much more our duty to look closer into the matter. What is the position? This House, in discussing the P.A.C. Report has thought because the Opposition so chose it . . .

SHRI LOKANATH MISRA : I did not. . .

SHRI D. P. KARMARKAR : I will come to you later on.

SHRI LOKANATH MISRA : I do not think this is . . .

SHRI D. P. KARMARKAR : Not you. You have been saved excepting that I will repeat what you have said about somebody else. But then the point is like this that this House, the Opposition particularly, has taken this chance—I do not blame them; let them do it in a rightful manner. I do not expect them to be reasonable either, but let them base this on proper facts. What is the position? One can understand that a Minister can misbehave in two ways. One is his integrity. If in any case there is anything, even the least shadow of doubt about a Minister's integrity, no more the Minister should remain in office. The Minister has no place in the Government. There is no doubt about that point at all. It is accepted. The Minister could not be there for one moment longer. But even in a case where a person's integrity is not suspected, we as Indians are given to too much of suspicion, to too much of scandal-mongering. If there are two alternatives to believe, one good thing about a man, and a bad, it has been my sad experience—and everybody may have had the same experience—that I am tempted more to believe in the bad rather than in the good. That has been a national defect of ours, and that applies here also, and all that is said by them including my very reasonable friend, Mr. Govindan Nair—he usually looks very reasonable—is suspicion, suspicion, suspicion. You are always given to suspicion. Cast off that suspicion from your mind. Let us develop a healthy mind. If I may say plainly, I do not suspect; I know that their hit in this

[Shri D. P. Karmarkar.] manner is not at one Minister but at the Government as a whole. Elections are coming and they can go to the electorate and say that this Minister has resigned; "We have made him resign." "He has been dishonest." and so on. If that is the case, no, no; that would not carry the voters very far. That would not secure them more votes. This is another matter. They are bound to be defeated. They are not going to get a large percentage of votes. It is not going to help them. But hope is always a nccour. Well, I can well see that this is not mere suspicion against a Minister but it is an attack on the Government as a whole. What is the position? Is it worthy for us to create an atmosphere of suspicion for that, or for us in the body politic? Very respectfully No. Therefore let us believe in manly politics. Let us come forward. After all we are one. Let us not be swayed by my friend, Mr. Vajpayee's emotion. To my mind, whenever he speaks, I am reminded of Connaught Circus because in Connaught Circus the roads lead away and away, they are never parallel. So if Mr. Vajpayee once departs* from what is reasonable, then the longer he speaks, the greater his emotion carries him distant and distant from the other proper road. This is the result of emotion. Apart from emotion he said that the suspicion was worth while. Now it is for him to judge whether on this meagre ground it is proper to Suspect. What is it there? Ultimately a Minister—I am not saying this because I was a Minister—is there because the Prime Minister has chosen him, and the Prime Minister is there because the Prime Minister commands the largest opinion in the House and, therefore, if a Minister has easily to resign the moment that Mr. Vajpayee or Mr. Lokanath Misra makes an allegation, that Minister would be derelict in his duty, he would be lacking in courage. He should stand up and say, "I am true to my conscience and I am not going to yield whatever my friends may say. So the point is, as much the duty for a Minister to tell it to himself and to the people at large. Simply because some people castigate my character, I am not going to vacate my seat." This is, Madam, not a *tamaaha*. This is not the stage. I am quite sure in my mind that, if Mr. Vajpayee were to be on this side of the House, he would make a passionate speech against what he said today, because

lie would believe it sincerely and he would say :

“क्या चीज़ है, क्या यह मुनासिब है, क्या यह योग्य है यहां से जाना ?”

Now coming back to my point, for all this discussion, to my mind either as a layman or as a lawyer or as a Congressman or as a Member of this House I do not find any reason whatsoever. My hon. friends are there and I wish my hon. friend Shri Lokanath Misra had read what his leader in the other House had to say. If he reads what Prof. Ranga has said there he will see this". Prof. Ranga said that in the whole of his public career there has not been one occasion in which Mr. Subramaniam's integrity had been questioned. This is what we should do if we are to uphold the standards of decent Government. I am very much distressed that my hon. friend Shri Arjun Arora who is otherwise a brave man—bravery may lead a man to make mistakes!—has suggested that Mr. Subramaniam should resign. Sometimes brave persons say such things, as Mr. Arora has done in this case and they make suggestions which are unreasonable. They do not know what they say. Anyway it is" very regrettable that persons who otherwise have calm heads should be carried away like this. Madam, if this were the standard to be upheld by Parliament then I do not think any Minister can keep his seat. No one can do it, like the judge in the High Court of Bombay and nobody with integrity and character will be willing to accept a seat on the Treasury Bench. Ultimately it will not help anyone, not even the Opposition. It is necessary for us now to do our duty and it is our duty to be here and we are going to be here because we are here by the will of the people. We have to stick on as long as the people want us here.

SHRI LOKANATH MISRA : Mr. Karmarkar, I did not have a word against you when you were a Minister.

SHRI D. P. KARMARKAR : I thank the hon. Member for that, for saying that there was not a single word against me. Therefore, my hon. friend should accept the reasonableness of what I am saying now. That is what I want him to do.

Now, this is not a moral or legal issue. Even judging it as a lawyer, on the evidence of all that the Opposition have said there is not anything on which even a rat could be hanged, let alone a Minister. It is not worth serious consideration. It is not something to be treated seriously.

Then I come to my last point, Madam, I am proud of the Government and I am also proud of the Opposition wherever it is relevant and I am very happy about their activity in this respect and I am happy that corruption has come out. No country can prosper on the basis of corruption. Let us see where there is corruption and let us see that it is hunted out. It does not matter whether the government falls" or stays. That does not matter at all. If it is corruption it must be rooted out from the country. But in the name of corruption being removed it is no good starting a witch-hunt. Let us leave it to the Government. If it is to be a committee of enquiry, O.K. let it be so. If it is to be a commission of enquiry, all right, let it be so. It is for the Government to take the decision on this matter. Let them do it and the Government Should not be stampeded into taking a decision just because something is said against it. I am sure they will not. I will sit down in a minute, Madam.

THE DEPUTY CHAIRMAN : You have two minutes more.

SHRI D. P. KARMARKAR : Two minutes are sufficient for me to pay compliments to my hon. friend Shri Lokanath Misra. Madam, he is one of the Members whom I have liked. I always like Smiling people because ultimately they are not dangerous and when they look dangerous they help *io expose* danger. His leader here has chosen to be absent. Perhaps he thought he would not be able to support Mr. Lokanath Misra, I don't know. I wish Shri Lokanath Misra had put forward one single argument which would have convinced me or the Tightness of his" stand. If I may make a return, I will say this. As you may know, in our marriages we give back something in return when we get a present from the *Samhandhi*. Similarly I have a feeling in my mind that I should return to Mr. Misra v/hat he said while characterising Mr. Subra-maniam's action. I will return to him the same compliment that he paid to Mr.

Subramaniam when he said he was very able. Mr. Lokanath Misra, I would say, is one of the ablest and most competent of Members here. But as he has said, the more the ability and capacity, the greater the possibility of its being abused. I wish he had used his abilities in other spheres. Let him not use his" abilities and capacity for such unsupportable and unjustifiable causes. Thank you, Madam.

SHRI A. P. CHATTERJEE (West Bengal) : Madam Deputy Chairman, when I heard the last speaker, Mr. Karmarkar I was reminded of the proverbial lady in distress, who of course in this case is Mr. C. Subramaniam himself. But my hon. friend was' almost behaving like the proverbial Knight-errant. Mr. Karmarkar was like the Knight-errant Don Quixote who attacked a windmill and got tossed about.

Now it is true that from the Congress benches we are not hearing those guns which boomed in the Bhoothalingam affair. But ! could see with some kind of a relief that the voice of conscience was not absolutely stilled and we did hear some speak for that voice also.

AN HON. MEMBER : Have patience, you will hear.

SHRI A. P. CHATTERJEE : Even though Mr. Dharia went all out in support of Mr. Subramaniam he ultimately had to admit that it is a case for enquiry. Now as soon as he agrees that it is a case for enquiry then it certainly has to be a case for public enquiry. I shall hang upon those words which fell from Mr. Chagla on another occasion, that justice cannot be a cloistered virtue, that it must come out into the open and in the open before the eyes of the public it should mete out justice and equity to the people concerned. I do hope that Mr. Chagla will stick to those words which he said on another occasion. Certainly we expect that Mr. Chagla has not kept his juristic learning and integrity in the lumber room when he walked into the Congress camp or the Congress trap. If there is a case for enquiry then it is certainly a case for public enquiry as the Opposition has demanded and as some of the Congress Members have also demanded and it must be under the Commissions of Inquiry Act and the enquiry should be

[Shri A. P. Chatterjee] public where everything might be dished out and brought in the open and everything may be decided and considered in the open.

Madam Deputy Chairman, it has been said that we were merely building on suspicion. It has been asked whether we can really call this corruption. Madam, everyone will agree that corruption has many images and corruption is often tantalising and if a person says that this is not corruption and that is not corruption then we certainly cannot catch hold of corruption. Corruption has always the tendency to elude chase and we merely assist corruption to elude chase by asking for the definition of corruption. If we do that then I submit corruption will run rampant in the country. Therefore, let us call a spade a spade. After all, the Public Accounts Committee is a responsible body and as has been said by even Congress' Members, the Public Accounts Committee is more or less an image of Parliament and the Public Accounts Committee has* said that Mr. Subramaniam has played ducks and drakes as far as these matters are concerned. Mr. Subramaniam has not been able to give any explanation for the rapid and almost lighting changes in his orders which he made within a matter of a fortnight or so. The first order was given on the 28th June, 1963 by Mr. Subramaniam that all the Departments of the Government of India must have no dealings with this firm, namely, the firm of Messrs. Amin Chand Pyarelal. Look at it, Madam. From the 28th June, 1963 till the 31st July, 1963 what feverish activity was there and what lightning decisions were arrived at. Certainly I pray that such lightning decisions were given by the Ministers where the toilers' interests are concerned. But, Madam, that is not to be. Such haste, such rapidity and such quickness of decision was noticed only in the case of a monopolistic firm namely Messrs. Amin Chand Pyarelal. Madam, the Aminchand Pyarelal firm is not a very ordinary firm. That firm had the audacity, I should say—I would use the word 'audacity'—one of its constituents had the audacity to throw a big party in honour of Mr. Satya Narayan Sinha early this year, and in the house of Mr. S. K. Patil. And in that big party which M/s. Ram Krishan Kulwant Rai, an associate firm of Aminchand Pyarelal, had the audacity

city to throw in honour of Mr. Satya Narayan Sinha, many of the Congress members, many of the Members from that side of this House were guests.

SARDAR RAGHBIR SINGH PANJHAZARI (Punjab) : But your Communist Party was getting money from Aminchand Pyarelal.

SHRI A. P. CHATTERJEE: I do not know to which Communists you are referring.

SARDAR RAGHBIR SINGH PANJHAZARI : The Left Communist Party in Calcutta to which the hon. Member belongs.

SHRI A. P. CHATTERJEE : As far as firm is concerned, they threw the party in Delhi. If you are saying Calcutta, I shall be compelled to say that you are confusing geographical limits. Calcutta is far away from Delhi. You should know that; if you do not know that you should consult an elementary book of geography.

SARDAR RAGHBIR SINGH PANJHAZARI . But I say . . .

THE DEPUTY CHAIRMAN: Order. Order. We have very limited time.

SHRI A. P. CHATTERJEE : This is¹ such a firm, Madam, that they threw a big party here. Now I am reminded of that famous saying of Vladimir Ilyich Lenin, that great leader of proletariat all over the world, that in a capitalist country the Government act? as the managing agent of the monopoly capitalists. If Mr. Subramaniam and the other Ministers of the Government act as the managing agents of the monopoly capitalists, well, those pregnant words of Lenin are only corroborated. Madam, look at what has happened. Here it is not a question of coins jingling in pockets; I am not making that allegation but. Madam, as I said earlier, corruption has many images. Look at the fact that on the 28th June the order was made that no Ministry should have any dealings with the Aminchand Pyarelal firm and look at it. On the 23rd July the Minister changes the order. Why ? Because, again, he acts as a managing agent of that monopolist firm, Mr. Jit Paul comes* to Delhi on the 20th and has an interview with him, writes a letter to him on the 22nd July and then there is that change. The

Public Accounts Committee has said that Mr. Subramaniam temporised. He said one thing in the Lok Sabha and said another thing in his evidence before the Public Accounts Committee. He gave two reasons. One reason was that it was because of the assessment of the Transport Ministry; the other reason that he has adduced was because the firm promised good behaviour. The Public Accounts Committee says on page 9 of the Report that it does not accept any of the explanations of Mr. Subramaniam. We are of opinion that Mr. Subramaniam changed his decision because Mr. Jit Paul saw him on the 20th and wrote that letter on the 2nd. Madam, this is how the tiling has been changed and, Madam Deputy Chairman, you would also kindly note that when the Fiftieth Report of the Public Accounts Committee came out, or before that, there was evi-ken before the Public Accounts Committee and the Secretary of the Ministry never disclosed that Mr. Jit Paul had interviewed Mr. Subramaniam or he wrote a letter to Mr. Subramaniam. Mr. Chagla will agree with me that this is *suppressio veri suggestio falsi*. Why was this truth suppressed? Certainly, the guilty conscience prompted the Ministry to conceal this fact from the Public Accounts Committee. The reason for the change of the order was Mr. Jit Paul went to Mr. Subramaniam and persuaded him to change the decision and he acted as the managing agent of the monopolist firm in the words of Lenin. If he has any sense of self-respect, if he has any sense of decency, Madam Deputy Chairman, if he still brags of parliamentary democracy, I say Mr. Subramaniam should immediately resign. Madam, it is not merely that. The Public Accounts Committee has also stated that Mr. Subramaniam tried to whitewash all his guilty by saying, 'Well, on the 16th November, 1962 I gave an order that the firm should not have any dealings with the Iron and Steel Controller' but there, even the Public Accounts' Committee says, all the associate firms of Aminchand Pyarelal were not mentioned. Now why this omission in the order given on 16th November, 1962? It might have been an inadvertent omission but, Madam Deputy Chairman, in the context of what has happened I cannot say it was an inadvertent omission. It is a deliberate omission and if I say it is a deliberate omis-

sion, I am quite sure that Mr Subramaniam cannot deny it because of the attitude that he has shown in this matter, because of the behaviour that he has evidences in this matter.

Madam, the Public Accounts Committee has also stated on page 7 of the Report that as far as the leakage is concerned, how was it that the Iron and Steel Controller wrote that letter on the 17th July, it reached Delhi on the 19th July and Mr. Jit Paul sees the Minister on the 20th. Certainly the matter must have leaked out. Yet like—I am really at a loss for comparison—shall I say, the honest pedlar who generally always adulterates his goods and peddles his goods to others, Mr. Subramaniam and the Secretary protested—and the lady protested too much—and said, 'Well, we do not know anything; it must have leaked out but we have no knowledge.' But then the Public Accounts Committee has asked in the Report that if there was a leakage—and it is quite evident that there was a leakage—why the Ministry did not institute an enquiry. The Public Accounts Committee has said that the Ministry should have instituted an enquiry and it is surprising that the Ministry did not do so. Madam, the Minister did not institute an enquiry for obvious reasons because he cannot institute an enquiry against himself. Then he will be a judge in his own case. He cannot judge himself. Therefore he did not institute an enquiry. He wanted to save himself and his* colleagues. It is not merely suspicion; it is something more than suspicion. And if I say that Mr. Subramaniam has misbehaved thoroughly and without doubt in his conduct of the affairs as far as this Ministry is concerned, there is no answer to it. Madam, . . .

THE DEPUTY CHAIRMAN : Your time is over. One minute more.

SHRI A. P. CHATTERJEE : ... you have already seen how when the order was made in 1963 there was this omission of the two steel rolling mills. Then came the deliverance of the Apeejay concern. Of course the Public Accounts Committee has said that 'they would not comment upon it but the very way in which the Public Accounts Committee has stated that implies that even that was not proper to let off these two steel rolling mills, to let off the Apeejay firm.

THE DEPUTY CHAIRMAN : Now you must really finish. You have finished your time.

SHRI A. P. CHATTERJEE : Madam, one minute more and I will stick to the time. Madam, that will show that Mr. Subramaniam has not been above board in this Ministry, has not disclosed all the facts before (he Public Accounts Committee, has tried to suppress truth, has tried to take up a hail-fellow-well-met attitude with these monopolist concerns and therefore in the name of decency, in the name of parliamentary democracy—if actually the Cabinet believes in democracy—he should resign. I have only one word to the Prime Minister. I can only say to her that all is not well in the State of Denmark. Madam, it is something rotten and she should try to remedy the rottenness.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Madam Deputy Chairman, I rise to perform a very sad duty, but because of my public responsibility as a Member of this House I think it is my sacred duty to express my views before you and before this House. My learned friend, Mr. Kaimarkar, thought it proper to make certain remarks about the findings of the PAC. I shall not go into the details of that controversy, but I wish to assure Mr. Karmarkar, through you Madam, that the PAC is always very considerate to any individual and more so to a Minister or a Secretary of the Government of India.

SHRI B. K. P. SINHA (Bihar) : Madam, at this stage I would like to remind the House that any reference to the PAC need not be adulatory or condemnatory. That has been the attitude in that House and I hope this House, a very sober House, will uphold that.

SHRI CHANDRA SHEKHAR : I do not know why this objection at this moment. Madam Deputy Chairman, I say that the PAC in its Fiftyth Report and also in its fifty-fifth and Fifty-sixth Reports has observed that the decision -of the hon. Minister in this context could not be understood. What was the reason ? If you see the latest report, *i.e.*, the Fifty-fifth Report, the PAC has said that the hon. Minister, Mr. Subramaniam, passed an order in November, 1962. If you

compare that order with the order of July, 1963, you will find that there is¹ no difference between the two according to the PAC and according to me also. I would have congratulated Mr. Subramaniam if he had stuck to his previous¹ order of June 1963, because he was not dealing with an ordinary firm. I can assure you and through you the Government and this House that you cannot find a worse criminal case in the history of the whole financial crimes. You cannot give any example from any part of the world where one particular group of firms have been hoodwinking the country and the Government of India for the last fourteen years. It was¹ clear that Mr. Subramaniam took courage to take some severe action against that firm and he rightly deserves our congratulations for his order of June, 1963. But his subsequent attitude I do not know, because of what reasons, either he was forced or he thought it proper to change his order and it amounted to his previous order that he had passed in November, 1962. I think the House does not know what was the circumstance under which Mr. Subramaniam had to pass this order. This group of firms was importing certain materials for Hindustan Steel from Japan, if I mistake not, and they imported inferior quality of steel. Against all rules, against all orders of the Iron and Steel Controller, this particular firm sold everything in the black market. When the inspectors went to see what happened, they said it was in the godown. When the inspectors went to the godown, nothing was there. They said it had been mixed and they wanted a period of one year for segregation. His predecessor was gracious enough to give one year's time for segregation. After one year when the inspectors went, they saw that there was nothing of Japanese origin.

SHRI D. L. SEN GUPTA : Who was his predecessor ?

SHRI CHANDRA SHEKHAR : Please do not interrupt me. I say that the inspectors saw that there was nothing of Japanese origin. On such a bad case Mr. Subramaniam was asked to pass an order and he rightly passed—in spite of the opinion of the Secretary and in spite of the opinion of the legal expert—the order of June, 1963. Now, Mr. Subramaniam in his explanation has said that there was a report from the Transport Ministry. What was the report ?

The report was only a communication on telephone from the Deputy Secretary of Iron and Steel to the Secretary of Transport Ministry. There is nothing in writing. There is only one noting by the Deputy Secretary in the Iron and Steel Ministry to say that there was nothing against Apeejay, I shall request, through you, this Government to see that not once nor twice, but many times this Apeejay firm has also contravened all customs and excise rules. Mr. Gujral was very right to say that there was not a single rule or regulation which has not been violated by this particular firm. They began these activities in 1952 and to this day it continues. I say even after raising my question in last May, very recently they have purchased a firm in Calcutta. I forget its name, but perhaps it is called Fiury. It is a Swiss firm. Another gentleman was to purchase it, but the Swiss proprietor wanted the money in foreign exchange and that gentleman could not purchase it. How have they been able to purchase it? Apparently something is there. From where does the foreign exchange come? This firm has done it even after raising my question in this House in May, 1966. I should like to invite your attention to this. The whole Parliament has been given time to discuss this firm, but nothing has been done against this firm, except one order of the hon. Minister of Iron and Steel that no dealings should be there. Their papers have not been seized. Their houses have not been searched. After all, who is responsible for it? If such a firm was to be investigated, Mr. Subramaniam should have been very careful. I do not know whether he should resign or not, but I think it my duty to point out that parliamentary decency, decorum and responsibility is involved in it. I have not much time, but there is a well-known case, the Crichel Down case, where parliamentary prestige and ministerial responsibility were involved in 1965. What happened in the House of Commons? One Minister of Agriculture defended an officer. What was wrong on the part of the officer? He was auctioning a patch of land and two bidders came, but a third one was given. The Minister defended the officer and ultimately it was proved that the orders of the Minister were not carried out in the right spirit. The Minister had to resign. I would have quoted the speeches of the Leader of the Opposition in the House of Commons and I

also of the Home Secretary. It was one of the most tragic days of the House of Commons. This was the spirit of the House of Commons. The Leader of the Opposition . . .

SHRI AKBAR ALI KHAN : But they said that it was a very shady deal.

SHRI CHANDRA SHEKHAR : I do not know if it was not a shady deal, what else it could be. Do not defend a case which cannot be defended. I say in that case the Leader of the Opposition said: "We do not doubt the integrity of the Minister. This is the most tragic day known in the history of the House of Commons, but in order to keep the dignity of the House, in order to keep the decorum and decency of parliamentary life, we have no option but to insist on the resignation of the Minister of Agriculture." This is the tradition of the British Parliament. What tradition we want to evolve, it is for this House and for this country to decide. I congratulate the Prime Minister on the fact that she has agreed to appoint a committee to go into the matter, but what type of committee it should be? I am told that this committee can be given all powers under the Commissions of Enquiry Act. I do not know and I very much doubt the legal authenticity of this thing, but if the Leader of the House and Mr. Patharji think that such a committee can be given this power, it is well and good, but you must remember that the Subramaniam affair is a very minor affair in the whole case. That is why I said that I have to perform a tragic duty, because the whole discussion was directed on a wrong path. Mr. Subramaniam who tried to do some good because of his own consequential mistakes had landed himself in this trouble. But who are the real culprits? The real culprits are those who have encouraged this firm from 1952 to 1963. I do not mean any individual. I mean the whole Iron and Steel Ministry. It is not so simple a matter. When I raised this question of Mr. Bhoothalingam, I very earnestly tell you that I do not know this man. I have no personal grudge against him. But, Madam, only a few days back one Mr. Reddy, who was Private Secretary to Mr. T. T. Krishnamachari, goes to Calcutta . . .

3 P.M.

THE DEPUTY CHAIRMAN : I think you should not mention names.

SHRI CHANDRA SHEKHAR : One officer of the Government of India goes to Calcutta and in a club in the presence of so many exporters and importers says that Mr. t^nandra Shekhar has been paid Rs. 15,000 by Sahu Jain in order to malign Mr. Bhoothalingam, and it has been said that a number of those notes have been given to the hon. Finance Minister, Mr. Sachindra Chaudhuri. On a personal explanation, Madam, I want that this sort of propaganda should be stopped forthwith and I shall request the Leader of this House and this Government to muster courage to have an enquiry into the whole thing. I would have raised a question of privilege in this House but the officer and importers' and exporters and others are not ready to declare that this was said. But this was communicated to me yesterday. In U.P. some officers of this Government go and enquire about my antecedents. This was told by one of the highest officers of the U.P. Intelligence Branch. Some of my hon. friends Say, why are you so sentimental ? I am a small man. I am a poor man. But I have to stand for my integrity, prestige and dignity, and I request you, Madam, and request this House to take note of it.

Under the circumstances I should like to say that the Iron and Steel Ministry for the last nearly two decades has been the den of social goblins who are out to devour the sapling of democratic life of our country. In 1956 what happened ? One individual who in the eye of the police is " an impostor, is a crook, is a fraud, whatever it was, was challaned by the Iron and Steel Ministry. He gave an affidavit. Here is the photostat copy of the note that Mr. Bhoothalingam submitted to the Minister, Mr. T. T. Krishnamachari, and I have passed it over, this particular document, to all the relevant people in the Government of India. I do not get any reply. What is written there ? It is written that all arrangements have been made by the S. P. Headquarters, by the medical experts, that this particular individual will be declared insane

and cases will be started against him in different parts of the country.

{Interruption}

AN HON. MEMBER: Will he place it on the Table ?

SHRI CHANDRA SHEKHAR : I do not place it. Anyone can see this document. I say not only that, but that individual goes to the court of law and the Sessions Judge oi Deihi in an order says that the S.P. is tampering with the records of the particular individual. I as'k the dignitaries of this Government, what they have to say. He may be a cheat, he may be a fraud, but he is a citizen of this country. He was in a high post of the Government of India getting Rs. 2,700 per month. He has got certificate from fifty most distinguished people of this country and abroad. I do not want to go into details. If this is the thing, I am afraid, Madam, that an individual who tries to raise his voice against corrupt official and inSt corrupt Ministers, his integrity, his life, his property and his whole honour are not safe.

So, Madam Deputy Chairman, I shall request the Prime Minister, through you that unless and until the Inquiry Committee even all the powers under the Commissions of Inquiry Act, nothing can be done because the P.A.C. has said that there is no record of how many import licences were given and to whom. Just think of it, it is not known for the last twelve years how many import licences worth how many crores of rupees were given by the Government of India. The country is suffering from an economic crisis, is suffering from the after-effects of devaluation. The Lon. Minister of Steel is there, let him say if there is any record of how many import licences were given during the twelve years. It is in this report. I do not fabricate things. These people are not going to give any documents. If the hon. Prime Minister or if the Leader of the House finds that these should be obtained, all these papers should be seized, all the papers of the Amin Chand Pyarelal group should be seized and immediately police should move, the S.P.E. and C.B.I. Should move to see that records are not tampered with and people are not penalised and people are not harassed. Only then justice can be done.

Once again, Madam, I congratulate the Government for taking the initial step, but they should be more courageous and see to it that the real culprits are brought to book.

सरदार रघुबीर सिंह पंजहजारी : मैं यह जानना चाहता हूँ कि अगर किसी डाक्यू-मेंट में किसी मिनिस्टर का नाम आया है, सेक्रेटरी का नाम आया है और अगर वह ठीक है तो उनको इस हाउस की टेबुल पर रखना चाहिये नहीं तो . . .

THE DEPUTY CHAIRMAN : He will not lay it on the Table.

شری عبدالغنی : میڈم ڈپٹی چیرمین مجھے کوئی سندھیہ نہیں مجھے یقین ہے کہ میرے بھائی شری سبرامنیم سے ایسی غلطی ہوئی ہے کہ جس کو ایبوز آف پاور (abuse of power) کہتے ہیں۔ سب سے بڑا کرپشن (corruption) اگر ڈیمو کریسی (democracy) میں کوئی ہو سکتا ہے تو وہ یہ ہے کہ کوئی منسٹر اپنی طاقت کا جو اس کو پبلک کے ۴۵ کروڑ بندگان خدا نے دی ہے اس کا صحیح استعمال نہ کرے۔ ہمارے سبرامنیم جی نے چاہے کسی لحاظ سے دیکھیں انہوں نے اپنی طاقت کا صحیح استعمال نہیں کیا ہے۔

اس سے پیشتر کہ جو ۵۵ ویں رپورٹ ہے میں اس کی روشنی میں کچھ عرض کروں میں دو منٹ ہاؤس کے لینا چاہتا ہوں۔ جب شری ایس۔ آر۔ داس کمیشن پر انکوائری بیٹھی تھی تو ہم نے ایفڈیوٹ (affidavit) دیا تھا

اور اس میں شری سبرا منیم کا ذکر کیا تھا اور کہا تھا کہ ان کو ۲۸ مارچ ۶۳ء کو شری پرتاپ سنگھ کیروں نے شری امین چند پیارے لال کی فرم کے بارے میں ایک خط لکھا تھا اور اس وقت تک اسمیں کوئی ترمیم نہیں کی گئی اور اس میں ہم نے کہا تھا کہ یہ سب غلط ہے اور ہم نے ایفڈیوٹ (affidavit) دیتے ہوئے کہا تھا اس فرم کو جس کو ہمارے بزرگ سردار سورن سنگھ نے ۱۹۵۴ء میں بلیک لسٹ (black list) کیا تھا۔ کیوں کہ یہ بھی جالندھر کے تھے اور وہ فرم والے بھی جالندھر میں کام کرتے تھے ان کی بد عنوانیوں کو دیکھکر ان کے غلط کاموں کو دیکھکر ان کی بے ایمانی کو دیکھکر ان کی لوٹ کھسوٹ کو دیکھکر اس کو بلیک (black list) کیا تھا۔ (personally) میں جانتا ہوں جب ان کو (black list) کیا گیا تھا یہ کہا تھا کہ میں اس () جانتا ہوں کے بارے میں یہ بھی ہیں نہیں رہے تھے کہ وہ تک بلیک لسٹ

رہی اور ۱۹۵۶ء کے اکتوبر میں سریندر اوور سیز نے جو اس فرم کی ایک بہن تھیں اس کو بھی بلیک لسٹ (black list) کیا لیکن ۱۹۵۷ء میں کیا ہو گیا۔ اکتوبر میں بلیک لسٹ پر لایا گیا اور

[شری عبدالغنی]

۱۹۵۷ء میں بلیک لسٹ سے ہٹا دیا۔ اگر وہ پرسنلی جانتے تھے تو کیا انہوں نے اس فرم سے معافی مانگی کہ میں آپ کو پرسنلی جانتا تھا اور مجھ سے غلطی ہو گئی۔ غلطی ہونا کوئی بات نہیں ہے کیوں کہ منسٹر کوئی پیغمبر نہیں ہے۔ کوئی خدا نہیں ہے۔ کوئی رشی منی نہیں ہے۔ ہر کسی سے غلطی ہو سکتی ہے تو کیا سردار سورن سنگھ نے اس غلطی پر معافی مانگی۔ جہاں تک میں جانتا ہوں سردار سورن سنگھ جی نے ان کو معاف کرنے کے بعد ایسے پروٹ دیئے جس سے دیش کو کروڑوں روپیئے کا نقصان ہوا۔ میں جانتا ہوں کہ فائل پر یہ موجود ہے۔ (ڈی منسٹر ریز سین) (The Minister has seen) میں جانتا ہوں کہ فائل میں موجود ہے (ایز دی منسٹر ڈیزائرڈ) (As the Minister desired) اب اگر یہ سب چیزیں شری سبرا منیم کے پاس تھیں تو انہوں نے یہ غلطی کیوں کی؟ یہ فائلیں انکے پاس تھیں۔ وہ دیکھ سکتے تھے۔ چونکہ انہوں نے ایسا نہیں کیا اسلئے شری سبرا منیم گناہ گار ہیں کہ جب ان کے پریڈیسسور (predecessor) نے ان کو بے گناہ قرار دے دیا تھا تو پھر انہوں نے دوبارہ ان کو کیوں گناہ گار قرار دیا اور گناہ گار قرار دیا تھا تو پھر ایک ہی مہینہ میں اپنی رائے کیوں

بدلی؟ کیوں کہ سردار پرتاپ سنگھ کیروں کو پہلے انہوں نے انکار کر دیا تھا۔ آخر یہ بات کہنا کہ کیا اس میں میلا فائڈی (mala fides) ہے یا یہ بات کہنا کہ کوئی ہاؤس کا ممبر کہتا نہیں کہ کرپشن (corruption) ہے۔ جب میں پرتاپ سنگھ کیروں کے بارے میں یہاں بات کہتا تھا تو مجھے ہاؤس والے پاگل کہتے تھے۔ آنریبل ممبران مجھے مورکھ سمجھتے تھے۔ لیکن آخر ایک وقت آیا کہ وہ پنڈت جواہر لال جی جو مجھے ۲۵ برس تک پیار دیتے رہے وہ مجھ سے بہت ناراض ہو گئے اور مجھ سے سب سے زیادہ نفرت کرنے لگے لیکن وہ بھی مجبور ہوئے۔ باوجود یہ بات کہنے کے کہ اس میں کوئی کرپشن (corruption) نہیں ہے کوئی غلطی نہیں ہے وہ مجبور ہوئے کہ انکوائری کمیشن (Inquiry Commission) بٹھائیں اور انکوائری کمیشن نے جو کچھ کہا اس کے بارے میں اس وقت کچھ کہنے کا موقعہ نہیں ہے۔ لیکن اس کا نتیجہ یہ ہوا کہ اسی کانگریس سرکار نے، شری لال بہادر شاستری نے، شری نندہ نے، اور ان کے ساتھیوں نے سردار پرتاپ سنگھ کیروں کو الگ کیا۔ صرف اس بنا پر نہیں کہ کسی نے ان کو کہا تھا کہ اتنے روپیہ انہوں نے لے لیا ہے بلکہ جو انہوں نے پاور (power) کا مس یوز (misuse) کیا تھا اس کی بنا پر دیش نے ان کو ملزم

ٹھہرایا، مجرم ٹھہرایا اور کانگریس سرکار نے ان کو نکال کر باہر کیا۔ اب یہ مسٹر سیرامنیم یا سردار سورن سنگھ چاہے جو کہیں لیکن انہیں نے اس فرم کی بلیک لسٹ (black list) سے ہٹایا اور اربہا روپیوں کے پرمٹ (permit) ان کو ملے جس سے ملک کا اربوں نہیں تو کروڑوں روپیہ کا نقصان ہوا۔ میں تو ان سے یہ کہتا چاہوں گا میلم—کہ مہاراجہ رنجیت سنگھ کے دربار میں ایک میراثی گیا اور اس نے پیسے مانگے۔ مہاراجہ رنجیت سنگھ نے کہا کہ میں اپنا ہاتھ اپنی ڈاڑھی پر بھرتا ہوں اور جتنے بھی میری ڈاڑھی کے بال میرے ہاتھ میں آجائیں گے اتنی ہی اشرفیاں تم کو دے دوں گا۔ انہوں نے ہاتھ اپنی ڈاڑھی پر بھرا اور کہنے لگے کہ ارے۔ تمہاری قسمت بڑی ہے ہاتھ میں کوئی بھی بال نہیں آیا۔ اس پر اس میراثی نے کہا کہ مہاراجہ صاحب۔ اگر مجھے بخشے اور یہ اجازت دیجئے کہ ڈاڑھی آپ کی ہو اور ہاتھ میرا ہو پھر دیکھیں کہ کتنے بال ہاتھ میں آتے ہیں۔ اسی طرح آپ یہ فائلیں ہمارے سامنے رکھیں اور پھر ہم یہ بتائیں کہ فارن ایکسچینج (Foreign Exchange) میں کتنی گڑ بڑ ہوئی ہے؟ وہ ہم سے کہتے ہیں اچانک۔ ہم کیا بتائیں؟ کیا ہم نے جی ایمانی کی ہے؟ کس کس نے لاکھوں روپیہ لیا ہے یا نہیں لیا ہے

ثابت کرنا میرا کام ہے۔ مگر یہ میرا کام تبھی ہو سکتا ہے۔ جب میرے سامنے سب فائلیں ہوں۔ میں تو ابھی اتنا ہی کہہ سکتا ہوں کہ اس میں ایبوز آف پاور (abuse of power) ہوا ہے۔ اگر ایبوز آف پاور ہوا تو پھر کیا ہونا چاہئے؟ بھگوان رام کو سارے جہان سے اچھا کہنے والے شاعر اقبال نے امام ہند، کہا ہے اور صرف اتنی سی بات پر کہ ایک دھوبی نے اپنی دھوین کو کچھ کھدیا تھا جب وہ کچھ دیر غیر حاضر رہی تھی اور اس لئے انہوں نے سینا میا کو، اپنی پیاری پتی کو یہ جانتے ہوئے کہ وہ دنیا کی عظیم ترین دیوی ہے۔ نیک ہے۔ پارسا ہے۔ باعصمت اور باعفت ہے۔ وہ صاف ہے وہ بہت اونچی پدوی کی مالک ہے مگر اپنے سے انہیں کیوں جدا کر دیا تھا؟ صرف اسلئے کہ شک و شبہ دور ہو جائے اور معاملہ صاف رہے۔ لیکن یہ کیا ہے؟ تو کیا یہ کچھ ہوا ہی نہیں؟ جو ۲۲ کو ہوا اور جو آج ہو رہا ہے۔ کیا اب بھی ہمارے سردار سورن سنگھ جی یا سیرا منیم جی یا کامرس منسٹر (Commerce Minister) جن کے بارے میں ۵۰ ویں رپورٹ ہے کچھ کہہ سکتے ہیں۔ میں یہ نہیں کہہ سکتا کہ بی۔ اے۔ سی۔ (P. A. C.) کی یہ رپورٹ کوئی مذہبی کتاب ہے لیکن یہ کہہ سکتا ہوں کہ ڈیموکریسی (democracy) کی تمام ہسٹری

[شری عبدالغنی]

(History) میں ہماری پبلک اکاؤنٹس

(Public Accounts Committee;

کمیٹی)

قابل مبارک باد ہے اور ایسی کوئی دوسری کتاب پیش نہیں کی جا سکتی جس میں اتنی صفائی کے ساتھ کہا گیا ہو۔ میں جانتا چاہتا ہوں کہ مسٹر سبرا منیم کیوں یہ چاہتے ہیں کہ ہم یہ ثابت کریں کہ ۲۰ جولائی کو مسٹر جیت پال کیوں آئے۔ وہ کیوں چاہتے ہیں ہم سے کہ انہوں نے کیا کیا باتیں کیں۔؟ وہ کیوں چاہتے ہیں ہم سے کہ انہوں نے اس وقت کوئی ایسی بات نہیں کی جس میں دیش کی عزت خطرہ میں پڑی ہو۔؟ میں انہیں یقین دلاتا ہوں کہ اندرا گاندھی جی قابل مبارک باد ہیں کیوں کہ انہوں نے یہ فیصلہ فوراً ہی کر دیا کہ انکوائری (inquiry) ہو اور جب انکوائری ہوگی تب وہی میراثی والی بات ہوگی کہ ڈاڑھی گورنمنٹ کی ہوگی ہاتھ جج (Judge) کا ہوگا اور پھر دیکھینگے کہ کتنے بال جج کے ہاتھ میں آتے ہیں اور جب وہ آئینگے تو ہاؤس یقیناً اندرا گاندھی جی کے اس قدم کے لئے سراہنا کرے گا۔ میں کہنا چاہتا ہوں کہ آخر یہ پدویاں جو گاندھی جی کے نام پر ہم لے رہے ہیں۔ یہ خدمت کے لئے ہی تو ہیں۔ وطن کو اونچا کرنے کے لئے ہی تو ہیں۔ کیونکہ کئی ایسے قابل مسٹر ہیں جو اس تنخواہ سے کہیں زیادہ پیدا

کر سکتے ہیں اور ان میں کئی

ایسے قابل بزنس مین (Business man)

جو اس سے سینکڑوں گنا زیادہ کما

سکتے ہیں؟ آخر مسٹر سبرا منیم جیسے

قابل آدمی، سردار سورن سنگھ جیسے

قابل آدمی، مسٹر منو بھائی شا جیسے

قابل آدمی، اگر مسٹری سے چلے

جائینگے تو ان کی عزت کم نہیں

ہوگی۔ بجائے اس کے کہ وہ اس کی

ورڈکٹ (Verdict) کے بعد جائیں جس

طرح سے سردار پرتاپ سنگھ کیوں گئے

تھے۔ اس سے ان کی شوہیا نہیں بڑھی

تھی اور نہ دیش کی شوہیا بڑھی تھی۔

اور نہ لیٹ پنڈت جواہر لال نہرو کی

شوہیا بڑھی تھی۔ شوہیا تب بڑھتی

ہے۔ جب یہ خود غلطی کا اعتراف

کر کے مستعفی ہو جائیں اور جج کے

فیصلے کا انتظار نہ کریں۔ اس انکوائری

کے بعد جو ۵۰۰ ویں رپورٹ پر ہوگی

اور ۵۰۰ ویں رپورٹ جس کا ایک نتیجہ

ہے اس کے بعد اگر یہ تینوں بھائی

جائیں گے تو اس سے کوئی شوہیا

نہیں بڑھے گی۔ میڈم۔ کون نہیں

جانتا کہ میں نے ستمبر ۶۴ء میں ایک

سوال کیا تھا اسی امین چند پیارے

لال فرم کے بارے میں جب کہ میں

یہ جانتا تھا کہ ۷۰ء کے بعد سردار

سورن سنگھ جی نے اس کو کتنے لائسنس

(licence) دیے تھے۔ میں نے

۱۸ لائسنس کے بارے میں کہا تھا

اور انہوں نے پانچ لائسنس کے بارے

میں بتایا۔ جب نومبر میں اسی ہاؤس

میں میرا ایک اسٹارڈ کویسچن (starred question) آیا تو پھر ہم سے کہا گیا کہ ہم انفارمیشن کلیکٹ (information collect) نہیں کر سکے ہمیں کلیکٹ (collect) کرنے دیجئے۔ یعنی ۷۰ء کے بعد اتنے دن ہو گئے پھر بھی کہتے ہیں ہم فیکٹس کلیکٹ (facts collect) نہیں کر سکے۔ ابھی پھر میڈم— اسی سیشن (session) میں جب سوال آیا تو پھر کہدیا کہ انفارمیشن کلیکٹ (collect) نہیں کر سکے۔ جب ایسا طریقہ ہو تو پھر سوائے اس کے میں اور کیا کہوں کہ یہ ایبوز آف پاور (abuse of Power) ہے اور ایبوز آف پاور سب سے بڑا کرپشن ہے ڈیمو کریسی میں۔ اگر فوجی حکومت ہو یا انگلینڈ میں بادشاہ کی حکومت ہو تو وہاں اس کی کچھ قیمت چاہے نہ ہو مگر ہمارے ہاؤس میں قیمت ہے۔ کیونکہ ہمارے ہاں جمہوریت ہے، عوامی راج ہے۔ جب سردار پرتاپ سنگھ کیروں کے خلاف میں نے کچھ کہا تھا جب وہ چیف منسٹر تھے تو انہوں نے کہا تھا کہ میں ان کو ۲۶-۲۷ برس کے لئے جیل میں ڈالوں گا اور اس پر میں نے کہا تھا کہ خوش آمدید۔ پھر جب پنڈت جی نے کچھ کہا تو میں نے کہا کہ میں جیل میں نہیں جاؤں گا وہ جیل میں جائیگا۔ کیونکہ اس نے جرم کئے ہیں۔

لہذا اس معاملہ میں بھی اب اس کے سوائے اور کوئی راستہ نہیں ہے۔ میں منسٹر میرا منیم—آپ کو اشیور (assure) کرتا ہوں یقین دلاتا ہوں کہ یا تو آپ کو جانا ہوگا یا ساری پی۔ اے۔ سی۔ (P.A.C.) کو یہاں آپ کے سامنے کھڑے ہو کر معافی مانگنی ہوگی۔ یہ کوئی ایسی بات نہیں ہے کہ یونہی ہو جائے اب دنیا اتنی بھولی نہیں ہے کہ فائلیں موجود ہوں جس میں کہ کرپشن موجود ہو دیش کا روپیہ پانی کی طرح بہایا جا رہا ہو انکم ٹیکس (income tax) کے چرانے کے روپ میں بنک سرٹیفیکیٹ (bank certificate) امپورٹ (import)۔ ایکسپورٹ لائسنس (export licence) کے بارے میں نہ دینے کے روپ میں اور دوسری طرح کے سرٹیفیکیٹ چرانے کے روپ میں اور اس طرح کروڑوں روپیہ دیش کا برباد ہو تو بھی وہ بچ جائیں یا یہ بچ جائیں یہ منسٹر بچ جائیں یہ ناممکن ہے۔ اس سے بہتر ہے کہ اندراجی کے ذریعہ بٹھائے ہوئے کمیشن کا فیصلہ آئے اس کے پیشتر ہی یہ خود بخود ریزائن (resign) کریں۔ مستعفی ہوں۔ اور کانگریس کی عزت کو بڑھاویں اور کانگریس کے وقار کو دھکا نہ دیں۔

श्री अवधेश्वर प्रसाद सिंह (बिहार) :
इसके लिये आप क्यों फिक्र करते हैं।

شری عبدالغنی : اور دیش کے وقار کو اونچا کریں - دیش کے مان کو اونچا کریں - اور کانگریس کی شان بنائیں -

श्री श्रवधेश्वर प्रसाद सिंह : आप काँग्रेस की कथों फिक्र करते हैं।

شری عبدالغنی : میں جانتا ہوں کہ جو باتیں کرنے والے ہیں وہ یہی کرتے ہیں - آپ کون ہیں؟ آپ سے میں نے کہیں زیادہ قربانی کی ہے - میں نے اپنے بھائی کی قربانی دی ہے - اپنی بیوی کی قربانی دی ہے - اپنی جوانی کی قربانی دی ہے - اپنی جائداد اور دولت کے ایک ایک پیسے کی قربانی دی ہے - آپ میرے خلاف کہنے والے کون ہیں؟ صرف یہاں بیٹھکر سب سے بڑے دیش بھگت نہیں ہو سکتے - یہاں بیٹھکر سب سے بڑے منسٹر نہیں ہو سکتے - آپ بیٹھنے دیجئے کمیشن کو پھر ہم بتائینگے کہ کس طرح سے اس بات کے لئے وہ ذمہ دار ہیں - آپ نے دیش کو جس طرح سے برباد کیا ہے اور اس قسم کی کالی کرتوتیں سامنے آئیں گی اور دودھ کا دودھ ہوگا اور پانی کا پانی ہوگا - اور دنیا اس بات کو مان لیگی کہ ہم سچے عین اور ہماری بات درست ثابت ہوئی ہے - تھینک یو۔

(Thank you, Madam)

†[श्री अब्दुल शानी : मैडम डिप्टी चेंबरमेन, मुझे कोई सन्देह नहीं, मुझे यकीन है कि मेरे

†[} Hindi transliteration.

भाई श्री सुब्रह्मण्यम् से ऐसी गलती हुई है कि जिस को अब्जूज आफ पावर कहते हैं। सब से बड़ा करप्शन अगर डेमोक्रेसी में कोई हो सकता है तो वह यह है कि कोई मिनिस्टर अपनी ताकत का जो उसको पब्लिक के 45 करोड़ बन्दगा-ने-खुदा ने दी है उसका सही इस्तेमाल न करे। हमारे सुब्रह्मण्यम् जी ने चाहे किसी लिहाज से देखें उन्होंने अपनी ताकत का सही इस्तेमाल नहीं किया है।

इससे पेशतर कि जो 55वीं रिपोर्ट है मैं उसकी रोशनी में कुछ अजब कहूँ, मैं दो मिनट हाउस के लेना चाहता हूँ। जब श्री एस० आर० दास कमिशन पर इन्क्वायरी बैठी थी तो हम ने एफिडेविट दिया था और इस में श्री सुब्रह्मण्यम् का जिक्र किया था और कहा था कि उन को 28 मार्च, '63 ई० को श्री प्रताप सिंह कैरों ने श्री अमीचन्द प्यारे लाल की फर्म के बारे में एक खत लिखा था और इस वक्त तक इसमें कोई तरमीम नहीं की गई और उस में हम ने कहा था कि यह सब गलत है और हम ने एफिडेविट देते हुए कहा था कि इस फर्म को जिस को हमारे वुजुर्म सरदार स्वर्ण सिंह ने 1954 में ब्लैक लिस्ट किया था क्योंकि यह भी जालंधर के थे और वे फर्म वाले भी जालंधर में काम करते थे। उनकी बदअनवानियों को देख कर, उनके गलत कामों को देखकर उनकी बेईमानी को देखकर, उनकी लूट खसोट को देखकर उसको ब्लैक लिस्ट किया था। जहाँ तक मैं जानता हूँ जब उनको ब्लैक लिस्ट किया गया था तो उन्होंने यह कहा था कि मैं इसको परसनली जानता हूँ और इस फर्म के बारे में यह भी अंधेरे में नहीं थे कि वह 1957 तक ब्लैक लिस्ट रही और 1956 ई० के अवतूवर में सुरिन्दर ओवरसीज ने जो इस फर्म की एक बहन थी उसको भी ब्लैक लिस्ट किया। लेकिन 1957 ई० में क्या हो गया। अवतूवर में ब्लैक लिस्ट पर लाया गया और 1957 में ब्लैक लिस्ट से हटा दिया गया। अगर वह परसनली जानते थे तो क्या उन्होंने इस फर्म से माफी

मांगी कि मैं आप को परसनाही जानता था और मुझ से गलती हो गई। गलती होना कोई बात नहीं है क्योंकि मिनिस्टर कोई पैगम्बर नहीं है कोई खुदा नहीं है कोई ऋषि-मुनि नहीं है, हर किसी से भी गलती हो सकती है। तो क्या सरदार स्वर्ण सिंह ने इस गलती पर माफी मांगी? जहाँ तक मैं जानता हूँ सरदार स्वर्ण सिंह जी ने उनको माफ करने के बाद ऐसे परमिट दिए जिससे देश को करोड़ों रुपये का नुकसान हुआ। मैं जानता हूँ कि फाइल पर यह मौजूद है 'The Minister has seen' (दी मिनिस्टर हैबू सीता)। मैं जानता हूँ कि फाइल में मौजूद है 'as the Minister desired' (एज दी मिनिस्टर डिजायर्ड)। अब अगर यह सब चीजें मिस्टर सुब्रह्मण्यम् के पास थीं तो उन्होंने यह गलती क्यों की? फाइलें उनके पास थीं, वे देख सकते थे। चूँकि उन्होंने ऐसा नहीं किया इसलिए श्री सुब्रह्मण्यम् गुनाहगार हैं कि जब उनके प्रेडिसेस्सर ने उनको बेगुनाह करार दे दिया था तो फिर उन्होंने दोबारा उनका क्या गुनाहगार करार दिया? और गुनाहगार करार दिया था तो फिर एक ही महीने में अपनी राय क्यों बदली? क्योंकि सरदार प्रतापसिंह कैरो को पहले उन्होंने इन्कार कर दिया था। आखिर यह बात कहना कि क्या इसमें मेलाफाइडी है या यह बात कहना कि कोई हाउस का मेम्बर कहता नहीं कि कर्प्शन है। जब मैं प्रताप सिंह कैरो के बारे में यहाँ यह बात कहता था तो मुझे हाउस वाले पागल कहते थे, आनरेबल मेम्बरान मुझे मुख समझते थे लेकिन आखिर एक वक्त आया कि वह पंडित जवाहर लाल भी जो मुझे 25 घंटे तक प्यार देते रहे वे मुझ से बहुत नाराज हो गए और मुझ से सबसे ज्यादा नफरत करने लगे। लेकिन वह भी भजबुर हुए। वावजूद यह बात कहने के कि इसमें कोई कर्प्शन नहीं है, कोई गलती नहीं है, वे मजबूर हुए कि इन्क्वायरी कमिशन बिठाएँ और इन्क्वायरी कमिशन ने जो कुछ कहा उसके बारे में इस वक्त कुछ कहने का मौका नहीं है। लेकिन इसका नतीजा

यह हुआ कि इसी कांग्रेस सरकार ने, श्री लाल बहादुर शास्त्री ने, श्री मन्दा ने और उनके साथियों ने सरदार प्रताप सिंह कैरो को अलग किया। सिर्फ इस बिना पर नहीं कि किसी ने उनको कहा था कि इतना रुपया उन्होंने ले लिया है। बल्कि जो उन्होंने पावर का मिसयूज किया था उसकी बिना पर देश ने उनको मुलजिम ठहराया, मुजरिम ठहराया और कांग्रेस सरकार ने उनको निकाल कर बाहर किया। अब यह मिस्टर सुब्रह्मण्यम् या सरदार स्वर्ण सिंह चाहे जो कहें लेकिन इन्होंने इस फर्म को ब्लैक लिस्ट से हटाया और अरबों रुपयों के उनको परमिट मिले, जिससे मुल्क का करबों नहीं तो करोड़ों रुपये का नुकसान हुआ। मैं तो उन से यह कहना चाहूंगा मैडम, कि महाराजा रणजीत सिंह के दरबार में एक मिरासी गया और उसने उनसे पैसे मांगे। महाराजा रणजीत सिंह ने कहा कि मैं अपना हाथ अपनी दाढ़ी पर डालता हूँ और जितने भी मेरी दाढ़ी के बाल मेरे हाथ में आ जाएंगे उतनी ही अशरफियां तुम को दे दूंगा। उन्होंने हाथ अपनी दाढ़ी पर फेरा और कहने लगे कि अरे तुम्हारी किस्मत बुरी है, हाथ में कोई बाल नहीं आया। इस पर इस मिरासी ने कहा कि "महाराजा साहब, अगर जान बूझी हो और आप यह इजाजत दें कि दाढ़ी आप की हो और हाथ मेरा हो फिर देखें कि कितने बाल हाथ आते हैं?" इसी तरह आप यह फाइल हमारे सामने रखें और फिर हम यह बताएँ कि फारेन एक्सचेंज में कितनी गड़बड़ी हुई है। यह हम से कहते हैं बताइये, हम क्या बताएँ, क्या हमने बेईमानी की है? किस किस ने लाखों रुपया लिया है या नहीं लिया है। यह साबित करना मेरा काम है। मगर यह मेरा काम तभी हो सकता है जब मेरे सामने सब फाइलें हों। मैं तो अभी इतना ही कह सकता हूँ कि इस में अब्युज आफ पावर हुआ है, अगर अब्युज आफ पावर हुआ तो फिर क्या होना चाहिए? भगवान राम को सारे जहाँ से अच्छा कहने वाले शायर, उल्लामा इक्बाल ने "अमाम

[श्री अब्दुल सानी]

हिन्द" कहा है और सिर्फ इतनी सी बात पर कि एक घोवी ने अपनी घोबिन को कुछ कह दिया था जब वह कुछ देर गैर हाज़िर रही थी और इसलिए उन्होंने सीता मैथ्या को, अपनी प्यारी पत्नी को, यह जानते हुए कि वह दुनिया की अजीम तरीन देवी है, नेक है, पारसा है बाअस्मत और बा-इफत है वह साफ है वह बहुत ऊंची पदवी की मालिक है, मगर अपने से उन्हें क्यों जुदा कर दिया था ? सिर्फ इसलिए कि शक व शुबा दूर हो जाए और मामला साफ रहे । लेकिन यह क्या है ? क्या यह कुछ हुआ ही नहीं ? जो 22 को हुआ और जो आज हो रहा है ? क्या अब भी हमारे सरदार स्वर्ण सिंह जी या सुब्रह्मण्यम् जी या कामर्स मिनिस्टर जिन के बारे में 50वीं रिपोर्ट है कुछ कह सकते हैं ? मैं यह नहीं कह सकता कि पी० ए० सी० की यह रिपोर्ट मज़हबी किताब है लेकिन यह कह सकता हूँ कि डेमोक्रेसी की तमाम हिस्ट्री में हमारी पब्लिक एकाउन्ट कमेटी काबले मुबारकवाद है और ऐसी कोई दूसरी किताब पेश नहीं की जा सकती जिसमें इतनी सफाई के साथ कहा गया हो । मैं जानना चाहता हूँ कि मिस्टर सुब्रह्मण्यम् क्यों यह चाहते हैं कि हम यह साबित करें कि 20 जुलाई को मिस्टर जीत पाल क्यों आए ? वे क्यों चाहते हैं हम से कि उन्होंने क्या-क्या बातें कीं ? वे क्यों चाहते हैं हम से कि उन्होंने उस वक़्त कोई ऐसी बात नहीं की जिस में देश की इज्जत खतरे में पड़ी हो ? मैं उन्हें यकीन दिलाता हूँ कि इंदिरा गांधी जी काबले मुबारकवाद हैं क्योंकि उन्होंने यह फैसला फौरन ही कर दिया कि इन्वॉयरी हो और जब इन्वॉयरी होगी तब वही मिरासी वाली बात होगी कि दाढ़ी गवर्नमेंट की होगी और हाथ जज का होगा और देखेंगे कि कितने बाल जज के हाथ में आते हैं और जब वे आएंगे तो हाउस यकीनन इंदिरा गांधी जी की इस कदम के लिए सराहना करेगा । मैं कहना चाहता हूँ कि आखिर यह पदवियां जो गांधी जी के नाम पर हम ले रहे हैं यह खिदमत के

लिए ही तो हैं, बतन को ऊंचा करने के लिए ही तो हैं । क्योंकि कई ऐसे काबिल मिनिस्टर हैं जो इस तनख्वाह से कहीं ज्यादा पैदा कर सकते हैं और उनमें कई ऐसे काबिल विज़नेस मैन हैं जो इससे सैंकड़ों गुना ज्यादा कमा सकते हैं ? आखिर मिस्टर सुब्रह्मण्यम् जैसे काबिल आदमी, सरदार स्वर्ण सिंह जैसे काबिल आदमी, मिस्टर मनुभाई शाह जैसे काबिल आदमी अगर मिनिस्ट्री से चले जाएंगे तो उनकी इज्जत कम नहीं होगी बजाए इसके कि वह इसकी वॉडिक्ट के बाद जाएं, जिस तरह तरह से सरदार प्रताप सिंह कैरों गये थे । इससे उनकी शोभा नहीं बढ़ी थी और न देश की शोभा बढ़ी थी और न लेट श्री पंडित जवाहर लाल नेहरू की शोभा बढ़ी थी । शोभा तब बढ़ती है जब यह खुद गलती का एतराफ करके मुस्तफी हो जाएं और जज के फैसले का इन्तज़ार न करें । इस इन्वॉयरी के बाद जो 50वीं रिपोर्ट पर होगी और 55वीं रिपोर्ट जिस का एक नतीजा है उसके बाद अगर यह तीनों भाई जाएंगे तो इससे कोई शोभा नहीं बढ़ेगी । मैडम, कौन नहीं जानता कि मैंने सितम्बर, 64 में एक सवाल किया था इसी अमीचन्द प्याले लाल फर्म के बारे में । जब कि मैं यह जानता था कि 57 ई० के बाद सरदार स्वर्ण सिंह जी ने उसको कितने लाइसेंस दिए थे । मैंने 18 लाइसेंस के बारे में कहा था और उन्होंने पांच लाइसेंस के बारे में बताया । जब नवम्बर में इसी हाउस में मेरा एक स्टार्ड क्वेश्चन आया तो फिर हम से कहा गया कि हम इंफार्मेशन क्लेक्ट नहीं कर सके हमें क्लेक्ट करने दीजिए । यानी 57 ई० के बाद इतने दिन हो गये फिर भी कहते हैं कि हम फैक्ट्स क्लेक्ट नहीं कर सके । फिर भी मैडम, इसी सेशन में जब सवाल आया तो फिर कह दिया कि इंफार्मेशन क्लेक्ट नहीं कर सके । जब ऐसा तरीका हो तो सिवाए इसके मैं और क्या कहूँ कि यह अब्यूज़ आफ पावर है और अब्यूज़ आफ पावर सबसे बड़ा करप्शन है डेमोक्रेसी में । अगर फौजी हकूमत हो या

इंगलैंड में बादशाह की हुकूमत हो तो वहां इसकी कुछ कीमत चाहे न हो मगर हमारे हाउस में कीमत है। क्योंकि हमारे हां जम्हूरियत है, अवामी राज है। जब सरदार प्रताप सिंह कैरों के खिलाफ मैंने कुछ कहा था जबकि वह चीफ मिनिस्टर थे तो उन्होंने कहा था कि मैं उनको 26-36 बरस के लिए जेल में डाल दूंगा और इस पर मैंने कहा था कि खुश आमदीद। फिर जब पंडित जी ने कुछ कहा तो मैंने कहा कि मैं जेल में नहीं जाऊंगा वह जेल में जाएगा, क्योंकि उसने जूम किए हैं। लिहाजा इस मामले में भी अब इसके सिवाए और कोई रास्ता नहीं है। मैं मिस्टर सुब्रह्मण्यम् को एण्योर करता हूं, यकीन दिलाता हूं कि या तो आप को जाना होगा या सारी पी० ए० सी० को यहां आप के सामने खड़े होकर माफी मांगनी होगी। यह कोई ऐसी बात नहीं है कि यूंही हो जाए। अब दुनिया इतनी भोली नहीं है कि फाइलें मौजूद हों जिसमें कि करप्शन मौजूद हो देश का रुपया पानी की तरह बहाया जा रहा हो। इन्कम टैक्स के चुराने के रूप में बैंक सर्टिफिकेट इम्पोर्ट एक्सपोर्ट लाइसेंस के बारे में न देने के रूप में और दूसरी तरह के सर्टिफिकेट्स चुराने के रूप में और इस तरह करोड़ों रुपया देश का बरबाद हो तो भी वह बच जाएं या यह बच जाएं यह मिनिस्टर बच जाएं यह नामुमकिन है। इससे बेहतर है कि इंदिरा जी के जरिए बिठाए हुए कमिशन का फैसला आए उसके पेशतर ही यह खुद बखुद रिजाइन करे और मुस्तफी हों और कांग्रेस की इज्जत को बढ़ाएं और कांग्रेस के वंकार को धक्का न दें।

श्री अवधेश्वर प्रसाद सिंह : इसके लिए आप क्यों फिक्र करते हैं।

श्री अब्दुल गनी : और देश के वंकार को ऊंचा करें। देश के मान को ऊंचा करें और कांग्रेस की शान बनाएं।

श्री अवधेश्वर प्रसाद सिंह : आप कांग्रेस की क्यों फिक्र करते हैं।

श्री अब्दुल गनी : मैं जानता हूं कि जो बातें करने वाले हैं वह यही करते हैं। आप कौन हैं? आप से मैंने कहीं ज्यादा कुर्बानी की है। मैंने अपने भाई की कुर्बानी दी है अपनी बीबी की कुर्बानी दी है अपनी जवानी की कुर्बानी दी है। अपनी जायदाद और दौलत के एक-एक पैसे की कुर्बानी दी है। आप मेरे खिलाफ कहने वाले कौन हैं? सिर्फ यहां बैठ कर सबसे बड़े देश भक्त नहीं हो सकते। यहां बैठ कर सबसे बड़े मिनिस्टर नहीं हो सकते। आप बैठने दीजिए कमिशन को, फिर हम बताएंगे कि किस तरह से इस बात के लिए वह जिम्मेदार हैं। आपने देश को जिस तरह से बरबाद किया है और इस किस्म के काली करतूतें सामने आएंगी और दूध का दूध होगा और पानी का पानी होगा और दुनिया इस बात को मान लेगी कि हम सच्चे हैं और हमारी बात दुरुस्त साबित हुई है।

[बैंक यू मैडम।]

SHRI B. D. KHOBARAGADE (Maharashtra) : Madam Deputy Chairman, first of all I would like to congratulate the Members of the Public Accounts Committee for having submitted the Report after considering the matter without fear or favour. In this House today we have listened with attention to the speeches delivered by the hon'ble Members. I have heard the speech of Dr. Karmarkar. He has eloquently stated that no country can prosper and flourish where corruption is rampant and he has also stated that corruption should be rooted out. But he, at the same time, stated that the Opposition Members¹ were rather indulging in a witch-hunt. I do not know whether he has gone through the Report of the Public Accounts Committee. There is a *prima facie* case made out that in these particular deals there is corruption. Not only that, in the Fiftieth Report the Public Accounts Committee has recommended to the Government that all these dealings should be investigated and enquired into. When there is a *prima facie* case made out by the Public Accounts Committee about the enquiry of all these deals", I do not understand how Dr. Karmarkar can say that the Opposition Members are indulging in witch-

[Shri B. D. Khobaragade.] hunt. But I am a little bit satisfied to find that at least some Members from that side have supported the Opposition point of view. It only proves that the behaviour of the hon. Minister concerned is not above suspicion.

Madam, there has been no explanation as to why the hon'ble Minister changed his earlier orders. If one has to consider the conduct of the Minister and the contradictions in his statement, one has to draw the conclusion that the conduct of the hon'ble Minister was not above suspicion. I would draw the attention of the House to at least two facts. First is that in his statement made in the Lok Sabha on the 18th May he has referred to his order as a draft order. This particular point of view was refuted by his own Secretary while giving evidence before the Public Accounts Committee. The Committee in its Fifty-fifth Report on page 5 says :

"It is significant to note that the orders of the Minister dated 28th June, 1963 were specific, complete and final and they were conveyed to the Iron and Steel Controller as such on 29th June, 1963. In view of the above facts the Committee are unable to accept that these orders were 'in a draft form'."

Madam, the hon'ble Minister has* been a Minister for the last so many years. Are we to understand that the Minister does not know which order is a draft and which order is final and that he did not know that the particular order was final since he maintained that that particular order was a draft order?

Secondly, I would like to point out to the contradiction in his Statement, the justification that he has tried to make out about revising the earlier orders. For the first time we were told that the Secretary did not know why the Minister changed his earlier orders. Then, when the statement is made on the floor of the Lok Sabha, the hon'ble Minister gives an entirely different version. In his statement he has given the first ground for changing the order. He was advised by the Transport Ministry that the order should be revised, that the order should not be applicable to other firms of Amin Chand Pyarelal group but that it should be restrict-

ed to the office of the Controller of Iron and Steel. This is the second ground. The third ground that he has given is—he gave it when he appeared before the Public Accounts Committee—that he revised the order because the persons concerned tendered an apology and gave an undertaking that they would try to behave in future. These three grounds have been given at three different places on three different times.

Apart from that, Madam, I would like to draw the attention of the House to the two different statements. When we consider these statements, it only indicates that the Minister has uttered an untruth either in the Lok Sabha or before the Public Accounts Committee. This is what the Minister had to state in the Lok Sabha :

"On full consideration, I decided that there was no case for conceding the request of the firm to be permitted to have dealings with Iron and Steel Controller and that the orders of punishment should stand in regard to the dealings with the Iron and Steel Controller."

After having received a letter from that firm and after having seen Mr. Jit Paul, the hon'ble Minister came to the conclusion that there was no necessity, no circumstance to revise the order. This is the statement that the hon'ble Minister made in the Lok Sabha. Now there is another statement made before the Public Accounts Committee which contradicts the earlier statement. In para 2.7 on page 12 of the Report, the Committee observes:

"The Minister in his evidence however emphasised that in view of the apology and assurance of good conduct given by the representative of the firm, he decided to give another chance to this group of firms."

I want to know from the hon. Minister which of the two statements is correct. At one place the hon'ble Minister says that on full consideration he was not satisfied with the explanation given by the representative of the firm, and on second occasion when he appeared before the Public Accounts Committee he says that he was satisfied with the apology tendered by the representatives of the firm. If the statement given in the Lok Sabha is correct, then the state-

ment given before the P.A.C. must be wrong and deliberately false, and if the statement given before the P.A.C. is correct, the statement made in the Lok Sabha is deliberately false.

[MR. CHAIRMAN in the Chair]

Sir, I have to submit that the conduct of the hon'ble Minister was "not above suspicion." The hon'ble Minister stated that he had to give a chance to these people because they had tendered an apology that they would behave properly. He has also stated that the sinner too has a future. We have to see what kind of sinner we have to deal with. We have here the firm of Amin Chand Pyarelal. Did not he know that Amin Chand was a pauper before the partition of this country? He was in Lahore, a sort of a Munim. After partition he came to this country. Before 1950 he was only having a small shop. During the course of 14 years he has been able to amass great fortune. Did not the hon'ble Minister know how he amassed all this fortune? Did he not know why this firm was blacklisted, first in 1954 and again in 1963. Messrs. Surrendra Overseas was blacklisted in 1956. The International Sanitary Engineers was blacklisted in 1954. All these firms were blacklisted on a number of occasions. How many times does the hon'ble Minister want to give an opportunity to such miscreants? Not on one occasion but on a number of occasions the firm of Aminchand Pyarelal and its associates have been robbing this country of crores of rupees and valuable exchange also and even then the Minister wanted to give one more chance and revised the order. In my opinion I do not think there is any *bona fide* reason for revising the orders. Of course I cannot say that there is absolute *mala fides* but I must say that there is complete lack of *bona fide* in this case. Supposing an accused stands in the dock, he makes one statement before the investigating officer, another in one court and a third in another court, then the presiding judge will say: 'You are shifting your own position and therefore we cannot accept your version and we find you guilty'. The same thing has happened in this case. Mr. Subramaniam has changed his stand from time to time and has given different versions before different forums and therefore when there is contradiction in his statements,

when there is difference in his own stand, we must point out that his conduct is not *bona fide*. Therefore in view of these circumstances, I feel that there is no other alternative for Mr. Subramaniam but to resign for one reason that there is no *bona fide* reason for revising the order and secondly for making a deliberately false statement in the Lok Sabha or before the P.A.C. as I have already pointed out. The second point is that the Prime Minister in the other House has accepted to appoint a Committee to enquire into all these matters. If this demand is accepted, I do not see any reason there should be any objection for appointing a Commission under the Act. Because as Mr. Karmarkar pointed out, as everybody is saying at the top of his voice that corruption should be rooted out from this country, then we must find out who was the responsible person. We do not want any kind of witch-hunt. The P.A.C. has mentioned that many lapses are there and things are not done properly and there are certain motives behind it and has recommended an enquiry. I do not see what objection there can be to appoint a Commission of Inquiry.

The second point is, what should be the terms of reference. The P.A.C. has mentioned that all the dealings should be covered by the Enquiry Committee. Therefore in framing the terms of reference I hope the Prime Minister will cover all those dealings. Lastly I would say this. Of course I have stated that the Minister should resign. But what about the Government officers against whom there are particular references? In regard to those who have been found responsible by the Committee for all those dealings, my submission is that there cannot be any impartial enquiry at all if these officers are in office. Therefore all those officers should be suspended. While accepting the demand the Prime Minister has agreed that there is a *prima facie* case against those officers and if that is the position, then those officers should be suspended. Even if a small peon is found guilty of accepting a bribe, he is suspended and an enquiry is started. When serious charges are made by the P.A.C. why should they be allowed to continue in office? Therefore, if we want that the enquiry should be fair and impartial, it is necessary that all those responsible for these deals should be suspended immediately.

SHRI S. N. MISHRA (Bihar) : Mr. Chairman, I am coming almost, in a sense, at the fag end of the debate and so I could realise that I am a residuary legatee, for many of the points have been covered during the debate. But I must say that I have to confess to a feeling of puzzlement with regard to the trend the debate has taken in this House, and that is particularly because of two reasons. To my mind we are functioning under two invisible constraints. They may not be constraints in the theoretical sense of the term but they are indeed constraints in a practical sense, and I would mention what they are. Unless the House begins with the recognition that these two constraints are there which provide the framework of the discussion, the debate cannot take the right turn. The first fact to be taken into account is that the P.A.C. has made a recommendation in this matter and the P.A.C., as is generally admitted, is the House in miniature. By the force of convention, the recommendation of the P.A.C. is the recommendation of the House. There has hardly been any instance when any recommendation of the P.A.C. has been altered or modified by the House. So it could be taken in a sense,—I am arguing in a practical way—it could have been taken for granted, that the recommendation of the P.A.C. was probably going to be the recommendation of the House. I do not doubt the validity of the point that the House has all the right to modify this but by force of convention it has not done that in the past. That is my submission. The second constraint provided was that the Government with great alacrity conceded the recommendation made by the Committee. Hence, again, a point could perhaps be made that if this decision of the Government was announced in the other House, this House was not obliged to take it into account. This is a purely technical point because this decision of the Government which was announced in that House quite a few days ago remains uncontradicted in the newspapers. And so, it could very well be squarely placed before the House that the Government have with great speed—and the Government must deserve all congratulations in this regard—accepted the recommendations of the Committee.

That being the position, to my mind, the House should have addressed itself to the question whether this step which has now

been accepted by the Government is going to be an adequate or sufficient step for the purposes the House has in view or the P.A.C. has in view.

A point has been made here that the Committee which was recommended by the P.A.C. should have been more comprehensive in its scope and that it should have been under the Commissions of Inquiry Act. That is the point made by many Members. What are the doubts and misgivings in that regard? Probably, it is feared that many facts which could be brought to the notice of a Committee under the Commissions of Inquiry Act cannot be brought to this Committee because of the restricted nature of the Committee which has been accepted by the Government or which was recommended by the P.A.C. I do not quite agree with that from two points of view. Firstly, because the Prime Minister in that House made it clear—and I think if the Prime Minister's statement were made a little earlier, many doubts and misgivings in the minds of hon. Members could have been removed—that the scope of the Committee was going to be as broad as necessary. If that is the assurance from the Government, I do not know what is the point that could be made with regard to the scope of this Committee. So I was saying that this was the only limited point.

So, the point that we are now labouring and many of my friends have been labouring has been—either the argument is in favour of or against the Minister—completely beyond the ambit of the discussion. The House at the moment is not in the process of fixing responsibility. For that purpose the Public Accounts Committee recommended that the question had to be remitted to the care of a Committee. That is what the Public Accounts Committee did say: I do not want to argue that the House cannot convert itself into a court of inquiry. The House can function and it has functioned on occasions as a court, but this time the House has not decided to do that, and in the discussion that has taken place, the point has not been made that the House, right here, should convert itself into a court of enquiry and try to fix responsibility.

SHRI R. T. PARTHASARATHY (Madras) : Does it mean that there has been any precedent in the House of Commons?

SHRI S. N. MISHRA : No; so I am saying that that has not been the contention of any Member. The limited objective with which the House is grappling at the moment is that this had to be remitted to the care of a committee as was suggested by the Public Accounts Committee. Therefore, the question is not whether we should argue in favour of the Minister or against the Minister. That would be, in fact, prejudging the issue. And, to my mind, keeping in view the august nature of this body, it would have been more in keeping with the dignity of the House that allegations or counter-allegations had not been made like this. And I must tell you, Mr. Chairman, that I have felt a great sense of agony not only during the course of the debate that has taken place today, but for the last few days, since this matter had been before the country, that there had been an atmosphere created in which many kinds of elements have been brought into this situation through the newspaper columns. Even the question of the North and the South has been raised. I must assert, Mr. Chairman, that there is hardly any person in the North, particularly in the party to which I have the honour to belong, who does not solidly stand behind Mr. Subramaniam, and who does not think that he is, in fact, one of the ablest Ministers that the Congress Party could possess.

And I must submit to you, again, Sir, that all this is not in the interest of the country. After all, this is the leadership which has firmly adhered to the democratic traditions when about forty countries of Asia and Africa have tumbled down and there is no democracy in those countries; after all, this is the leadership consisting of persons like Mr. Subramaniam, of whom we are proud, who have given such a bright record. And in this case also what has happened? The Prime Minister has rightly deserved the congratulations and the praise of not only her countrymen but also of people from outside, for quick and hard decisions. She has given the example that the Indian womanhood is not only as soft as the morning fog but also as hard as granite. And that is, in fact, the magnificent leadership which the Prime Minister has provided to us.

So I was saying that, to my mind, the whole episode, the whole story—tragic story, I should think—is of a Minister who has landed himself in trouble because of his

over-confidence in himself, over-confidence in his own Integrity, over-confidence in his id and untainted judgment and in his clean conscience in this matter. In fact, could accuse Mr. Subramaniam of nothing. And I must say this to the satisfaction of Mr. Subramaniam that not a single voice either in this House or in that House whispered that there had been anything about it. I hasten to add perhaps one hon. friend said, "What could be more shady than this?" I say, "where is the shade?" At least those who are sensible do not have the eye to see that shade. We have not seen any shade in this matter. So I was saying that I could accuse Mr. Subramaniam of being over-confident to the point of saying that Mr. Subramaniam could do no wrong. You can imagine, Mr. Chairman, Mr. Subramaniam jumping to his feet—it was said in the other House that it Mr. Subramaniam who presided over that Department during those days—, relying on his integrity and with great alacrity, saying that he was not. Can you think that he did so though he was conscious of it; he did so thinking that he could get away with it although he was the Minister who presided over the destiny of that Ministry at that time? That must be farthest from his mind. And not only that, I must say, it showed the timber and fibre of the Minister when he did not hesitate to appear before the Public Accounts Committee and subject himself to the most gruelling cross-examination to which any person could be subjected. So I accuse Mr. Subramaniam of nothing else but over-confidence in himself and in his integrity—about that there is absolutely no doubt. And there is another thing too. I did not know that Mr. Subramaniam has also got a philosophical trait in his character. When he appeared before the Public Accounts Committee he said that every sinner has a future . . .

SHRI ATAL BIHARI VAJPAYEE : That is obvious.

SHRI S. N. MISHRA : ... and that reminded me that the Minister has infinite faith in the corrective mechanism of the human nature. He thought that the person was going to behave himself in the future, and that is clear from the letter which was written by Mr. Jit Paul who has become so prominent as a result of the discussions that have been taking place on the Reports of

[Shri S. N. Mislira.] the Public Accounts Committee. Now, I would not go into the details; of that letter. I would only like to submit to you that this showed that he was placing a great deal of faith in human nature. Not that he was becoming generous or charitable; he was keeping his grip on the matter quite firmly; he was not allowing that fellow to get away with a booty, and he was not educating in any sense the quantum of the punishment which he richly deserved. Therefore, he said that the sphere in which he was making so much money must be completely shut out to him, and that remained in spite of what has come to be called the toning down of the rigour of the previous order. So he was trying to sack that fellow.

Now, Mr. Chairman, I must submit that the House must not behave like a Hat fish looking to one aspect of the matter. That reminds me of what Mr. Khrushchev said about some of the communists—they behaved like Hat fish looking to only one side and not to the other side. We have been looking, many of my friends even on this side, I was a little surprised, only to the negative aspects of this matter; we have not been looking to the positive aspects' of the matter. These negatives do not require to be argued with the skill of a lawyer. That we have never done. We are not going to behave like a lawyer in this matter—that is, in a purely technical or legalistic way. But there are many extenuating circumstances which did weigh with the Minister. What were the extenuating circumstances, particularly in this matter, of toning down the rigour of the previous order? The first extenuating circumstance, to my mind is this". Mr. Subramaniam has been one of the persons, who has been concerning himself with the economic problems and the economic development of the country. He was, therefore, feeling very much concerned, not only about the business morality—that of course was important and therefore he chastised them—but he was also feeling a little concerned about what would happen to the production units under the care of this very firm. That was also one of the points to be considered no doubt. And, secondly, the opinion of the Transport Ministry that in shipping business at least this firm was not doing very badly and, thirdly, the unqualified apology of the firm.

Now it may be that we can call it an error of judgment. If that is so, then I do not think that much must be read into it. In saying all this', in fact, I am myself treading on the ground on which I thought the House should not have treaded. But even so I am simply pointing out by way of example that that could be another aspect of the matter which should not have been lost sight of by the House.

MR. CHAIRMAN : I am afraid you have exceeded your time. You can take another minute.

SHRI S. N. MISHRA: Another one or two minutes. Then, Mr. Chairman, I would also say a word about this—whether this matter, in the case of a Minister, should be referred to a Commission of Inquiry. I am going to dwell on this not because I have any sympathy with the Ministers. We must be very ruthless in dealing with the Ministers. There can be absolutely no doubt about that. But in the case of Mr. Malaviya it was not a Commission of Inquiry that was appointed. It did not, however, mean that the result that ensued from that inquiry was less cruel or less ruthless. So I do think that there can be no apprehension in respect of this matter that this procedure is not going to do justice to the matter.

And lastly one word, because my time is over. Does the House think that in any way there has been culpable negligence on the part of the Minister? If the Minister had acted in that way, in fact, it would have resulted in loss' to the country. But I can say that there has been no loss either to the country or to the Government as a result of the action of the Minister. With these words, Mr. Chairman, I would like to sum up that the Government has taken the right course, it has taken the decision with the greatest speed to remit the whole matter to a committee of enquiry and we are quite clear in our minds' that there is going to be a thorough probe into the matter.

شری عبدالغنی : مسٹر مسرا کیا
آپ یہ نتیجہ نکالتے ہیں کہ جو پبلک
اکاؤنٹس کمیٹی نے کہا ہے کہ بہت
تقصان ہوا ہے۔ وہ ساری کارروائی غلط
ہے۔

†[श्री अब्दुल गनी : मिस्टर मित्र, क्या आप यह नतीजा निकालते हैं कि जो पब्लिक एकाउन्ट्स कमेटी ने कहा है कि बहुत नुकसान हुआ है, वह सारी कार्यवाही गलत है ?]

श्री सभापति : नहीं भाई, वह यह नहीं कह रहे हैं ।

Mr. Subramaniam, would you like to say something ?

SHRI C. SUBRAMANIAM : Mr. Chairman, Sir, while I am standing here not in an enviable position still it has given me great consolation that most of the Members who spoke expressed some confidence in my integrity. I can give them this assurance, that this is not misplaced. This is what I am prepared to say just now. The previous speaker, my hon. friend Shri Mishra mentioned about my over-confidence. As a matter of fact, it was that which was the starting point of all this trouble. I jumped up to say I was not the Minister concerned Sir, unfortunately, when this matter came up before the Public Accounts Committee I was not informed about it that this matter was under discussion and it was being questioned. And even when the Report was submitted where there was a para mentioned about me, even though I was not named as such, even then it was not brought to my notice. And then when this matter came up before the Lok Sabha during Question time then also I was blissfully ignorant. But when my honourable colleague the present Steel Minister passed on the name of the Minister who was administering the portfolio even at that time unfortunately, I was not informed about it. That is why when this matter came up and I happened to be present there accidentally, then because of my confidence or in my over-confidence, I jumped up and said I could not have been the Minister.

Apart from that, Sir, I am sorry to say many things have been loaded against me in many matters'. For example, with regard to the interpretation of the 55th Report, I would like hon. Members to read the first paragraph of Chapter II where it has been stated :

[] Hindi transliteration.

"The preceding paragraphs represent the findings' and conclusions of the Committee which they arrived at after hearing the representatives of the Ministry and would have been embodied as a final report of the Committee to the House."

In fact the report to this effect was drafted and approved by the Committee on the 26th July, 1966. But on the afternoon of the 27th July my request came and then Chapter II was drafted and this was read out in the able speech of Mr. Gujral in which he has pointed out how after examining me they have not confirmed what they had stated in the 50th Report or what they had stated in the first chapter. Unfortunately on this chapter of the Report of the Public Accounts Committee the newspapers put out glaring headlines saying—Strictures confirmed. After all, when the press wants it, it can create any impression it likes. After that when I met a friend and we were discussing this he said, "The Public Accounts Committee confirmed the strictures. The papers say so." How can you say they have not ? After all, the press is omniscient and they can create any impression in the country. It is unfortunate that this aspect of the matter even when it has been brought out in the discussions in the House and by the Speaker and all these are cut out, that obscurity and all those things' happened before my examination and after my examination these terms have not been used, these things have not been played down by the press. Certainly nobody would like to expose the mistake that he had made in the way the thing was initially reported. This is one thing.

Then again in spite of the fact that I have taken charge only in April, 1962, I have all along been somehow associated with all those deals for which the Secretary and the officials have been found fault with, as if they took place during my regime. Even recently, a few days back, I saw a caricature showing me with steel deals of 1959—62 in my hands. I saw that caricature, but that was the time when I was Minister for some other portfolio and in the Madras Government. This is how circumstances have been built up and very many other stories were also started. I have to go on contradicting all sort* of stories. This unfortunately is the atmosphere which has been brought about. And therefore I am not surprised that some

[Shri C. Subramaniam.] Members like my hon. friend Shri Arjun Arora, having perhaps read only a brief report or brief outline should have . . .

SHRI ARJUN ARORA: I have read the full Report thoroughly and I challenge the hon. Minister to read out to me a single sentence from any Report of the Public Accounts Committee in which they have exonerated him.

SHRI C. SUBRAMANIAM : It is all right. I am not arguing with him. I am only basing my argument on the contents of the Report and anybody can read the Report and anybody can understand it.

As I was saying, it is in this atmosphere that judgment is being made. As far as I am concerned, as I have already stated, my administrative record is an open book. Not only about this act, but for the last fifteen years that I have functioned, I do not mind any parliamentary commission or any sort of commission going into all my doings during these fifteen years. If there is one act in which I have taken advantage of my position or my personal gain or personal interest, I hereby withdraw from public life altogether and I shall retire into oblivion. I am prepared to do that. Therefore, it is not a question whether I have gone wrong or not. I am not claiming that I am perfect in everything. But it is a question of how I have functioned during these fifteen years. That is what matters. Therefore, if the House should think that there should be an enquiry I am not going to stand against it. On the other hand I will welcome it because it will be an opportunity for me to clear myself. But that is a question for the Prime Minister to decide.

And many other insinuations have been made and it has also been said that I should resign. Certainly it is for the Prime Minister to take a decision on this matter. As far as I am concerned, all I can say is that I have acted as a man should act under similar circumstances. That is what I am prepared to say. Therefore it is for the Prime Minister of the country to take a decision on this matter. If an enquiry is to be there I am not going to shirk it. But the other aspect of the matter also should be considered and that is whether in a situation of this sort if an enquiry is held

in this way whether it would facilitate the functioning of the Ministers because particularly in economic matters we have to give so many decisions and in taking decision* on these matters certainly we do not hear the evidences on both sides and the arguments and then write the judgment. We have to come to quick decisions and on economic matters we give 25 per cent for quick decisions, not hasty or rash decisions but quick decisions. This aspect has to be kept in mind and if every action is questioned later on like this in a court of law then certainly it will cramp the functioning not only of the Ministers but also of the officers. All this will have to be taken into account; not that I am pleading in extenuation of my case, but all these things will have to be kept in mind and if in the balance any decision is taken, I shall certainly submit to it. Therefore it is I speak with some confidence in this House and I speak with some confidence anywhere, because as far as I am concerned, as* I have already stated before you, Sir, in my view I have not done anything wrong. But it is not merely as somebody said my being confident that I have not done anything wrong but others also being satisfied that I have not done anything wrong. Therefore if any process has to be gone through, certainly I will not hesitate to accept that decision. I do not think I should say anything more.

Thank you.

4 P.M.

SHRIMATI INDIRA GANDHI: Mr. Chairman, Sir, hon. Members have got rather excited, especially hon. Members of the Opposition, and when they are excited and angry they are apt to be swept away by their own eloquence. I hope they will excuse me if I am not swept away, nor even impressed, by this eloquence, because it merely hides the hollowness of their arguments. This is not the first time we have had such excitement, nor is it the first time that not only one Minister but the entire Government has been asked to resign. Thi*, in fact, is a regular feature of this House and it has also become an unfortunate thing . . .

DR. GOPAL SINGH (Nominated) : The other House.

SHRIMATI INDIRA GANDHI: Here also I have heard this demand earlier on. Therefore, Sir, this type of eloquence neither moves me, nor convinces me, nor makes any difference in my thinking. Sir, I have a very responsible job on hand. It is to guide this country at the most critical period of its history; it is to guide the people through at a time of great suffering and hardship and it is at this time all efforts are being made to misguide the people, misguide the people not only in the matter of character assassination of which we have become familiar in these last years but . misguide them even in things which are vital to their very existence, in the matter of food, delivery of food, distribution of food. Just now we are facing a strike in Bengal which, if it goes through, will greatly prevent food reaching a large number of people because it affects the drivers of trucks, those who are supposed to take the stocks of food.

SHRI A. P. CHATTERJEE: That is irrelevant.

SHRIMATI INDIRA GANDHI: It is not irrelevant. I am just saying how the Opposition works up an atmosphere . . .

SHRI D. L. SEN GUPTA : Why do they strike ?

SHRI A. P. CHATTERJEE: Is that the issue now ?

SHRIMATI INDIRA GANDHI: I think hon. Members who have strayed so far away from the matter on hand are hardly in a position to say that somebody else is off the point.

However, Sir, I do not wish to go into all these matters here. I have said before, and I repeat today, and I shall continue to repeat, that I shall be second to none in seeing that anybody who is guilty of corruption, anybody who is guilty of wrong doing, is punished, but I must say equally strongly and with all the emphasis at my command that I am not going to be bullied, not by the Opposition, not by anybody at all. Sir, I think the way the Opposition is trying to take this country is disgraceful. Are we a nation of corrupt people ? Who is there who can say that every Indian is corrupt, every firm is corrupt, every Minister is corrupt ? Is this not the most

utter nonsense ? Is this' not something which has brought disrepute to our country all over the world, in the Press of the world, in the eyes of the world ?

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Nobody has said that everybody is corrupt.

SHRIMATI INDIRA GANDHI: I am not yielding.

SHRI A. P. CHATTERJEE: Don't be sentimental.

SHRI M. N. GOVINDAN NAIR: Here we are discussing the Report of the P.A.C. and . . .

MR. CHAIRMAN : She has not yielded.

SHRI G. MURAHARI: Nobody has said everybody in the country is corrupt.

SHRIMATI INDIRA GANDHI: Several Members of the Opposition have levelled a general charge of corruption against the Government, not only against the Minister for Food. I have been sitting here all day. You are quite free to look up the records after the debate is over. This charge has been levelled. I know, there are faults in the Government; I know that we are not perfect. I know equally well that no other Government is going to be more perfect. I know that if we make mistakes it is because we are human beings. Whenever any point of corruption has been shown up it has been gone into and people have been punished. It is not a matter, it is not something which always comes in the open but nevertheless it is something that is being done all the time. Everything that has come to my notice has immediately been enquired into. Sometimes it takes time because many people have to be consulted and papers have to move from one place to another and so on and so forth. But never has anything like this been hidden. Therefore I want to repeat that in this matter, as in any other matter, we shall certainly take all steps which have to be taken. Sir, it was on the 4th of August, you will remember, that I came to you accompanied by two other Ministers to inform you of our decision to set up this Committee of Enquiry. It was long ago

[Shrimati Indira Gandhi.] but for some reason we were advised that we should not announce it publicly. Therefore there was delay in the announcement. It was I think—I do not have the exact date—on the 12th August that the Minister of Iron and Steel wrote to the Chairman of the Public Accounts Committee informing him of this decision. This Committee is in complete accordance with the recommendation of the P.A.C. I should like to announce, Sir, the membership of the Committee. It will consist of as Chairman, Shri A. K. Sircar, *ex*-Chief Justice of India, Shri V. S. Hejmadi, former Chairman of the U.P.S.C, Shri P. C. Padhi, former Chairman of the Central Board of Revenue and a former Deputy Comptroller and Auditor General. Now under the Commissions of Inquiry Act we can confer upon this Committee all the powers that the Committee may require in order to make a full and complete investigation into all the transactions referred to in the Report of the P.A.C. I should like to assure the House that we on this side are as anxious as those sitting opposite to have a thorough probe into the action of everyone who has committed any default or any irregularity and this Committee will be able effectively to carry out this probe.

Since I am on my feet I would like to add just one other point about officials. It has been a custom, Sir, that the names of officials will not be taken on the floor of the House because they are not here to defend themselves. As with Ministers or anybody else or with officials, if they are guilty, if anything comes up against them, an enquiry will certainly be made and if they are guilty they will be punished but to create this kind of atmosphere, I must submit, Sir, has created uncertainty in the Government. It creates hesitancy in taking decisions and it does slow down the whole business of Government. Some hon. Members were surprised at the disposal of a file in 48 hours. I might inform them—though I am naturally not able to speak for every Minister—that the files in my Department are cleared within 24 hours with rare exceptions. So, Sir, we want to certainly maintain that. I think our administrative service has a high reputation here and abroad and it is comparable to the administration of any country. Therefore while we should not condone any wrong doing—I

have repeated this several times and I hope there will be no misgiving on this point—at the same time I must appeal to all concerned that they should not in any way do anything which will reduce the efficiency and the efficacy of the services or demoralise them in any way.

SHRI A. P. CHATTERJEE: If they have any efficiency.

SHRIMATI INDIRA GANDHI : I am sorry that some may be inefficient; some may have other faults but certainly a general charge cannot be levelled against the whole service and I hope that in the interests of efficiency and good Government we will keep these matters in view when we make such allegations.

Thank you.

THE MINISTER OF EXTERNAL AFFAIRS (SARDAR SWARNAN SINGH) : Mr. Chairman, I want to say a few words. I am intervening for about five minutes. Mr. Chairman, I had no intention to intervene, but one or two things had been said and I thought that I should put the record straight and place things in their proper perspective. I need hardly remind you, Mr. Chairman, that I came here as a Member of this august House, Rajya Sabha, in 1952 and since then here and in the other House I have had the fortune, honour and responsibility of serving the country in several Ministries. I am trying to recollect, because some hon. Members have mentioned earlier years, as to what was my charge in a particular year, to which a reference has been made. I would like to remind the hon. Member, who is so interested in history, that from 1952 to 1957 I was in charge of Works, Housing and Supply. In that capacity, being in charge of Supply, several cases, thousands of cases, must have come (to me and in proper routine I might have passed several orders. Some I might have initialled. In others it might have been written : "The Minister has seen" or "As desired by the Minister, this order is passed." There is nothing suspicious, nothing underhand, nothing improper or against procedure in disposing of these cases. From 1957 to 1962 I was Minister-in-charge of Steel, Mines and Fuel and I would like to say categorically that for that period I take full responsibility for the functioning of

the Ministry of Steel, Mines and Fuel. I do not want to be apologetic. During those five years, some hon. Members—I can see their faces—were Members here even at that time. Now, this case, the case of Messrs. Amin Chand Pyarelal and several other cases of several other steel firms have been coming up here from time to time I myself have answered several questions, but I must confess that I have never had this type of feeling, this type of atmosphere that is now being sought to be created, sometimes by direct statements, which they have not the courage to substantiate, and sometimes by insinuations. I strongly repudiate these insinuations, which are not borne out either by facts or by the circumstances. Now, it has been said that this firm was blacklisted. Now, I cannot say as to when it was blacklisted and when it was lifted and I do not carry all these things in my head. The present Ministry that I am dealing with is the fifth in the long chain of I service. I try to forget it, when I leave charge of any Ministry and it is for either the Secretary or others to take the follow-up action and do whatever they intend to do with regard to those cases. I can say with a certain measure of confidence that once I have left a Ministry, I have never cared to give advice, unless it was sought, or taken any interest either in the officers or in the transactions or even in the matter of policy that might be pursued, except when the case comes to the Cabinet.

Then, much has been said that I gave permits or I gave import licences. I want to make it absolutely clear that it is not within the authority, it is not within the purview, it is not within the competence of any Minister to give any permit or any import licence or the like. All that is controlled by certain procedure. The Minister can ensure and it is his duty to ensure and undertake responsibility to see that the normal procedures that are applicable have been followed and must have been followed. Now, I am not going into details, because I have not looked into any file or in any paper, but if there is any lapse or any irregularity, I am responsible. I am not running away from it. I do not want to be apologetic. There is no use raising a type of atmosphere in which things are said, I sometimes half said and sometimes they are said in a manner which is not either straightforward or clean. I want to make

it absolutely clear that in the matter of issue of permits, in the matter of issue of import licences, it is not the procedure that any matter comes to the Minister, unless, of course, somebody has complained. If some hon. Member or some other people have complained that some permit or some import licences have been issued wrongly, then the matter comes to the Minister. He has a look at it and then either approves of it or disapproves of it. A party which may have been refused comes to the Minister and says it has been wrongly refused. He may send for the file and he may look into it. So, it is absolutely wrong to suggest that I had issued any permits or I had issued any import licences or the like. These must have been done in the normal routine. Unless a particular case is mentioned, simply to say there are files in which it is written : "The Minister has seen" or "The Minister desires", is not good. I say there must be lakhs of files in the Secretariat in which I have said : "I desire this to be done", in which I have said : "I have seen the file" or my Secretary or my Private Secretary must have said that the Minister has seen the file. So, there is nothing suspicious or nothing underhand in dealing with these matters. I have dealt now with four Ministries which are controversial, four economic Ministries. viz., Works, Housing and Supply, Steel, Mines and Fuel, Railways and then Food and Agriculture. Now, in all these years I must have dealt with firms. My friend here is reminding me of Commerce and Consumer Industries as one of these economic Ministries which was under my charge. During this period I have appeared before this House and I have not seen an atmosphere to defend like this. I take full responsibility for all that happened during this period and it is no use carrying on this type of campaign, this type of innuendoes and this type of insinuations. Now, a decision has been taken that the matter will be examined. Surely they will examine and find out if the procedures have been properly followed or not followed and these things will be before the House and before the country. Till that I would appeal that there should not be this type of thing which unnecessarily creates a feeling of uncertainty and discourages people. These are heavy responsibilities that have to be carried and in the discharge of those responsibilities this type of thing, which is being bandied about, is neither responsible nor fair. At any rate it is not in our interest.

SHRI M. C. CHAGLA: Mr. Chairman, this House today has created a new precedent. In all its history this is the first time that a Report of the Public Accounts Committee is being discussed and I am most anxious, with your permission, to lay down certain rules of procedure which shall guide us in future, because, as I said, it is something new that we are doing. In the other House the procedure might have been discussed, but we are doing it for the first time. We are a chamber of elders and we should be careful that in creating a precedent we lay down rules of procedure for our own self-protection and for the institution to which we belong and of which we are proud. Now, let us understand the nature of the PAC. It is one of the most important committees that Parliament appoints. It is the watchdog of Parliament. It is really the watchdog of the nation. It supervises the spending of money by Government departments and Ministries. It sees to it that moneys, which are appropriated by law, are properly spent. It sees to it that there is no waste, that there is no corruption, that there is no dishonesty, that there is no excess and it looks at expenditure from every point of view. But then may I point this out that it is not a judicial body? It is not an investigating body and for obvious reasons. Only representatives of the Government or the Ministries appear before the Committee, never the person concerned. Now, take this Bhoothalingam affair. The person who appeared before the Committee was the present Secretary. Mr. Bhoothalingam never appeared and naturally according to ordinary rules which govern any judicial process, you cannot condemn a person without hearing him, without giving him an opportunity to defend himself, without telling him what the charge against him is and without hearing his witnesses, if he wants to call witnesses. Therefore, important as this Committee is and must as we appreciate and have realised its importance we must bear in mind the fact that it is not a judicial body. It is not an investigating body. What are its functions? Its functions are, having examined the accounts, to make recommendations to Government. It is for Government either to accept the recommendations or not to accept the recommendations. I am not suggesting that the recommendations of the Public Accounts Committee shall not come before the House. They do come before the House. I tell you how. They

also come before the other House. As far as the other House is concerned they come when a Minister goes for demands for grants. At that time it is open to that House to say, "We will not vote your supplies because you have not complied with the suggestions made by the Public Accounts Committee". This House has not got the right to vote supplies. So we cannot follow that procedure. But here questions can be asked of Ministers, discussion could be had, resolution can be moved, but the report as such is not discussed. Now that we are discussing the report may I suggest for the consideration of the House that we should not adopt any resolution approving or disapproving of the Public Accounts Committee? It would be a very serious step to take. I find that there are substitute motions which approve and appreciate the decision of the Public Accounts Committee. If a Member can move such a motion, what is there to prevent another Member moving a motion next time that this House disapproves' of the decision of the Public Accounts Committee? Do not forget that this is not a political Committee. It is not a party Committee; it is a Committee which rises above parties. As I said, it is a Committee which is the watchdog of Parliament. Parliament as a whole cannot scrutinise all these accounts, all this* expenditure. Therefore, this important Committee is set up, and I must express my gratitude to this Committee for the very fine work they have done. But let us not reduce this Committee to a political Committee. Let us not bring this Committee into the arena of party conflict. Once you bring it here and start moving resolutions, I am sure the importance, the prestige, the status of the Committee will disappear. Therefore, I beg of this House, as those on the Treasury Benches begged of that House, not to press for the substitute motions. You had a discussion. I could have taken up a point of procedure that we should not discuss the Report at all. But we have nothing to hide, nothing to conceal, and we said all right, let the House discuss it. But let us not lay down a wrong procedure which will prejudice the very importance of this Committee.

What has this Committee recommended? May I read the recommendation? This is very important. This is at page 106 of the

50th Report. That is the sole recommendation made by this Committee :

"The Sub-Committee therefore suggest that these cases should be investigated by a high powered Committee which should consist of a person of the status' of a High Court judge; an officer from the office of the Comptroller and Auditor General of India; an officer from the Central Board of Revenue well-versed in Customs Law, Import and Export (Control) Act, 1947 and Income-tax Law."

The Prime Minister in announcing the names of the Committee has gone beyond the recommendation of the Committee. We do not have a High Court Judge; we have got an ex-Chief Justice of India as the Chairman of the Committee. Is there any person here in this country who can inspire greater confidence than one who has presided over the Supreme Court and who has been the Chief Justice of this country ? The other two have experience in various phases of administration, various departments of administration, various sections of administration. Therefore, the whole House should compliment the Prime Minister and the Government of which he is the head in having accepted this recommendation and announced this Committee. May I supplement something to what the Prime Minister said ? There has been an apprehension in certain sections of this House that this Committee will not be able to function as well as a Commission of Inquiry. That apprehension is baseless. I have got the Act here. I do not want to trouble the House by reading the section but I want to assure the House that under that Act all the powers of a Commission of Inquiry can be conferred upon this Committee. If the Chairman tells us, "Look, we want these powers which a Commission has", all we have got to do is to issue a notification and confer the powers. They can call witnesses, they can seize papers, they can do everything that a Commission of Inquiry does. After all what do you want ? You want a probe into this case. So do we. We are against corruption as much as you. I agree that some of the things are shabby, they are scandalous¹. I feel as strongly about it as you do, and I am as anxious as you are that these transactions should be looked into. A thorough probe should be made and the guilty party should be brought to book. I assure this

House that through the instrumentality of this Committee a probe will be made. Every conceivable power will be given to this Committee and whoever is found guilty, never mind how high he is, will be brought to book. Is there any other recommendation in this Report ? That is all. That is the recommendation made by this Committee.

Now I come to the merits. The whole case is in a very narrow ambit, and for the purpose of my argument I am going to confine myself to documentary evidence. Recollections may be mistaken, memories may fade, but documents speak for themselves. When I was a Judge, it used to be said, witnesses may lie but circumstances do not. The same axiom with a little adaptation might be applied to this case. Discard witnesses, discard oral testimony, discard what X or Y said. Look at the documents of this case, and I have every confidence that . . . (*Interruption*). I am going to take you through the documents and if you have a little patience with me, I hope to satisfy you that there is absolutely no case whatever against the Minister of Food which calls for any censure by this House or any other body.

SHRI LOKANATH MISRA: If you are setting up a Committee, why should you judge about the merits ?

SHRI M. C. CHAGLA : All sorts of things are said. For the purpose of record I must set it right.

SHRI A. P. CHATTERJEE: You are referring it to a Committee. Why should you go into the merits?

SHRI M. C. CHAGLA : Let me make it clear. What is going before the Committee is the transaction and not the conduct of the Minister.

(*Interruption*)

SHRI LOKANATH MISRA : I would specifically like to have an assurance from the Leader of the House whether it is a fact or not that Mr. Subramaniam's action so far as it relates to the 50th and 55th Reports of the Public Accounts Committee would also be gone into by the Committee.

SHRI M. C. CHAGLA : I tell you what *is* the transaction. There is only one transaction in the 50th Report which refers to my hon. colleague, the Food Minister. That is the only one which is at page- 92, paragraph 4.128 :

"The Sub-Committee are unable to understand the circumstances under which the Minister changed his previous orders' so soon that the business suspension with M/s. Aminchand Payarelal group of firms should not be communicated to other Government Departments."

On this there is no dispute about facts. The question is of inference. The only suggestion against my hon. friend is that he changed an order and the Committee does not understand the reason for it.

SHRI M. N. GOVINDAN NAIR : It is very important.

SHRI G. MURAHARI: The point is whether that particular issue of changing the order is going before the Committee. The entire discussion was based on one question that the Minister changed his orders. Now the Leader of the House comes out with the suggestion that it was just an inference and therefore that particular matter is not going before the Committee.

SHRI M. N. GOVINDAN NAIR : Do not put words in his mouth.

SHRI G. MURAHARI: We would like to know whether . . .

SHRI M. C. CHAGLA : I can say this that the terms of reference have not been drawn up. I can only say that all the transactions referred to in the 50th Report will be referred to the Committee for investigation.

SHRI G. MURAHARI : The entire working of the Steel Ministry.

SHRI ATAL BIHARI VAJPAYEE : Not only the transaction.

SHRI M. C. CHAGLA : If my hon. friend will have patience and will see the terms of reference, he will be as much satisfied with the terms of reference as, I am sure, he is

satisfied with the personnel of the Committee. It is no use . . .

SHRI G. MURAHARI: He should have given the terms of reference.

SHRI M. C. CHAGLA : We have not got the terms of reference. So, I cannot enlighten you.

SHRI G. MURAHARI: It is going on for the last one month . . .

SHRI M. C. CHAGLA: If our intention is to have a thorough probe, a proper probe, then we are as anxious as you are . . .

SHRI A. P. CHATTERJEE: But the way to hell is paved with good intentions. Will you kindly disclose the terms of reference ?

MR. CHAIRMAN : The way to hell is paved with many things.

SHRI NIREN GHOSH : One clarification I would like to have . . .

SHRI ATAL BIHARI VAJPAYEE : Only a minute ago, the Leader of the House said that the conduct of the Minister will not be gone into by the proposed Committee. But his subsequent remarks create an impression that it might be included in the terms of reference and the particular conduct of the Minister on which the Public Accounts Committee has¹ commented will be gone into by the Committee. I would like to have a categorical reply from the Minister. There should be no hesitation.

SHRI M. C. CHAGLA : I have given a categorical answer—I will repeat it—that the Committee will enquire into and investigate all the transactions referred to in the 50th Report dealing with the Department of Iron and Steel.

SHRI NIREN GHOSH : Sir, . . .

SHRI AWADHESHWAR PRASAD SINHA : Let him finish his speech.

SHRI ATAL BIHARI VAJPAYEE : The circumstances under which the Steel Minister revised his order was not a transaction. How can it be covered ? Let the Leader of the House be clear, if he wants to give an impression

SHRI G. MURAHARI: Be honest about the Committee in the first instance.

MR. CHAIRMAN : Please, please.

SHRI M. C. CHAGLA : I want to be frank and fair with the House. I say, and I repeat, that the particular paragraph deals

h a transaction. If all the transactions are referred to the Committee, that transaction will also obviously, logically, automatically, be referred to.

MR. CHAIRMAN: It will also be referred to. Mr. Niren Ghosh.

SHRI NIREN GHOSH: May I know whether the Government will tell us whether there has been any CBI Report on the entire tiling and it has thoroughly gone into the details ? Is it there or it has been suppressed ?

MR. CHAIRMAN: Have you understood what he said ?

SHRI M. C. CHAGLA: He wants to say about the CBI enquiry. I can only say iteratively—I cannot go into detail—that whatever assistance is sought by the Committee from the Government will be given to the Committee.

(Interruptions)

MR. CHAIRMAN : Please, please.

SHRI A. P. CHATTERJEE : On a point of clarification.

SHRI AWADHESHWAR PRASAD SINHA : It will be difficult for this House to continue if, when the Minister speaks here, fifty people stand up on that side. When they spoke, we listened to them silently. It should be made clear to them. Sir, you are being very very generous.

SHRI ATAL BIHARI VAJPAYEE : Let them also ask clarifications.

SHRI A. P. CHATTERJEE: The Leader of the House has just now said that a Committee of Inquiry has been set up. Now, according to section 11 of the Commissions of Inquiry Act, the Committee of Inquiry, if it is set up at all by the Government, cannot get the powers of the Commissions

of Inquiry Act, unless the Government by a notification in the official Gazette directs that this provision of the Act will apply to this authority.

SHRI M. C. CHAGLA : I said that.

SHRI A. P. CHATTERJEE : Will the notification be made ?

SHRI M. C. CHAGLA : Yes, yes'.

SHRI A. P. CHATTERJEE: Another clarification . . .

MR. CHAIRMAN : He is not yielding.

SHRI D. L. SEN GUPTA : Sir, I want to say . . .

MR. CHAIRMAN : You can do it after he has finished.

SHRI D. P. KARMARKAR : May I, with your permission, say one thing ? For our own clarification, we would like to know exactly what is happening and what is being done.

SHRI AKBAR ALI KHAN : But he has not finished.

SHRI D. P. KARMARKAR : He is in the Chair, not you. I would like to ask this question because it is a very important point and it should be made clear. May I ask him, by way of elucidating what the Leader of the House has said, whether what he means is nothing more and nothing less than what is asked for by the Public Accounts Committee in paragraph 4.167 at page 106? Nothing more, nothing less.

SHRI AWADHESHWAR PRASAD SINHA : That is what he has said, Sir.

SHRI M. C. CHAGLA : May I answer, Sir?

Now, the question is in a very narrow ambit. What is the question ? The question is this whether the variation of the order of the 20th June by the Minister was *bona fide* or *mala fide*. Now, in order to determine this question, we must bear in mind that this was a discretionary order. The Minister could have exercised his discretion

[Shri M. C. Chaala.]

one way or the other. He chose to exercise it one way. Therefore, the next question that arises is : Was that discretion properly or improperly exercised ? Was it honestly exercised or dishonestly exercised ? And I am going to satisfy you beyond any doubt, on the record as it stands, without departing from this record, without thinking of something that happened at night, at twelve of the clock, as Shri Misra said—I am going on the record—that there is no doubt at all and it cannot be said that the Minister exercised his discretion improperly or dishonestly.

SHRI BANKA BEHARY DAS: Just now you have announced a Committee . . .

MR. CHAIRMAN : You have been speaking the whole day. Let him now speak. What is the harm ? You have been expressing your views. Let him express his.

SHRI M. C. CHAGLA : Now, Sir, the first question to remember is* that this firm of Amin Chand Pyarelal was removed from the black-list in 1957. Therefore, when Shri Subramaniam took charge as Minister of Iron and Steel, this firm was not in the black-list. This is a very important fact. One must understand how this black-list functions. It functions in three ways*. A man is put in black-list in which case all transactions with him by all the Ministries of the Government are stopped. It is as if he was put outside the pale of society; he becomes an outcaste in the industrial and business circle. That is the most rigorous form the order can take. The second form is when there is a general suspension by the Ministry concerned. This order is circulated to the other Ministries. But—this is an important 'but'—the discretion is left to the other Ministries whether to act on this or not. So, it is something less than blacklisting. And the third which is the least drastic is the suspension of business only by the Ministry. Therefore, in order to understand the record, these three types of black-listing should be borne in mind.

Another factor to remember is that the order, whether it was the first or the second or the third category, is not issued by the Ministry, it is issued ultimately by the Controller of Iron and Steel. That, to a certain extent, throws some light on this minor

question of draft—that is, draft or final order. Again, it is important.

Let us turn to the first order which Shri Subramaniam made on the 16th of November. Now, there was some dispute between the Ministry and this firm as regards certain contracts. I am not going into details. They were given certain iron ingots and their contention was that this was not according to the specification and that some firm in Wales which was to have taken delivery of it was not accepting it as not being of the contract specification. Now this! was the background against which this order was made. And this is very important. This is Mr. Subramaniam's note, which says:

"I do not think we should negotiate with Aminchand Pyarelal group on the basis indicated in the report of Cleetus. Other offers may be negotiated with different parties. If Aminchand Pyarelal should demand damages on any account, that may be dealt with separately.

We may claim damages in respect of Contract No. 28 as no performance has been attempted by the party.

Till this matter with Aminchand Pyarelal group is finally settled, no contract of any sort should be entered into with them either by HSL or Iron and Steel Controller."

Now this is clear that Mr. Subramaniam in this case was not taking penal action. What he was saying was till this question about the dispute with regard to the contract is settled, we should not enter into any negotiations. No time limit is fixed. All that is said is—we were claiming damages with regard to our contract, and Mr. Subramaniam said—till all these matters are settled, we should not enter into any contract. It is clear on the face of it that in the strictest sense of the term this order not entered into as a penal order.

SHRI G. MURAHARI: Is he reading from the evidence before the Public Accounts' Committee ?

MR. CHAIRMAN : Please note down the various items.

SHRI M. C. CHAGLA : I am reading from the notings of the Ministry. These are offi-

cial documents. I am prepared to put it on the Table of the House.

SHRI G. MURAHARI: I could have also quoted from the entire evidence.

SHRI ATAL BIHARI VAJPAYEE : Are we to understand that these notings were not produced before the Public Accounts Committee ?

SHRI M. C. CHAGLA: They were produced, and it has referred to these notings.

Now here is a suggestion made by the Deputy Secretary on the 26th November.

SHRI G. MURAHARI: Mr. Chairman, I would like to have your ruling. There are many papers which were placed as evidence in the Public Accounts Committee which were accessible to the Members of the Public Accounts Committee and probably the Minister. It was decided that Members could refer to these documents in the Committee room of the Public Accounts Committee but they could not quote them here as evidence. I was a Member of the Public Accounts Committee. I could as well quote them, but I did not do so.

MR. CHAIRMAN : It was said by whom?

SHRI G. MURAHARI: By the Speaker in the Lok Sabha and also by the Public Accounts' Committee.

MR. CHAIRMAN : Mr. Chagla, if you could avoid it.

SHRI M. C. CHAGLA: I wanted to put the record straight but now I will not go into details. I will sum up my points because these documents are there.

SHRI M. N. GOVINDAN NAIR : On a point of order. Sir. When he has announced about the Enquiry Commission, the propriety or otherwise and the behaviour of the Minister will also go before that Committee of Enquiry. Under such circumstances why should the hon'ble Leader of the House labour to establish the correctness or otherwise of the actions ?

MR. CHAIRMAN : Because the other people in the House have laboured the whole day.

SHRI M. N. GOVINDAN NAIR : Some people have already supported the Minister and finally a commission is now going to be appointed. So the matter ends there. Then after making this announcement, why should the Leader of the House come forward with arguments in support of the Minister ? That is what I do not understand. That is' my point of order.

SHRI M. C. CHAGLA : I am not going to yield. In fairness to my colleague I must answer some of the criticisms.

SHRIMATI INDIRA GANDHI: Mr. Misra is going to speak again.

SHRI M. C. CHAGLA : The crucial question is what bearing the interview had on the order of the 23rd July. That is the whole point. The arguments is that somebody from this side saw Mr. Subramaniam and influenced him. The question is whether the interview in any way improperly influenced (he Minister to exercise his discretion. Now, Sir, may I point out a crucial fact with regard to this interview ?

SHRI A. P. CHATTERJEE : On a point of order.

MR. CHAIRMAN ; No, no. If it is a point of order "again," I would not allow it. It is the same thing.

SHRI A. P. CHATTERJEE : Only one minute. You have always been kind.

MR. CHAIRMAN : Mr. Chatterjee, you have already made a point of order. It means you are again raising the same point. No.

SHRI M. C. CHAGLA : Sir, everybody has said that Mr. Subramaniam is a very intelligent man, he is a very competent man, he is a very able man. I cannot understand Mr. Subramaniam's intelligence, if he was influenced by an improper motive, keeping, a written record of this interview. If he had not kept this letter which was written to him by Mr. Jit Paul, well he could have denied it.

SHRI A. P. CHATTERJEE : May be, it is an accident.

SHRI M. C. CHAGLA : Therefore, the most corroborative piece of evidence in this case, which goes to show that Mr. Subramaniam was not influenced by any improper motive, is the fact that he kept a record of this interview through the letter written by the partner or agent of this firm. (*Interruption by Shri Niren Ghosh*). I am not going to yield. Therefore, I say it shows that Mr. Subramaniam was not influenced by any improper motive.

The next point is this, You read the whole of this Report. Nowhere is any *mala fide* suggested by the Committee. All that is suggested is that the reasons are obscure, that we do not understand the reason.

SHRI NIREN GHOSH : That is enough.

SHRI M. C. CHAGLA : No. It is not enough. It may be that Mr. Subramaniam exercised his discretion for a particular reason. That reason may not be acceptable to the Committee. That reason may not be understandable by the Committee. But that does not make the exercise of that discretion dishonest or improper.

Sir, I do not want to take up your time. The terms of the letter written by Shri Jit Paul clearly show that the Minister changed the order. May I just mention two things ? He excluded from the order the rolling mills because they were producing something which was helping the production of our country, helping the industry of our country. He excluded from that order the shipping firm because the Transport Ministry told him that as far as shipping was concerned that helped during the emergency and their record showed that this firm had been behaving in a perfectly proper manner. (*Interruption by Shri G. Murahari*). I must have some time to me.

SHRI M. N. GOVINDAN NAIR • Sir, when so many Ministers have spoken, and when this is a question of the Ministry of Transport, why is the Minister of Transport keeping silent ?

MR. CHAIRMAN : He is not ready to yield.

SHRI M. C. CHAGLA : The next point is* that Mr. Subramaniam is not corrupt, he did not take money, but there must have been

political pressures, and what is argued is that somebody might have gone with Mr. Paul when the interview took place. A suggestion has been made that Mr. Kairon was there when the interview took place. Now, if Mr. Subramaniam wanted to be dishonest, he could have denied it, that Mr. Kairon never came. He said, "I do not know". Well, Sir, if you ask me who came to see me yesterday, surely I cannot tell you. My memory is so bad. But I am sure Mr. Subramaniam's memory is much better than mine. When he is asked how many people he sees every day, whether Mr. Kairon came along with Mr. Paul three years ago, he gave an honest answer, "I do not know". But if he wanted to be dishonest, he could have denied it. If he had denied it what was there to challenge his Statement ?

SHRI NIREN GHOSH : The truth would come out.

SHRIMATI INDIRA GANDHI: Anyway, it is not relevant.

SHRI M. C. CHAGLA : May I say a word about resignation ? This is a very important point that was raised and I want to say a word about it. Now the majority party in this country having the confidence of the Parliament is entitled to form the Government of this country. That is under the Constitution and that is the parliamentary practice, and the leader of the majority party occupies the privileged position of the Prime Ministership. It is* for the Prime Minister to decide who her colleagues should be. Reference was made to the Code of Conduct which was placed before this House and discussed by the House. Now the Code of Conduct is very simple. If the Prime Minister comes to the conclusion that there is a *prima facie* case against one of her colleagues and he ought not to continue to be her colleague and to continue to be a Member of the Cabinet, she can request him to resign. The Prime Minister has said so in the other House categorically that she is satisfied, that there is no *mala fide* as far as Mr. Subramaniam is concerned and so far as the record is concerned, which she has read. It is her sole privilege, her sole right, her sole obligation. It is for her alone to decide who is worthy to be her colleague. If she tells me now that I am not worthy to be her colleague, I will tender my resignation. Therefore that is the first position.

Then some Members in their exuberance have pointed to Mr. Subramaniam and said: 'You must resign'. Now I do believe in this that we Ministers not only should maintain the highest standards of probity but the highest standards of public life and I do believe—that is my view—that if a *prima facie* case was made out against me and a Committee was to be appointed, I would resign. That is my own view but then there is no *prima facie* case. How does this question arise? If a Committee says that they do not understand the reason why he varied the order, why he exercised his discretion in a particular way, is that a *prima facie* case? Must he resign when the Committee goes into this question? Under what norms, by what standard, by what ideal, by what principles do you suggest that a Minister having the highest standards of public life should say to himself: 'I cannot continue'? The idea is this. If there is a cloud over my head, I would say to myself: 'I am not going to go through this. I will wait till I am cleared by the Committee and then if the Prime Minister chooses she may call me back.' Is there a cloud over the head of Mr. Subramaniam? Anybody reading this Report, can he say that there is a *mala fide*, that he is corrupt, dishonest or politically influenced? Therefore I say that it is entirely erroneous to say that. I have seen the parliamentary practice. Somebody mentioned that the Ministers in the U.K. would have resigned. There has never been a case like this where a Minister has resigned on such vague accusation as this.

Now in conclusion there is only one thing that I wish to say. The one asset, and to my mind the greatest asset, that a Minister has and should have is his integrity. If you undermine that integrity, he cannot function.

SHRI NIREN GHOSH : His integrity is in question.

SHRI M. C. CHAGLA : But if you go on making sly remarks, if you go on indulging in insinuations and innuendoes, if you go on making accusations for which there is no basis, if you have campaigns against the integrity of Ministers, it is very difficult for the Minister to function. After all we are under a parliamentary system of Government. We happen to be in the majority and

that is because the people have confidence in us. Tomorrow we may not be and it may be some other party but let us lay down the proper tradition of parliamentary democracy. You look at the House of Commons. They are fine. You never find accusations like these bandied about in the House. That is the tradition: If we are wrong, certainly attack us. You have every right but as I said, this insinuation, this innuendo, this signature campaign and all kinds of things are wrong. As I said there is nothing more I value than my integrity. If that goes, I am not worth anything. If my value as a Minister goes, I cannot function. Therefore do not try to undermine it. When you are satisfied certainly attack the Minister, attack the Government. You have the rights under the Constitution but this mode of dealing with Ministers, I say, is subversive of democratic parliamentary principles.

(Interruptions)

SHRI NIREN GHOSH : No. Encouraging such firms is subversive of public conduct.

MR. CHAIRMAN : I only see that you hold diametrically opposite views to each other.

SHRI M. C. CHAGLA : After the Prime Minister's statement I do not think I have much to add.

May I make a last appeal to Members? After what I have said on the procedural part, I hope they will not insist on moving the substitute resolution. If they do, I will be compelled to move for a suspension of certain rules. I do not like it. It is not very democratic to suspend the rules of the House but I think in the larger interests of the procedure which I am suggesting, I appeal to Members (opposite who have given notices of substitute motions to withdraw them so that no resolution would be put to the House. The Report has been considered, the recommendation has been accepted and I do not think there is any need for any substitute motion).

SHRI LOKANATH MISRA : Mr. Chairman, even though we found that the Prime Minister is capable of going into a state of fury and excitement, I think it was mispent on this occasion particularly. She has said that the Opposition is levelling charges

[Shri Lokanath Misra.]

against the Government in general, that everybody is corrupt in this country, that all Ministers are corrupt. I am sorry to contradict her statement and to submit that we have never said that the Government in general is corrupt, that each Minister is corrupt. Naturally such a generalisation was not warranted. There are of course certain Ministers who appear to be corrupt. Maybe after an investigation or enquiry it would be established whether they are corrupt or not but as the history indicates, whenever there has been an allegation from the Opposition—it might have started from Mr. Kairon and gone right up to Mr. Krishnamachari—on all the occasions it was* proved to be correct, the Opposition's stand proved to be correct and not that of the Prime Minister. Of course I was very unhappy when the Prime Minister made such a categorical remark about the Opposition. We have never had an occasion when we brought charges against every Minister. It was always against specific Ministers who, we thought, might have gone wrong.

Regarding the other point, the Leader of the House has been good enough to explain at great length but I would request him kindly to come forward with a statement regarding the terms of reference. It may be on Monday or Tuesday but the members of both the Houses must be intimated about the terms of reference. Since he was not ready with it today, I would request him to come forward with a statement any day that suits him next week, as early as possible of course.

5 P.M.

सरदार रघुबीर सिंह पंजहजारी : मिस्टर मिश्र कहते हैं कि अपोजीशन वालों ने चार्ज लगाए, वे प्रूव हुए। यह बात गलत है। कांग्रेस वालों ने खुद अपने आदमियों के ऊपर चार्ज लगाए, अपोजीशन वालों ने नहीं लगाए।

श्री लोकनाथ मिश्र : कांग्रेस पार्टी वालों ने लगाए इसके हम कब रेस्पॉन्सिबिल हैं? कोई चीज कांग्रेस की तरफ से आए तो हम जिम्मेवार नहीं हैं। हमने जब चार्ज लगाए तो प्रूव हुए हैं। That Minister has

proved to be a corrupt man ultimately and has gone out.

सरदार रघुबीर सिंह पंजहजारी : आप कभी प्रूव कर ही नहीं सकते।

श्री सभापति : पंजहजारी जी, वे जवाब दे रहे हैं।

श्री अटल बिहारी वाजपेयी : अब भी कुछ करिए।

SHRI LOKANATH MISRA : Sir, here I would like to mention that I was also unhappy about the silence of the hon. Minister for Food regarding certain charges levelled against him in this House. I hoped that he would clarify the position, but he did not do it. Therefore, the natural presumption in the country would be that there were certain allegations against him specifically mentioned in the House and they could not be contradicted. But I know them, what they are. Naturally, I had no hesitation in bringing them during the discussion when I was speaking. Let the country take them the way it would like to take. Mr. Subramaniam, while clarifying his own position, said that subsequent inquiries into the conduct of Ministers' actions might stand in the way of quick decisions being taken by the Ministers. He wanted that this inquiry should never be directed against a Minister, but he has absolutely no opposition that the inquiry can go against any of the senior administrative officers'. He does not oppose that. His only opposition is that quick decisions might be hampered if Ministers' conduct is subsequently inquired into. I do not presume that the Minister, in all cases, takes the ultimate decision, nor is he responsible for quick disposal of the files. If you go into the record of any file in a Ministry, it would be clearly evident that it is the officers who are responsible for the quick disposal of files. If the argument holds good in disfavour of probe into a Minister's conduct, how can the same argument be conveniently overlooked when it comes to the question of the Senior administrative officers? Therefore,

Sir, the argument was without any basis. If quick decisions would be hampered in case of a probe into the conduct of a Minister, it must be equally applied to the senior administrative officers as well as to the Ministers, but now that we have decided that we will probe into the conduct of certain officers, regarding the comments made in the Report of the Public Accounts Committee, his? conduct must be also included in that particular inquiry.

Thank you.

SHRI D. L. SEN GUPTA: I had a clarification to seek from the Prime Minister.

MR. CHAIRMAN : What really is the clarification that you seek ? Put it straight.

SHRI D. L. SEN GUPTA : The Prime Minister in the course of her speech said that she is conscious of the faults and defaults of her department. I want to know whether she is conscious that there may be corruption in her department also, or that the officers are immune from corruption. She is conscious of the faults and defaults. Is she conscious that there may be corruption also, or does she consider that the Government officers and Ministers are immune from corruption ? This is what I want.

MR. CHAIRMAN : It has not been quite clear to me, and I am afraid it is not quite clear to her.

SHRI A. P. CHATTERJEE : On a point of order, Sir.

MR. CHAIRMAN : This is not the occasion for a point of order. You have made a hundred points. Now really I cannot allow it. Can you please sit down, Mr. Chatterjee ? There is some limit. You have spoken longer than your time. You have raised a point of order. You have intervened. You have submitted. You have done all that, and there should be some limit to all this.

It has been an extremely full and useful debate. I hope that the amendments would not be pressed.

SHRI M. N. GOVINDAN NAIR : I have to say something. I have moved an amendment, a substitute motion, for the approval of the findings and observations contained in the said Report. I think the hon. Minis-

ter, the Leader of our House, appealed to me that in the interests of maintaining the prestige of the Public Accounts Committee I should withdraw this amendment. It was exactly for the same purpose, it was exactly to maintain the prestige of the Public Accounts Committee that I had moved this amendment. It is unfortunate that we had to discuss the Report of the Public Accounts Committee in our House. I think this is the first time that we had to do it. But that situation was created, not by the opposition, but by certain statements by people on the other side, especially Mr. Subramaniam. So when such a situation had come, Mr. Chairman, Sir, you have heard the discussion here. Many people on that side, who spoke about this Report, well, they did not fail to criticise the Report. While we tried to stand by this report of the Public Accounts Committee and; its findings, some people on the other side tried to distort and even to criticise it. This thing has happened during this discussion. So in such a grave situation the point is how we can preserve the prestige of the Public Accounts Committee. That is my worry. If this amendment is passed after hearing all this discussion, then the House approves of it. That means that the prestige of the Public Accounts Committee is maintained. But if Members opposite, who happen to be in a big majority, if they are going to vote it down, if they are going to defeat my amendment or, rather disapprove of the findings of the Public Accounts Committee, then what happens ? I want to know, and Mr. Chagla in a few words issued a threat to that effect; he was informing me thereby, "Well, you look here; if you are going to press your amendment, we on this¹ side will be forced to vote against you, thereby creating a precedent whereby—that will be a grave occasion—the prestige of the Public Accounts Committee may be harmed. If that is the issue . . .

MR. CHAIRMAN : That is not the issue.

SHRI M. N. GOVINDAN NAIR: If that is not the issue, then . . .

(Interruptions)

MR. CHAIRMAN : He is now considering the merits! of his amendment. Have some patience to hear him. He is making up his mind as to what to do now.

SHRI M. N. GOVINDAN NAIR : Unfortunately, Sir, the discussion on the Report of the Public Accounts Committee was taken as a discussion between the opposition and the ruling party. Actually we were discussing a report, which was the Report of a Committee which, in itself, is a miniature parliament, and in that view of the matter the question should have been dealt with. So I am in a fix now. What I want is to save the prestige of the Public Accounts Committee. My hon. leader, he also wants to save me . . .

MR. CHAIRMAN : Mr. Govindan Nair, the simple question is* whether you wish to withdraw your amendment or not.

SHRI M. N. GOVINDAN NAIR : How can it be done ?

MR. CHAIRMAN : It can be done. He has requested you to withdraw your amendment.

SHRI M. N. GOVINDAN NAIR : Then let him on behalf of his Party, on behalf of the Government say that they accept the findings and the recommendations of the Public Accounts Committee and then I will . . .

MR. CHAIRMAN : Mr. Govindan Nair, all that the Government had to say they have said. And as I said, this has been a very very useful discussion, very full and useful discussion. Important things have been said by you and others and they have had their reaction on the Government and the Government have also announced what they want to do.

SHRI M. N. GOVINDAN NAIR : The prestige of the Public Accounts Committee has to be saved.

MR. CHAIRMAN : Yes, the prestige of the Public Accounts Committee. It is to save the prestige of the Public Accounts Committee that we do not want to put the amendment to vote, if you agree.

SHRI M. N. GOVINDAN NAIR : But if I do not withdraw it, they are sure to defeat it.

M*. CHAIRMAN : What do I know ? LI 14RS/66-570— 10-6-67-GIPF.

SHRI LOKANATH MISRA : I think the Leader of the House should not have thrown out a threat.

AN HON. MEMBER : He held out a threat,

MR. CHAIRMAN : Nothing of that kind. no threat. Certain things should not be discussed. We should understand them.

SHRI G. MURAHARI : The Government can come out and say that. What is the harm in the Leader of the House declaring that the Government stands? by the recommendations contained in the Report ?

MR. CHAIRMAN : The Government has' already announced that. You cannot have announcements to order, once, twice, three times and so on.

SHRI M. C. CHAGLA : It is quite clear that we have accepted the recommendations. I have said that and the House knows it. But it should not be subject to the approval of the House. You know our attitude and I appeal to my hon. friend to have the grace to withdraw his amendment.

SHRI ATAL BIHARI VAJPAYEE : Sir, I agree with the Leader of the House that the Report of the Public Accounts Committee should not be Subject to the approval or disapproval of the House.

SHRI M. N. GOVINDAN NAIR : Sir, I beg leave of the House to withdraw my amendment.

SHRI NIREN GHOSH : Sir, I do not press my amendment. I beg leave of the House to withdraw my amendment.

^Amendment Nos. 1 and No. 3 were, by leave, withdrawn.

MR. CHAIRMAN : The amendments having been withdrawn, the discussion is closed. The House stands adjourned till Monday 11 A.M.

The House then adjourned at twelve minutes past five of the clock till eleven of the clock on Monday, the 29th August, 1966.

tFor text of the amendments see coU.