

national language, of the country. All the 14 languages enumerated in the Eighth Schedule of the Constitution are the national languages of the country. But now the question is, as I said, one of official language of the Centre. In a country of several languages, if one language—for example, Hindi—is made the official language at the Centre, it indeed carries advantage to the people speaking that language. Howevermuch the people speaking the oilier languages may try, they cannot get the same proficiency as the people ' speaking that language. Quota and moderation schemes may be adopted. But the ' proficiency will surely and naturally show itself in the efficiency of carrying on their business in the offices. Though there may be a quota in recruitment, the promotion v. ill be affected by the difference in the efficiency of the languages. In course of lime, the people speaking the official language will, by natural consequence, dominate and eventually form a ruling class in the country. This will in turn create a feeling of second-class citizenship among the people | speaking the other national languages. To I say the least, it will be very harmful to ' the unity and the integrity of the country. | This will be the result in a multi-lingual country like ours where there are more than one well-developed languages spoken amongst the people of the country and where one of such mother-tongues is preferred over the other languages, making one of those languages the official language of the country.

MR. CHAIRMAN : Mr. Samad. I am afraid your time is up.

Ves, Mr. Kureel.

SHRI P. L. KUREEL *Ur*f TALIB (Uttar Pradesh) : Sir. .

MR. CHAIRMAN : Mr. Kureel. I would give an opportunity later, you will have your chance. The Prime Minister was detained in the other House. He was to have made a statement here earlier. He has now come. I would ask the Prime Minister to make the statement on Orissa.

**STATEMENT RE.
ALLEGATIONS AGAINST SOME
CHIEF MINISTERS AND OTHER
MINISTERS OF STATE
GOVERNMENTS**

THE PRIME MINISTER (SHRI LAL BAHADUR) : Mr. Chairman, as the House is aware, a Memorial, dated the 28th July, 1964, containing allegations against Shri Biju Patnaik, Shri Biren Mitra and some Ministers of the Orissa Government was submitted to the President on the 13th August, 1964. The Memorial was signed by Shri Rajindra Narain Singh Deo, Leader of the Opposition in the Orissa Vidhan Sabha, and 62 others of that State. Supplementary memoranda were submitted to the President on the 21st September, 1964 and on the 12th October, 1964.

I requested a Committee consisting of some of my Cabinet colleagues to examine the matter.

The Home Minister sent the Memorial dated the 28th July along with a statement of the supplementary allegations to Shri Biju Patnaik and Shri Biren Mitra for their comments. Shri Biren Mitra was further informed that where an allegation was against any of his colleagues in the State Cabinet, he might also wish to have their comments before making his own observations.

The Committee carefully examined the comments received from Shri Biju Patnaik, Shri Biren Mitra and the Ministers concerned. The Committee came to the conclusion that their examination of the material available did not reveal that Shri Patnaik or Shri Mitra had personally derived any pecuniary benefit from the various transactions in which they were concerned. The Committee, however, found that in several transactions, improprieties were definitely involved for which responsibility had to be borne by Shri Patnaik and Shri Mitra. The Committee felt that the normal standards of public conduct had not been maintained. The findings of the Committee which were accepted by the Central Cabinet were communicated to Shri Patnaik and Shri Mitra. Shri Mitra has since submitted his resignation from

[Shri Lai Bahadur]

the office of the Chief Minister of Orissa. Shri Patnaik had resigned from the Chairmanship of the State Planning Board and does not now hold any office under the State Government.

In regard to Shri Nilamoni Routray, certain allegations related to a period during which he was not a Minister. The Committee felt that it would not be appropriate to consider those allegations. In regard to another allegation relating to a period when he was a Minister, the Committee came to the conclusion that there was not sufficient material to justify any adverse inferences being drawn against him. Similarly, in the cases of Shri Sadashiv Tripathy and Shri Brindaban Naik, the Committee found that there were no grounds for any adverse inference being drawn.

A letter dated the 23rd July, 1964, containing allegations against Mysore Chief Minister, was received from Shri R. K. Prasad, President, District Congress Committee, Kolar and nine members of the Mysore Legislature. A communication dated 5-8-1964 signed by twenty persons, 17 M.L.A.s and two M.L.C.s of Mysore State and one M.P., was also received. As requested by the Chief Minister, Mysore, the Home Minister sent to him for his comments copies of the above documents on 13th August, 1964. The Chief Minister sent his comments on 16th November, 1964 along with the comments of other Ministers of his Cabinet against whom too allegations had been made.

A memorandum was presented on the 17th December, 1964 to the President by 25 M.L.A.s and 3 M.L.C.s of Mysore. All the allegations made in this memorandum were covered in the earlier communication sent to the Home Minister.

The same Committee of the Cabinet was requested to consider this matter also. On a consideration of the allegations against the Chief Minister and some of the Ministers of Mysore and the available material and comments, the Committee came to the conclusion that there was no ground for the Central Government to take any further action.

A memorandum containing allegations against Chief Minister, Bihar and some of his colleagues signed by 6 M.L.A.s and 3 M.L.C.s of Bihar State and one M.F. was received by the President on the 14th October, 1964. It was sent to the Bihar Chief Minister for his comments. On a consideration of the allegations and the material gathered thereon, the Cabinet Committee came to the conclusion that there were no grounds for the Central Government to take any further action.

I know some hon. Members may like to pursue this matter further. But I would submit to the House that the Cabinet Sub-Committee has devoted much time to it and made a very careful examination. On the basis of their findings, I came to the conclusion that it is only in the case of Orissa that some action was called for. Shri Biren Mitra and Shri Patnaik have already tendered their resignations. I would appeal to you that this matter be allowed to end there. We who are privileged to hold public offices and position of responsibility should always fully realise the need for the maintenance of the right standards of conduct. Only then will we deserve public confidence and support. At the same time we should give no encouragement to the creation of an atmosphere of distrust and suspicion. Effective administration then becomes difficult. If we bury the past and look ahead, I feel confident that we will open a new chapter.

SHRI LOKANATH MISRA (Orissa): Sir, I would like to have a clarification from the hon. Prime Minister. The Cabinet Sub-Committee report finding says, and the Prime Minister also agrees with it, that the Cabinet Sub-Committee depended upon the findings of the C.B.I. for assessing the situation regarding Orissa. The C.B.I. says at one place. . . .

SOME HON. MEMBERS : No. no.

SHRI BHUPESH GUPTA (West Bengal): We know it. Let him deny.

MR. CHAIRMAN : Order, please. The C.B.I. report is a Government document. It has not been laid on the Table of the House. I will not let you quote from this document.

SHRI LOKANATH MISRA : But, Sir, . . .

MR. CHAIRMAN : I do not know. It can be scrap of paper.

SHRI BHUPESH GUPTA : We say with some responsibility. If we tell a lie, punish us.

SHRI LOKANATH MISRA : Then, I will frame my question differently. Is it a fact, Sir, that the C.B.I. report contains— I quote. . .

MR. CHAIRMAN : No, no, since I know the facts of the case—the hon. Member this morning said that he has a copy of the report and he wanted to lay it on the Table of the House. I did not allow it to be laid on the Table. He said that he would like me to see the copy. I wanted to study it and consult the Government. That copy has not been given to me as yet. [I will not allow you to quote from it.

SHRI LOKANATH MISRA : May I know, Sir, if it is a fact. . .

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : On a point of order. The Prime Minister has not quoted from the C.B.I. document. He has not placed it on the Table of the House. But we have heard that there is a report like this. He says he has a copy of that report. Sir, it is a question of the privilege of the House. We should like to know how he got the copy. Who stole it from the Government custody ?

SHRI A. B. VAJPAYEE (Uttar Pradesh) : There is no point of order.

MR. CHAIRMAN : That is a different matter altogether. If it comes to that, I will examine it, as I said this morning. I had offered to see that document. But that document has not been given to me yet. Therefore, I could not see it or examine it and I could not consult the Government. I do not know whether it is a genuine or a fake document. And, therefore, I would

request the hon. Member not to quote from it.

SHRI AWADHESHWAR PRASAD SINHA : Whether that document is genuine or not, it is for you to examine. But how this document was stolen from the custody of the Government and can an hon. Member quote from this document ?

MR. CHAIRMAN : I do not unnecessarily anticipate questions. When the document comes to me I will decide whether it should be laid on the Table of the House or not.

SHRI BHUPESH GUPTA : Sir, if we tell a lie you put us in jail under the Defence of India Rules. We have a submission to make. You have to consider the precedents in this House as well as in the other House. I want that thing to be brought to your notice. You have said that he should not quote from that document because it has not been given to you. We submitted. Now as Members of Parliament we get many documents and on the basis of these things and out of memory, and also to remind ourselves, we can ask questions. That thing we are doing in the other House also. The Thimayya letter was quoted. Nobody then said how this letter was got in order to suggest that you cannot ask questions. In this House there were similar reports. We get them somehow or the other. And when we raised the matter we were allowed to raise it. Since, on this question, you have said that you will not allow, we submit. But in the past, even on a most confidential document like the Thimayya letter. . .

MR. CHAIRMAN : I will not allow. I have not examined it.

SHRI BHUPESH GUPTA : That point I will come to later. But can we not ask, for example out of memory, that we are informed from a source which we have reason to believe to be true that a certain document purported to be a C.B.I. document says such and such a thing ? That is how we are putting it to be on the safe side and to be on your right side also in this matter.

SHRI LOKANATH MISRA : May I know. Sir, if it is a fact that after investigation it was found out that out of the Rs. 60 lakhs paid to the Orissa Agents, which was the ex-Chief Minister, Shri Biren Mitra's wife's concern, Rs. 20 lakhs was paid which would not have been paid had that order been placed with any other concern ? Whether the report contains this ? The second point is whether that report contains that so many irregularities were committed. . .

SHRI BHUPESH GUPTA : Do not say "quote".

SHRI LOKANATH MISRA : I do not •quote. "So, many irregularities were committed. There are four or five irregularities which were committed while dealing with Mrs. Patnaik's concern, the ex-Chief Minister. And in most cases no tenders were invited. Certain orders were placed merely on the offer of Kalinga Industries without rates being quoted. There was no provision for the inspection of goods in respect of any of the orders. Then, Sir, 90 per cent, payment was invariably agreed (o and no action was taken when the supplies were found defective. Terms of agreement regarding unloading etc. were not called for. I should like to know whether these are facts. I would like the lion. Prime Minister kindly to either deny or confirm whatever I have said.

MR. CHAIRMAN : You cannot tell him to do this or that.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA) : Sir, this raises a very serious and a very important question. It is not a matter for today or tomorrow, but it affects an important question of Parliamentary procedure. Is it open to a Member of Parliament to refer to a document which is a State document, which has been submitted to the Cabinet for its consideration, which the Cabinet has not released, and which a Member gets hold of, I do not know how he can make use of that ? *(Interruption by Shri Lokanath Misra)* My hon. friend will have some patience. Then there will be no safety or security for any document. This is a political document. Tomorrow a document

may leak out of the Defence Department, which may affect the security of India. *(Interruptions)* Please listen. Is it suggested that this document should be broadcast ? If I may point out to my hon. friend, the proper procedure is for him to ask the Prime Minister whether he will place this document on the Table of the House. *(Interruptions)* One minute please.

SHRI LOKANATH MISRA : I have asked so many times.

SHRI M. C. CHAGLA : Then it is for the Prime Minister to say whether in the public interest he will do so or not. If he says that in public interest he cannot lay this document on the Table, then, that is the end of the matter. And may I say one thing more? This C.B.I. report, at best, is a police report. These are allegations against a person on investigation. This came to the Cabinet. A sub-committee of the Cabinet considered it, and the subcommittee gave its opinion. Now suppose the Prime Minister, instead of appointing a sub-committee, had consulted his colleagues orally, is it suggested that what happened in the Cabinet meeting can be disclosed in Parliament ? The Prime Minister could have taken recourse to a particular procedure.

MR. CHAIRMAN : I see your point and that is why I have not allowed the Member to.

SHRI M. C. CHAGLA : But my hon. friend is quoting from the document.

SHRI LOKANATH MISRA : No. no.

(Interruptions)

MR. CHAIRMAN : Order please, I have asked the Member not to quote from the report and he therefore has not quoted from the report. He is now mentioning certain things which he seems to know, and asks for a clarification. He said that these things were there in the report. They are not supposed to be quotations from

anything. And so far as the report is concerned, my position still stands that, if he wants that report to be placed on the Table of the House, as he requested this morning, that report has to be submitted to me. I will study the report and consult the Government, and if at that stage the Prime Minister says he would lay it on the Table of the House, it is open for him. Otherwise it would be a special case, where I may or may not permit it to be so placed. An ordinary Member, a non-official Member, cannot lay any paper on the Table of the House except with the permission of the Chairman. (*Interruptions*) Therefore, in this case, the permission of the Chairman is essential. I will be guided in giving the permission or in not giving the permission by what I see in the document and what I find on a discussion on it. Therefore. . .

SHRI BHUPESH GUPTA: We fully submit to your ruling. On the whole, in this matter I think you are right, that we cannot, without your permission, lay a document on the Table of the House as Private Members. But the hon. Minister has said something which shocked me, and I contest that point of order. As Members of Parliament, as May's Parliamentary Practice and our Rules will show, we are entitled to and it is our privilege to quote from any document we like so long as we do it *bona fide*. The only thing is, we may be compelled by you to lay it on the Table of the House if our quotations are in question, if you want to verify the document. (*Interruptions*) Therefore our right is not taken away. Two things should not be mixed up. Whether the Prime Minister should lay it on the Table of the House or seek protection under certain rule should not be mixed up with our right and privilege to quote from it when we like, number one, and number two, our demand of the Government that they should be placed here. Here the C.B.I. report is not Cabinet proceedings. We would not ask for Cabinet proceedings to be placed. The C.B.I. is an independent body outside the Cabinet, which gave a report to the Government, and Government has acted on the basis of that report, or taking that report into account. Therefore, when we ask the Government to place that particular C.B.I. report on the Table of the House,

we are not asking the Government to lay on the Table of the House minutes of the Cabinet or even the deliberations of the Cabinet otherwise.

MR. CHAIRMAN : You are not asking for that to be placed on the Table of the House. Are you ?

SHRI BHUPESH GUPTA : No.

MR. CHAIRMAN : Are you asking the Government to lay it on the Table of the House ?

SHRI BHUPESH GUPTA : No, no, it is later, Sir. I was surprised at what a former Judge said. We, Sir, have been functioning for thirteen years now and you will find that we can quote, and this report is not Cabinet proceedings at all. Here in this House, Sir, many things I brought with regard to Mr. M. O. Mathai, and the Government came, the Prime Minister came, owned it up said it was true, including the cheque numbers, and so on. Therefore nothing is wrong. Here you decide as to whether a private Member should be permitted or not to lay it on the Table of the House. We are entirely in your hands. But our rights and privileges are also important. Sir. Therefore I would say that insofar as an independent document, prepared and drawn up outside the Cabinet with sources outside the Cabinet is concerned it has become an official document and we are entitled to have access to it in the sense that it contains no military secrets and things of that kind. No defence problem is involved here. A calling-attention notice has nothing to do with defence. Even so Sir, you are to consider whether defence things are there. Then you can allow the Prime Minister not to lay it. You can accept his prayer that he be protected from laying it on the Table of the House. Therefore I think, Sir Government cannot escape the responsibility; that will come later, but this opinion you should not accept. In any case, Sir, consider it in your chamber so that. . .

SHRI LOKANATH MISRA : I have only one point to add to the point of order, one point only.

SHRI ARJUN ARORA : (Uttar Pradesh) : Why is Mr. Bhupesh Gupta so eager in this case when the C.B.I. is only the police, against which he always speaks so much ?

{Interruptions}

MR. CHAIRMAN : Mr. Mani.

SHRI A. D. MANI (Madhya Pradesh) : Sir, may I raise a few points on which I would like to have a clarification from the Prime Minister ?

{Interruptions}

SHRI BHUPESH GUPTA : We are on the point of order, not clarifications.

MR CHAIRMAN : He has asked me to consider it. The relevant portion I have already seen, and if this point is pressed, I will give a ruling.

{Interruptions}

SHRI A. D. MANI : Sir, may I raise a few points on which I would like to have a clarification from the Prime Minister ? He referred to the Cabinet Sub-Committee consisting of some of his colleagues. We all know from press reports who those colleagues are but for the sake of the rectitude of the parliamentary record I would like him to mention the names of those colleagues who examined the allegations. The second point I would like to ask him is : Is it true that Mr. Patnaik was allowed to appear before the Sub-Committee to plead his defence ? And, if so, did the Cabinet Sub-Committee give a chance to the memorialists to appear before them, to place further evidence in support of their charges they submitted to Government ? And if the Prime Minister and his Government had not given the memorialists the chance of appearing before this Cabinet Sub-Committee, it would amount to a denial of natural justice. The third point I would like to ask him is about the

Mysore case. He said that the Chief Minister's comments have been sought and Government have come to the conclusion that there is no truth in the charges—I am broadly paraphrasing what he said. The Chief Minister of Mysore had stated in the Vidhan Sabha of Mysore that he was prepared to order a judicial inquiry into the conduct of the Sharavathi project and he was also quoted at one time as having said, "What does it matter if Rs. 50 lakhs have been misspent on the project" ? This is what the Chief Minister of Mysore has said in regard to the criticism that there has been gross mismanagement and mal-administration of public funds in the Sharavathi project.

AN HON. MEMBER : No. no.

SHRI A. D. MANI : Yes, yes. If this is the case referred to, Sir, I have got to raise the point. These are valid points. I would like to ask the Prime Minister, since we generally follow the British parliamentary practice why does he not publish the Cabinet Sub-Committee's findings ? I am prepared to agree with him that the Report of the C.B.I. should not be placed on the Table of the House. I do not agree with some Members of the Opposition here, but I feel that since the Cabinet has come to decisive judicial conclusions on this charge it is the duty of the Government to place them on the Table of Parliament.

{Interruptions}

SHRI AKBAR ALI KHAN (Andhra Pradesh) : This is an administrative inquiry. Mr. Mani should know the distinction between an administrative inquiry and a judicial inquiry.

SHRI A. D. MANI : I want to know; they say it was a Cabinet Sub-Committee. Well, we are not satisfied with an administrative inquiry. The matter should have been placed before a judicial body. Now, Sir, on these points I would like a clarification.

SHRI BHUPESH GUPTA : Sir. . .

MR. CHAIRMAN: Mr. Vajpayee. He has not had a say.

SHRI BHUPESH GUPTA: I did not have my say even.

MR. CHAIRMAN: You have had.

SHRI BHUPESH GUPTA: Only on the point of order, Sir.

श्री ए० बी० वाजपेयी : सभापति जी, मुख्य मंत्रियों के खिलाफ जो भ्रष्टाचार के आरोप लगाये जा रहे हैं, उनकी जांच के बारे में अलग-अलग तरीकों क्यों अपनाये गये? स्वर्गीय सरदार प्रताप सिंह कैरों के खिलाफ जो आरोप लगाये गये थे, उनकी अदालती जांच की गई। वरुणी गुलाम मुहम्मद के खिलाफ जो भी आरोप लगाये गये हैं, उनकी अदालती जांच की जा रही है। मैं यह जानना चाहूंगा कि उड़ीसा के भूतपूर्व मुख्य मंत्री के खिलाफ अदालत कायम क्यों नहीं की गई? मंत्रिमंडल की उपसमिति ने यह फैसला दिया है कि कुछ इम्प्रोपराइटीज की गई, लेकिन श्री बीजू पटनायक ने मंत्रिमंडल की उपसमिति के इस निर्णय को चुनौती दी है। उनका कहना है कि किसी तरह की इम्प्रोपराइटी नहीं की गई। अब हमारे लिये और जनता के लिये यह तय करना मुश्किल है कि श्री बीजू पटनायक की बात ठीक है या मंत्रिमंडल की उपसमिति ने जो फैसला दिया है, वह ठीक है। जैसा पंजाब और जम्मू कश्मीर के बारे में किया गया, उसी प्रकार उड़ीसा में जो आरोप लगाये गये, उनकी जांच के लिये एक ट्रिब्यूनल की नियुक्ति क्यों नहीं की गई? प्रधान मंत्री स्वीकार करेंगे कि कांग्रेस पार्टी में भी यह आवाज उठ रही है कि जिन प्रांतों के मुख्य मंत्रियों ने प्रधान मंत्री के निर्वाचन के समय श्री मोरारजी भाई देसाई का समर्थन किया था, उन्हें एक-एक कर के हटाया जा रहा है।

कुछ माननीय सदस्य : गुलत है, गलत है।

श्री अर्जुन अरोड़ा : कृपा कर के कांग्रेस पार्टी को आप बखशिये। [अन्तर्वाधा]

श्री ए० बी० वाजपेयी : मैं इसलिये कह रहा हूँ कि इन आरोपों के सम्बन्ध में कांग्रेस दल के ऊपर या प्रधान मंत्री के ऊपर कोई लांछन लगाया जाये, यह मैं ठीक नहीं समझता और इस लिये आवश्यक यह है कि सभी प्रकार के आरोपों की अदालती जांच होनी चाहिये। मंत्रिमंडलीय उपसमिति अपने ऊपर यह जिम्मा क्यों लेती है कि किसी को मुक्त करे और किसी को सजा दे? मैं जानना चाहूंगा कि मुख्य मंत्रियों के खिलाफ लगने वाले भ्रष्टाचार के आरोपों के सम्बन्ध में एक तरीका क्यों नहीं अपनाया जा रहा है?

श्री गोड़े मुराहरि (उत्तर प्रदेश) : प्रधान मंत्री जी ने जो बयान हमारे सामने दिया है, उसमें उन्होंने तीन सरकारों का जिक्र किया है, लेकिन मैं यह जानना चाहूंगा कि मैसूर और बिहार के सम्बन्ध में क्यों नहीं कोई दूसरी जांच कराई गई और क्यों सिर्फ कैबिनेट सब कमेटी के अंतर्गत उस सारे मामले को खत्म किया गया? अगर कैबिनेट सब कमेटी ने इस मामले को खत्म किया, तो उनको यह चाहिये था कि जिन्होंने आरोप लगाये थे उनको बुला कर के प्रधान मंत्री यह बतलाये कि क्यों नहीं कुछ किया गया और उन आरोपों के बारे में उन्होंने क्या निर्णय किया। इस सम्बन्ध में जो जांच हुई हो, वह हमारे सामने आ जानी चाहिये। सिर्फ यह कहने से काम नहीं चलेगा कि श्री निजलिंगप्पा या बिहार के जो मुख्य मंत्री हैं, उनके बारे में जो आरोप लगाये गये, उनकी जांच कर के कैबिनेट सब कमेटी ने यह तय कर दिया है कि उनका कोई दोष नहीं है। यह बतलाना चाहिये कि उनका क्यों कोई दोष नहीं है और क्या तहकीकात की गई है। एक एक आरोप के बारे में जो उनकी फाइलिंग हो, वह भी हमारे सामने आ जानी चाहिये। इसलिये जो श्री वाजपेयी

[श्री गोड़े मुरहरि]

जी ने कहा कि अलग-अलग लोगों के साथ अलग-अलग तरीका अपनाया जाता है, वह बिलकुल सही है और यह स्पष्ट रूप से हमारे सामने आ रहा है कि सरकारों दल के अंदर भां गुटबाजों के कारण किसी के बारे में कुछ कड़ी कार्यवाही, किसी के बारे में कुछ नर्म कार्यवाही और किसी के बारे में लीबा-पोता इस तरह का चोज हो रहों है। इसलिये अगर हिन्दुस्तान में जनतंत्र ठीक तरीके से चलाना है, तो फिर इन सब चोजों को यहां साफ हो जाना चाहिये और हम लोगों को यह मालूम होना चाहिये कि इन सारी चोजों के बारे में एक तरीका क्यों नहीं अपनाया गया ?

SHRI BHUPESH GUPTA: The position, Sir, is not as simple as is sought to be made by the Prime Minister, with all respect to him. He said : Let us bury the matter. I can understand his discomfiture and hence this sentiment. The position is quite clear. All the members involved in this case are members of the Congress Party and the hon. the Prime Minister is the head of the Congress Party at least here and in public life propriety has to be there and it must not only be there but it must be seen that it is there. That is the point. With all respect to the hon. Prime Minister again, I may say that we cannot take his word and close the matter for after all, it may be asked whether he may not be guided by party interests in the matter. Nobody should be judge in his own case and no party either should be the judge in its own case. That should be the principle to be applied here also. Therefore, with all respect to the Prime Minister we cannot accept the suggestion that we should now close the matter just because the Cabinet Sub-Committee which consists of the members of the Congress Party—the same party that is accused here—his come to a certain finding. Therefore, I would submit that since the Cabinet Sub-committee has given its findings and since certain other documents are also in their possession, the C.B.I. Report and so on, let the whole thing be given to an independent judge and let him examine it, in order to advise the Government whether or "not the matter should be closed. You

see, this is how this should be done. You know in England we find when the Conservative Party got into some such position the Government gave the matter to certain other bodies to be gone into. The Government here has acted on the basis of some investigations. The Cabinet Subcommittee was not the first investigating authority in this matter. There was the other investigating body of the C.B.I., a fact finding body and that body produced a separate report and according to our information that report consisted of 39 foolscap typed pages, may be 40 pages, I don't know. That report is a fact-finding report and the findings of that report should be placed before another body an independent body which is independent of the Congress Party, or for that matter, independent of any party. I am reminded that in the past this has been done. In other cases it has been done and sometimes it has been taken out of the Cabinet. In the case of Mr. M. O. Mathai, as the House may remember, the Prime Minister asked Mr. Vishnu Sahai to go into the matter and produce a report. The Prime Minister did not say a Cabinet Sub-committee will report. Here the Prime Minister will be drawing too much on the credulity of the people if he thinks that just because the Prime Minister is satisfied with the Sub-committee's finding in the matter, the people will be satisfied. According to our information and from a perusal of the report, serious allegations are there and serious findings are there and we do not think we should be treated in this manner. I submit therefore—and I am only on the Orissa case—that the documents should be placed before an independent judge with the necessary authority and power to go into these things. Then you leave it to the judge to advise the Prime Minister. And buttressed with the findings of the judge, he can call upon Parliament to close the matter. Otherwise the matter remains open. Secondly we must have the report of the Cabinet subcommittee and also the C.B.I. report. We need the Cabinet Sub-committee's report because what the Prime Minister has said is based on certain findings of the Cabinet Sub-committee. We are entitled as Members of Parliament again with all respect to the Prime Minister and meaning no reflection on him to judge whether he has not erred in his judgment on the

matter. So looking to the Cabinet Subcommittee's report and also the C.B.I. report we should like to test the conclusion of the Prime Minister which he has read out in the light of what is contained in the whole document. Let the Prime Minister be fair to himself fair to us and fair to the country and fair to certain standards and principles in public life.

شری عبدالغنی (پنجاب):

جناب والا - میں پرائم منسٹر صاحب سے یہ پوچھنا چاہتا ہوں کہ انہوں نے فرمایا ہے کہ دو میمورنڈم راشٹرپتی کو ملے اور ان میمورنڈم کے پیش کرنے والے اڑیسہ کے اپوزیشن پارٹیوں کے نمائندے ہیں اور یہاں کچھ سرکردہ سینئر ممبر آچاریہ کرپلانی کے تحت راشٹرپتی سے ملے تھے اور انہوں نے یہ کہا تھا کہ وہ ان چارجز کو ثابت کرینگے - تو اگر پرائم منسٹر صاحب ان کو بری کرتے ہیں اور انہوں نے ذاتی طور پر کچھ نہیں کیا تو آچاریہ کرپلانی، ہرے کرشنن مہتاب اور تمام سینئر ممبر جو اپوزیشن کے ہیں ان کے خلاف کیا آپ مقدمہ چلا رہے ہیں اور کیا ان کو آپ یہ موقعہ دینگے کہ وہ ثابت کریں کہ کینیٹ سب کمیٹی

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نے جو فیصلہ کیا ہے اس میں ان کی کچھ بھول ہے اور ان کے سامنے تمام واقعات نہیں آئے ہیں - یہ تو ہوا نمبر (۱) -

نمبر (۲) میں یہ عرض کرنا چاہتا ہوں کہ ہمارے پرائم منسٹر صاحب اگر یہ چاہتے ہیں کہ سب پارٹیاں ان سے اس بات میں تعاون کریں اور کسی طرح کا غلط و اتاورن ملک میں نہ پیدا ہو کرپشن کے سلسلے میں تو کیا وہ یہ مناسب سمجھیں گے کہ کرپشن کے کیسیز جتنے ہیں ان میں اپوزیشن کو وہ کینیٹ سب کمیٹی کے سامنے یہ موقعہ دینگے کہ وہ یہ ثابت کریں اور اگر نہ ثابت کر پائیں تو ان کی اپنی تسلی ہو سکے -

نمبر (۳) یہ ہے کہ جب وہ ایسا و اتاورن پیدا کرنا چاہتے ہیں تو کیا وہ مہربانی کر کے ساری رپورٹ ہاؤس کے سامنے رکھیں گے - اگر وہ نہ رکھیں تو ان کو یہ سمجھ لینا چاہیے - ع جو چپ رہے گی زبان خنجر لہو پکارے گا آستین کا -

†[श्री अब्दुल गनी (पंजाब)]: जनाब वाला, मैं प्राईम मिनिस्टर साहब से यह पूछना चाहता हूँ कि उन्होंने फरमाया है दो मेमोरैंडम राष्ट्रपति को मिले और इन मेमोरैंडम के पेश करने वाले उड़ीसा के अपोज़िशन पार्टियों के नुमाइन्दे हैं और यहाँ कुछ सरकारी सैनियर मेम्बर आचार्य कृपलानी के तहत राष्ट्रपति से मिले थे। और उन्होंने यह कहा था कि वह इन चार्जिज को साबित करेंगे। तो अगर प्राईम मिनिस्टर साहब उनको बरी करते हैं और उन्होंने ज़ातों तोर पर कुछ नहीं किया तो आचार्य कृपलानी, हरे कृष्ण महताब और तमाम सैनियर मेम्बर जो अपोज़िशन के हैं उनके खिलाफ क्या आप मुकदमा चला रहे हैं और क्या उनको आप यह मौका देंगे कि वे साबित करें कि कैबिनेट सब-कमेटी ने जो फैसला किया है उस में इनको कुछ भूल है और उनके सामने तमाम बाक्यात नहीं आए हैं। यह तो हुआ नम्बर एक।

नम्बर दो, मैं यह अर्ज करना चाहता हूँ कि हमारे प्राईम-मिनिस्टर साहब अगर यह चाहते हैं कि सब पार्टियाँ उनसे इस बात में ताबन करें और किसी तरह का ग़लत वातावरण मुल्क में न पैदा हो करप्शन के सिलसिले में तो क्या वह यह मुतासिब समझेंगे कि करप्शन के केसिज जितने हैं उनमें अपोज़िशन को वह कैबिनेट सब-कमेटी के सामने क्या मौका देंगे कि वह यह साबित करें और अगर न साबित कर पाएँ तो उनको अपनी तसल्ली हो सके।

नम्बर तीस, यह कि जब वह ऐसा वातावरण पैदा करना चाहते हैं तो क्या वह मेहरबानी करके सारी रिपोर्टें हाउस के सामने रखेंगे? अगर वह न रखें तो उनको यह समझ लेना चाहिए—

जो चुप रहेगी जवान खंज़र,

लहूँ पुकारेगा आस्ती का]

6 P.M.

SHRI P. N. SAPRU (Uttar Pradesh) :
The Constitution that we are working is a

federal or a quasi-federal one. I should like to know what authority the Prime Minister or the President had in directing an enquiry into the conduct of the Chief Minister or a Minister of a State? The States are sovereign States and sovereignty has been granted to them under our Constitution. They are not under the control of the Union Government and therefore, the question that I want the Prime Minister to. . . .

SHRI LOKANATH MISRA : If he is referring to the constitutional aspect, then we must have a discussion on this.

SHRI P. N. SAPRU : . . . reply what authority the Prime Minister or the President on the advice of the Prime Minister had in ordering an enquiry into the conduct of the Chief Minister of a State. The Chief Minister is answerable to his State legislature.

SHRI B. K. P. SINHA (Bihar) : May I draw your attention and the attention of the Prime Minister and the Leader of the House to the constitutional position to which attention was drawn by the previous speaker? My appreciation of the Constitution is slightly different though substantially I agree with him. This Constitution of ours has got many federal elements or characteristics but it is not entirely federal in the sense in which we understand a federal constitution.

SHRI LOKANATH MISRA : On a point of order, Sir. We are now discussing the Prime Minister's statement, not the constitutional aspect of it. Why should we waste our time?

MR. CHAIRMAN : The fundamental question is there. . . .

SHRI LOKANATH MISRA : That we shall discuss later on. Sir.

SHRI B. K. P. SINHA : I will relate it in the end to the Prime Minister's statement. I am reminded of an instance. A lawyer was cross-examining before an

†[] Hindi transliteration.

eminent Judge. The eminent judge, as the lawyer started speaking, interrupted, "You mean this, you mean that". The Judge had a more eminent judge as his father. The lawyer said "The great constable understood me when I had finished my question. Your Lordship understands when I just start putting it". The hon. Member is in that position. He does not know that when I finish he will find that my questions is relevant. (*Interruption*). Though federal in some particulars our Constitution has many centralising elements.

SHRI LOKANATH MISRA : A lot of people put up a brave face.

SHRI B. K. P. SINHA : In many respects the States are as much supreme in the spheres allotted to them as the Government of India are in the spheres allotted to them but then the Government of India can intervene in two circumstances when there is a breakdown of constitutional machinery or when there is a financial emergency. Therefore, when charges of such a nature are made that they indicate either of the two possibilities, in my opinion it is open to the Government of India to enquire but when the charges are not of such a nature, in my opinion, with great respect, it is not open to the Government of India to institute an enquiry. May I take it then that the Government of India have already formulated some norms for guidance in such matters, in matters of institution of enquiry and is it a fact that because the Government of India realised that in the case of Mysore and Bihar the charges were of such a flimsy nature that they did not come under any of those classifications in which an enquiry is competent and proper that the Government of India thought it fit to absolve them ? Is it because Government thought that the charges were flimsy and imaginary ?

श्री जी० एच० वली मोहम्मद मोमिन (गुजरात) : मोहतरम सदर साहब, मुझे दोनों से क्लैरिफिकेशन पूछना है। मुख्य मंत्री से भी और विरोधी पक्ष के माननीय सदस्यों से भी जिन्होंने कि यह एटीट्यूड लिया है।

एक माननीय सदस्य : प्रधान मंत्री से मुख्य मंत्री से नहीं।

श्री जी० एच० वली मोहम्मद मोमिन : मुख्य मंत्री से मेरा मतलब प्राइम मिनिस्टर है। मुझे एक ही सवाल पूछना है और वह यह है कि अगर कोई मेमोरियलिस्ट हों और वह एलिगेंस करे तो किस कानून में ऐसा है कि प्राइमाफेसी हो या न हो कोई जज मुकर्रर हों कर दिया जाये और अगर मुकर्रर न कर दिया जाये तो यह हक होता है एडवर्स इनफरेंस ड्रा करने के लिए।

दूसरा सवाल जो मुझे करना है वह यह है कि किसी स्टेट के वजीर आजम के सामने जो अपनी धारा सभा में मेजारिटी रखता हो अगर किसी शख्स को या किसी शहरी को या मेम्बरान को एलिगेंस करना है तो वह एलिगेंस प्रेसिडेंट को भेज सकता है और अगर न भेज सके तो किसे भेजे, ऐसा भी तो कोई खुलासा होना चाहिए।

श्री शेरखा (मैसूर) : जनाब सदर, मैं मैसूर का रिप्रेजेंटेटिव होने के नाते कहना चाहता हूँ कि आज की इस दवा में जहाँ कि किसी पर भी शिकायत की जाये, किसी के खिलाफ भी इलजामात लगाए जाये, जो सिलसिला मैसूर से भी ब्रावस्ता किया गया था, निजलिगप्पा जैसे ईमानदार शख्स के, निजलिगप्पा जैसे तजुबेकार शख्सियत, निजलिगप्पा जैसी साफ शख्सियत के खिलाफ जो इलजामात लगाए गए थे उसको सुन कर मैसूर में जो बेचैनी थी वह अब कुछ प्राइम मिनिस्टर की तरफ से जो एलान हुआ है उससे दूर हुई है। उसके लिए मैं अपनी तरफ से और मैसूर की तरफ से आज शक्रिया अदा करता हूँ।

MR. CHAIRMAN : I am glad we have ended on a good note.

SHRI LAL BAHADUR : Sir. Mr. Mani asked me to tell the House the names of the Members of the Cabinet Sub-committee. The Members were Shri Gulzari-lal Nanda. Shri T. T. Krishnamachari,

[Shri Lai Bahadur.] Sardar Swaran Singh, Shri Asoke Kumar Sen, Shri Y. B. Chavan and Shri M. C. Chagla.

This Committee went into this matter most carefully. It was the responsibility of this Committee to find out whether there was a *prima facie* case against the persons whom I have named in my statement. They went through all the documents in their possession. They did not base their findings merely on the reports submitted by the C.B.I. They had other papers also with them. They had the comments of the Chief Ministers and Shri Patnayak and it is on that basis that they have come to the conclusion to which a reference was made in my statement.

SHRI LOKANATH MISRA: Was a copy of the C.B.I. Report sent to Mr. Patnaik ?

SHRI LAL BAHADUR : It was not sent to him.

SHRI LOKANATH MISRA : How did he send his comments then ?

SHRI LAL BAHADUR : His comments were on the allegations. A set of questions was prepared and sent to Mr. Patnaik and Mr. Biren Mitra. Replies were sent to those questions. As this was a case of an enquiry to arrive at a *prime facie* conclusion, it was not necessary to have sent for the memorialists or to have asked them to come before the Cabinet Sub-committee. However, it is true that Shri Patnaik appeared personally.

SHRI BHUPESH GUPTA : That is very unfair.

SHRI LAL BAHADUR : He was given the opportunity to do so.

SHRI BHUPESH GUPTA : Then, why not the memorialists ?

SHRI LAL BAHADUR : The memorialists had given their representation and the allegations were there. We were looking

into those allegations, examining them. In the course of the examination if it was called for, the Committee might have sent for the memorialists

SHRI LOKANATH MISRA : The allegations were sufficient to.

SHRI LAL BAHADUR : Then, Sir, we have.

MR. CHAIRMAN : Don't bring in a discussion. You raised a few questions and he is answering them.

SHRI LAL BAHADUR : If a further enquiry was meant, if any kind of judicial enquiry or a Commission of Enquiry was meant, then, of course, it would be for the memorialists to come and represent before that Commission of Enquiry.

But in this particular case I do not think it was necessary to have called or sent for the memorialists.

As regards Mysore, it is true that the Chief Minister may have said that he was prepared for a judicial inquiry. The reaction is just obvious and whenever there are allegations the Chief Minister or any Minister might say that he is prepared for a judicial inquiry. But then as the matter was with us naturally we decided as to what had to be done. For example, in this Sharavathy case there may be some lapses, some mistakes but any personal charge of corruption against the Chief Minister does not arise at all. Here the inquiry was made about personal allegations of corruption against the Chief Minister and in so far as the Sharavathy project, etc., are concerned, absolutely there is no charge; nothing substantial or even otherwise has been found against the Chief Minister.

As regards Vajpayeeji, he said that different patterns had been adopted and he also mentioned that there was some doubt or suspicion that those who opposed me were being persecuted.

SHRI A. B. VAJPAYEE : That is what Congressmen say; I do not agree with that.

SHRI LAL BAHADUR: I would like that Congress friend to come before me and tell me.

SHRI M. M. DHARIA (Maharashtra) : There is no single Congressman who has said that,

SHRI LAL BAHADUR : As I can categorically say, this is not a fact and I do not believe that any Congressman would say it. I might inform the House . . .

SHRI A. B. VAJPAYEE: Is the hon. Prime Minister so sure ? Look at the articles that are being published in so many periodicals which are being supported by leftist Congressmen.

SHRI LAL BAHADUR: The point is they have to tell it face to face. It is not that a particular article is written by somebody else in some paper and some member has sympathy with that newspaper. I mean this is a far-fetched thing and we could not take notice of these things.

But I might tell the House that the inquiries against these gentlemen especially in Orissa and Punjab were being held much before I took over as Prime Minister. I mean the papers were here and they were being processed. In fact, in the case of Sardar Pratap Singh Kairon—unfortunately now he is not with us—the Inquiry Commission was set up much earlier when Panditji was alive. In fact, it was he who appointed it.

Secondly it is not an easy matter—the point which was raised by Shri Sapru and Shri B. K. P. Sinha, the constitutional aspect—and I would not like to go into it. It deserves further examination. In any case, Sardar Pratap Singh himself offered. He told the late Prime Minister that he would like an Inquiry Commission to be set up and it was at his instance, when he said that, that an Inquiry Commission was set up. In this matter I would not like to go into the legal aspect but if an Inquiry Commission is to be set up by the Centre,

reference has to be made to the State, to the Chief Minister, and some form of consent has to be obtained but I am not saying it finally. As I said, this is a matter which deserves fuller examination.

In the case of Jammu and Kashmir, it is entirely the State Government which has set up the Inquiry Commission. It is not the Centre; the Centre has not come into the picture at all. It is true that copies of the allegations, etc. were sent here but the decision was taken by the State Government.

MR. CHAIRMAN : In which case ?

Sum LAL BAHADUR: Jammu and Kashmir. And it was entirely on their own that they took this decision and they have got the power to do so. Therefore, to suggest that there is anything else in these different patterns of inquiries would be absolutely and wholly wrong.

SHRI LOKANATH MISRA : What about Orissa ? Did you make a reference to the Chief Minister and did he agree or disagree with it ?

SHRI LAL BAHADUR : It was not necessary to have put it to them because as I said we were first to arrive at a decision if there was a *prima facie* case against them and for that this Cabinet Sub-committee was appointed and they looked into the matter. Now, some questions were put. After all, what has the Cabinet Subcommittee done ? They have said that they did not get any pecuniary advantage out of these transactions but they have held that certain improprieties were committed and they have held them responsible for the same.

SHRI BHUPESH GUPTA : Did the wives have pecuniary advantage ?

SHRI LAL BAHADUR : It is also mentioned in the report. One of the reasons is their wives were there as their managing agents or in some form or other and

[Shri Lai Bahadur]

therefore the Cabinet Sub-committee came to the conclusion that grave improprieties were committed. In the circumstances Government advised them—of course not actually the Government; I put it to them; anyhow they were advised—that they should consider the finding of the report and take proper action. And they have now tendered their resignation and they have gone out of office.

SHRI BHUPESH GUPTA : Self-immolation.

SHRI LAL BAHADUR : I do not think that anything further is really called for. After all even after the Report of the Commission of Inquiry on Sardar Pratap Singh, what happened ? Sardar Pratap Kairon resigned and gave up office. This was the maximum that was done in the case of Sardar Pratap Singh Kairon. Here also we had to take the decision on a political level and we have done it and I would beg of the House to close this matter.

(Interruptions.) MR.

CHAIRMAN : No more.

DISCUSSION ON THE OFFICIAL LANGUAGE POLICY OF THE GOVERNMENT—continued

MR. CHAIRMAN : Mr. Kureel was to have spoken on this and I would now call upon him. After that the Home Minister would reply.

شری پیارے لال کرپل
”طالب“ : ہندی کو سرکاری
دفتروں میں لاگو کرنے کا جب
سے آدیش ہوا ہے اس کے خلاف
جو بڑی بھاری تحریک چلی
اور جس میں بہت جانی مالی نقصان

ہوا ۔ اس تحریک کے چلنے کی
کوئی وجہ نہیں نظر آتی کہ یہ
تحریک کیسے چلی اور کیوں
چلی ۔

SHRI A. B. VAIPAYEE : Sir, before you leave, may I submit that the Home Minister might be asked to reply to the debate-tomorrow ?

THE DEPUTY CHAIRMAN in the Chair.]

شری پیارے لال کرپل
”طالب“ : یہ جو تحریک چلی
جس میں اتنا جانی و مالی نقصان
ہوا اس تحریک کے پیچھے کیا
راز تھا ۔ سرکار نے سرکاری دفتروں
میں ہندی کو لاگو کرنے کا جو
آدیش دیا وہ کوئی نئی بات
نہیں تھی اس کے لئے ہمارے
سنودھان میں باقاعدہ پروویژن
تھا اور اس سے پہلے ہماری
کنسٹی ٹیوٹ اسمبلی نے یہ
طے کیا تھا کہ ہندوستان کی
سرکاری زبان جو ہوگی وہ ہندی
ہوگی اور ہندوستان کی قومی
زبان ہندی ہوگی ۔ تو تمام سیاسی
پارٹیوں کی متفقہ رائے سے یہ
طے ہوا کہ بھارت کی سرکاری
زبان ہندی ہوگی ۔ اس وقت
کنسٹی ٹیوٹ اسمبلی میں
سب پارٹیوں کے نمائندے موجود