

[Sardar Swaran Singh]
cedures by the judicial tribunals or the law courts, and therefore it is not proper for me to offer any comments upon the merits of this case

The second point which Shri Vajpayee referred to was about the statement of Shri Chaliha. That has been amply replied to by Shri Bhargava and also by Shri Gujral that the dominant note, the central theme of the Peace Mission's proposals are that the Nagas, of their own volition, decided to continue to remain in India. That is the interpretation which is there and therefore there should be no misgiving or any doubt on that score

The third point that was raised was about the status of the Peace Mission. It is not a Government organisation although they are functioning with the permission of the Government. And the opinions that have been expressed by the members, at any rate by Shri Chaliha and Shri Jaiprakash Narayan are quite complimentary, and I would also like to add my own voice that the members of the Peace Mission have done a good work and we hope that their efforts will succeed and that peace will be restored on a permanent basis in this troubled part of our country whose people are a fine people a people who have got their own special culture. They are our own brethren. We have therefore to create confidence in their minds and win their hearts

SHRI CHANDRA SHEKHAR, I feel, has been a little too hard on us and I would rather not reply to him but I would only appeal to him that in things of this nature which are difficult, delicate and complicated all efforts should be directed towards their solution and he should progressively forget that he used to sit in the opposition. Now he is a member of our party and he can afford to be a little less hard. But it is not our custom to say harsh things to members of our own party. So I would rather not reply to the rather trenchant criticism which he was good enough to level against me and my colleague. This matter was not relevant, but I did not want to object because that was a separate issue

altogether. In any case, I hope that he will be a little more generous and will bring about a little more of understanding than continuing to pursue these fruitless exercises which do not yield any results.

Thank you

THE DEPUTY CHAIRMAN The question is—

"That the Bill to constitute the Armed Forces (Special Powers) Regulation, 1958, for a further period, as passed by the Lok Sabha, be taken into consideration"

The motion was adopted.

THE DEPUTY CHAIRMAN We shall now take up the clause by clause consideration of the Bill

Clause 2 was added to the Bill

Clause 1 the Enacting Formula and the Title were added to the Bill

SARDAR SWARAN SINGH Madam, I move

"That the Bill be passed"

The question was put and the motion was adopted.

MOTION RE ALLEGATIONS AGAINST CERTAIN CHIEF MINISTERS AND OTHER MINISTERS OF STATE GOVERNMENTS

THE DEPUTY CHAIRMAN Before we take up the motion may I inform the House that 3 hours have been allotted? But I shall call upon the Minister to reply at 5.30 P.M. Every effort will be made to accommodate those who have given their names. But I also would request those who participate in this debate to co-operate and see that they restrict themselves to the time limit

SHRI LOKANATH MISRA (Orissa) Madam Deputy Chairman, before I move the Motion I want to bring to your kind notice that the Prime Minister is not here in this House. Since his statement is being taken into consideration I expected that

he should have been present here Madam word should be sent to him so that he presents himself here

SHRI BHUPESH GUPTA (West Bengal) I also associate myself with what Mr Misra has said because we will have certain things to say about the Prime Minister's statement and about his own conduct also

SHRI A B VAJPAYEE (Uttar Pradesh) Even the Home Minister is not here

THE MINISTER OF EDUCATION (SHRI M C CHAGIA) I am here as the Leader of the House That ought to satisfy the hon Members

THE DEPUTY CHAIRMAN The Leader of the House is here He will

SHRI BHUPESH GUPTA Leader of the House in this context is immaterial We are dealing with the Cabinet Sub Committee We are discussing the Prime Minister's statement and not even the Sub Committee's report Therefore I say in fairness the House and for the sake of discussion that the Prime Minister should be present because we are discussing precisely his own statement

SHRI LOKANATH MISRA It is very undignified for him not to be present here However I beg to move

'That the statement regarding allegations against certain Chief Ministers and other Ministers of State Governments made in the Rajya Sabha on the 22nd February 1965 be taken into consideration

Madam a more appropriate motion on this occasion probably would have been to say that the misstatement of the Prime Minister be taken into consideration But since under the rules that would not be acceptable I have to put in the motion in this form

SHRI BHUPESH GUPTA I can give an amendment if you like

SHRI LOKANATH MISRA Not at this stage

(Interruptions)

THE DEPUTY CHAIRMAN I would also request Members not to interrupt because the time is so limited and so many Members want to participate

SHRI LOKANATH MISRA I still hold that it is a misstatement by the Prime Minister Madam in the Lok Sabha when last year the No Confidence Motion was being debated the same Prime Minister gave an assurance in the other House that there would be certain norms for Ministers and those standards should particularly be adhered to by all Ministers whether they are Chief Ministers, Central Ministers or Ministers of States and if these norms are not adhered to and if there are allegations and charges against Ministers and if there is a *prima facie* case, a Commission of Enquiry would be set up That is how the Prime Minister began But later on the little AICC came in and they brought enormous amount of pressure, both on the Party and on the Cabinet so that the Prime Minister had to soften had to tone down a little And Madam when I raised the matter some time in September in this House about the little AICC and the pressure tactics that they were using, the Prime Minister gave us another assurance that if there is a *prima facie* case—these are the exact words what he said

" I have no doubt that this enquiry will continue and only when a *prima facie* case has been established will it be advisable to consider about the next step "

So it boiled down from a definite institution of a commission of enquiry to consideration about the next step when the occasion arises These were all professions And when it came to implementation he acted very much differently He came forward with a statement in the

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Rajya Sabha, saying: "There is no impropriety, there is no pecuniary benefit and even though the *prima facie* case has been established, there is no need for a commission of enquiry." That is why I consider it to be a gross misstatement on the part of the Prime Minister.

Now, Madam, the C.B.I. Report has become a public document. The C.B.I. report categorically says: . . .

SHRI M. C. CHAGLA: On a point of order, Madam.

SHRI LOKANATH MISRA: But this time will not be adjusted from my time.

SHRI M. C. CHAGLA: The ruling given by the Chair with regard to the C.B.I. report was that it should not be placed on the Table of this House. Therefore, my hon. friend is not right when he says that it has become a public document.

SHRI BHUPESH GUPTA: We have quoted from it. It is a public document.

THE DEPUTY CHAIRMAN: It has not been laid on the Table of the House.

SHRI M. C. CHAGLA: The Rules of this House lay down, as the rules of any legislature do, that if you quote from the report, you must lay it on the Table of the House.

SHRI LOKANATH MISRA: I will do it.

SHRI M. C. CHAGLA: Well, let me finish, my hon. friend. Have a little patience.

SHRI BHUPESH GUPTA: I know you are impatient now.

SHRI M. C. CHAGLA: I am never impatient. Now, therefore, we must decide this point before proceeding further. If any hon. Member wants to quote from a

document, he should quote from a document which he can lay on the Table of the House . . .

SHRI LOKANATH MISRA: I am prepared to lay it on the Table of the House.

SHRI M. C. CHAGLA: I have not finished. The Chair has ruled that that document cannot be placed on the Table of the House. Therefore, my submission to you, Madam, is whatever might have happened in the other House, as far as this House is concerned, that document has not been laid on the Table of the House and, therefore, cannot be quoted.

THE DEPUTY CHAIRMAN: Let me answer the point of order. The Chairman had said that the document was not to be laid on the Table of the House. But if I rightly remember, he left it to the good sense of the Members to quote or refer to the Report. And what you have said, I think, is true. In the case of a Minister, a statement may be made by a Minister on a matter of public importance with the consent of the Chairman.

SHRI BHUPESH GUPTA: I may help you.

THE DEPUTY CHAIRMAN: The rule says:

"If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council, he shall lay the relevant paper on the Table".

It is for the Minister.

SHRI B. K. P. SINHA (Bihar): Madam, may I . . .

THE DEPUTY CHAIRMAN: No more. We shall go on.

SHRI B. K. P. SINHA: Madam, I have something to say about what he has said just now. The rules are very clear that if something is quoted from a document, it should be placed on the Table of the House. The Chairman said that he could not allow the document to be laid on the Table of the House. (*Interruption*). Let

me finish. He never said that Members can quote from it.

SHRI BHUPESH GUPTA: What therefore?

SHRI B. K. P. SINHA: Let me finish.

THE DEPUTY CHAIRMAN: Mr. Sinha, actually what is your point?

SHRI B. K. P. SINHA: Let me finish, then will get my point. In his statement the Chairman never said that Members are free to quote from it. Therefore, in my opinion, it comes to this that the hon. Members may make use of the contents or the substance of the document, but may not quote from it.

THE DEPUTY CHAIRMAN: I shall read the proceedings of that day:

"As to how far Shri Lokanath Misra can, during the course of his speech in the House, make use of the contents of these papers, I would only say this much that the matter should be left to the good sense and discretion of the Member himself."

I think this is very clear.

SHRI B. K. P. SINHA: That does not give the right to quote.

THE DEPUTY CHAIRMAN: The interpretation may be left to the Chair.

SHRI LOKANATH MISRA: Madam, whether the Leader of this House accepts it as a public document or not it is a public document. It has been published in all the papers, the country is in possession of it: whether this particular Table of the House is in possession of it or not, the entire country, the forty crores of people in the country are in possession of it. I claim that.

SHRI AKBAR ALI KHAN (Andhra Pradesh): That does not make it a public document.

SHRI LOKANATH MISRA: What Ise makes a public document? Then the Party was not satisfied with this pressure tactics even. An hon. Member of this Parliament wrote a letter, sympathising with the ex-Chief Minister of Orissa, saying that this is character assassination. There is a proverb in Sanskrit:

“शिरो नास्ति शिरो व्यथा”

If there is no head, where would be the pain in the head? If there is no character at all, where would be the assassination? But all the same the pressure tactics continued and it still continuous. I do not know what is going to happen. Even after Mr. Chagla, the great Leader of our House, intervened in the debate and said that these people were unworthy of holding any high position, the Legislative Party in Orissa, and also the Congress, his own Party, did not pay any heed to it. They again reaffirmed their confidence in those very leaders who had been ousted because of impropriety, because of corruption, because of so many other charges.

SHRI N. PATRA (Orissa): I want to know who has ousted them. Nobody.

THE DEPUTY CHAIRMAN: No interruptions. You carry on.

SHRI N. PATRA: He is making a wrong statement. Nobody ousted them.

SHRI LOKANATH MISRA: There were two spokesmen from the Government side. One was Mr. Asoke Kumar Sen, the Law Minister, and the other was Mr. Chagla. I know Mr. Sen as an eminent lawyer. He has gathered certain habits from his profession. Any brief that he takes, he would like to make the best of it and once he took the brief, he took the brief for the defence, not for the offence and once he took it, naturally, I expected what would come out of it and that has come. So I would not give much credit, much value, much credence to his arguments because I know he is a professional man and because of the professional habit and efficiency he has done it.

SHRI D. P. KARMARKAR (Mysore): On a point of order. Very respectfully . . .

SHRI LOKANATH MISRA: When I come to Mr. Chagla—do you want me to sit down, Madam?

THE DEPUTY CHAIRMAN: Yes.

SHRI D. P. KARMARKAR. When the Chair tells you, please sit down On a point of order. Supposing, a Minister is a lawyer, is it open to anyone to insinuate that he takes to any brief because he is a professional? (*Interruptions*)

SHRI BHUPESH GUPTA: I am saying that the Ministers were trying to whitewash deliberately . . .

THE DEPUTY CHAIRMAN: I allow you to continue. Come to the points

SHRI LOKANATH MISRA: There is no point of order They only want now to disturb matters and come in the way of my speaking so that I do not get much time. That is their tactics. Then I come to the ex-Judge. I was really constrained to see him in the dock, an ex-Judge in the dock. The other day he behaved very well but all the same I was really constrained . . .

SHRI ARJUN ARORA (Uttar Pradesh): I wish you learn to behave

SHRI LOKANATH MISRA: The Congress Party does not know how to behave How can I behave? No Opposition Member can behave well unless you behave well.

THE DEPUTY CHAIRMAN Are you speaking on the subject?

SHRI BHUPESH GUPTA Madam, help us to get on with the debate without obstructions. There is a Rule which entitles us to continue without obstruction. I maintain that there is a deliberate ob-

struction here coming from certain quarters

THE DEPUTY CHAIRMAN Why do you not come to your topic?

SHRI LOKANATH MISRA: Madam, these are the people who have intervened on behalf of the Government Naturally, I will have to refer to them. He is the gentleman, as a Judge, who has said . . .

SHRI BHUPESH GUPTA: In Mundhra deal . . .

SHRI LOKANATH MISRA in connection with the Mundhra deal and I do not know if it is the same man. He has changed his profession in the meantime.

SHRI BHUPESH GUPTA: Are not you the same gentleman? (*Addressing Mr. Chagla*)

SHRI LOKANATH MISRA He has become a political man

He was a Judge then He said

"In a parliamentary form of Government, the Parliament must be taken into confidence by the Ministers at the earliest stage"

This is very important—

"And all relevant facts and materials must be placed before it."

Is this the same man who said this in his judgement in the case of Mundhra that Parliament should be taken into confidence? And here the same man gets up, saying that this is something secret.

SHRI AKBAR ALI KHAN: Different capacities

SHRI LOKANATH MISRA: Yes, now the colour has changed and the Congress changes the colour

SHRI MULKA GOVINDA REDDY (Mysore) What a fall!

SHRI ARJUN ARORA. You remain colourless

SHRI LOKANATH MISRA: It is a colossal fall and this is very bad for the country, for an ex-Judge of his eminence, of his calibre, of his efficiency to come here and defend, saying that this a secret document and cannot be placed on the Table of the House.

SHRI P. N. SAPRU (Uttar Pradesh): Madam Deputy Chairman . . .

SHRI LOKANATH MISRA: I do not yield at all, Dr. Sapru. If it is a point of order, I am going to yield . . .

THE DEPUTY CHAIRMAN: Dr. Sapru, he does not yield.

SHRI LOKANATH MISRA: I do not yield at all.

SHRI P. N. SAPRU: On a point of order.

SHRI LOKANATH MISRA: He tries to hold up. I hold the Home Minister guilty because . . .

THE DEPUTY CHAIRMAN: On a point of order, he has to be heard.

SHRI P. N. SAPRU: My personal view is that the whole discussion is misconceived. This House has no power to consider questions relating to . . .

THE DEPUTY CHAIRMAN: Dr. Sapru, you are too late.

SHRI DAHYABHAI V. PATEL (Gujarat): They are points of disorder.

SHRI LOKANATH MISRA: These are remarks coming from another ex-Judge.

SHRI A. B. VAJPAYEE: I want to make a submission. If hon. Members belonging to the Congress Party are to behave in this manner the discussion cannot go on.

SHRI A. D. MANI (Madhya Pradesh): We can as well go.

SHRI A. B. VAJPAYEE: I am told that the Congress Members have decided to interrupt our speeches.

THE DEPUTY CHAIRMAN: I may request Members on both sides that you should give a silent hearing to the Mover of this motion and I do not think interruptions are called for when the Mover is moving his motion. I would request the Members to keep quite. Yes, Mr. Misra.

SHRI LOKANATH MISRA: Mr. Nanda emphatically said as Home Minister: 'I do not want to look at the C.B.I. report. I am neither going to deny nor accept it'. How can he? He is a demoralised man completely. He wanted to strangle the truth. He wanted to strangle this truth within the four corners of the Home Ministry but the truth escapes, half suffocated, and stares him in the face. How can he look at it? I knew he cannot look at it. So I give him that benefit. Then I come to what Mr. Sen had said. He said while taking the brief from the other side that during the Finance Ministership of Mr. R. N. Singh Dev in Orissa, 90 per cent. advance to the Kalinga Industries—these corrupt people—continued. This did not continue. I have records with me to show.

THE MINISTER OF LAW AND SOCIAL SECURITY (SHRI A. K. SEN): I said that 25 orders are on record in which it is shown that 90 per cent. advance is given.

SHRI LOKANATH MISRA: Only 25 orders?

SHRI A. K. SEN: That is what I said in the other House.

SHRI LOKANATH MISRA: It was Mr. R. N. Singh Dev who was for discontinuing this wrong practice. It was during the coalition Ministry in Orissa under Raj Ballabh Misra's direction that telegrams were issued to all Collectors that this advance must stop, that these purchases must stop, that every item must be taken on its own merit and it is the Coalition Ministry that has saved the Orissa Govern-

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ment at least a few lakhs. But all the same, Madam, they are not prepared to accept the credit that was due to the Coalition Ministry.

Then, Madam, here I have got the bigger C.B.I. report.

SHRI MULKA GOVINDA REDDY.
 The unabridged report.

SHRI LOKANATH MISRA: Yes, Madam, Hon. Members in this House had the benefit of looking at the other C.B.I. report, the concise one, that was put up to the Cabinet Sub-Committee. Here is the other report, the fuller thing, and it says, even when the Prime Minister says otherwise, because he has been pressurized; this says:

"There is finally the question as to how Shri Biren Mitra can be said to have benefited from the concern which was claimed to be under the sole proprietorship of Mrs. Easwaramma Mitra. It seems to be clear, however, that Mrs. Easwaramma Mitra, wife of Shri Biren Mitra, was the proprietor of this concern as the authorised agents for Orissa for Kalinga Tubes Ltd. and Kalinga Industries Ltd. and then, by the issue of the Finance Department Circular dated 17th November 1961 there was the remarkable increase in the Governmental requirements of the goods in which the Orissa Agents had interest, and various irregularities were committed by the purchasing department for placing the orders with Orissa Agents. It is obvious that Mrs. Easwaramma, said to be the sole proprietor of Orissa Agents, could possibly have had no hand in the determination of the State Government's purchase policy as laid down in the Finance Department Circular of November 1961, or in getting the State Departments to disregard the elementary financial rules regulating Governmental purchases. Under these circumstances it would be difficult to hold that the benefit resulting from the above circumstances, calculatedly brought, was intended for Mrs. Easwaramma Mitra only and not

for Shri Biren Mitra also, who alone was in a position to secure for Orissa Agents a position of virtual monopoly in the matter of these supplies."

This shows clearly how the husband, as the Deputy Chief Minister, worked for the wife.

SHRI BHUPESH GUPTA: She was a devoted wife, I hear.

SHRI LOKANATH MISRA: That is for the Communist Party to find out.

SHRI BHUPESH GUPTA: It is very important.

SHRI LOKANATH MISRA: Then it is for the Communist Party to find out.

SHRI BHUPESH GUPTA: Hindu wives, devoted wives, always share prosperity with their husbands.

SHRI ARJUN ARORA: Where do you conceal yours?

SHRI LOKANATH MISRA: Then it says about Biju Patnaik.

"It is quite clear that in so far as the supply of tubular structures to the State Government of Orissa is concerned, Kalinga Industries enjoyed a monopolistic position, and the purchasing departments, during the period of Shri Patnaik's Ministry, did not care even to ascertain competitive rates before placing their orders with Kalinga Industries Ltd."

Madam, this is very important because Shri Biju Patnaik goes on boasting in the country that only one per cent of "my" production was being purchased by the State Government. I will show from the records with me how the entire thing produced by the Kalinga Industries was taken over by the Government—whether Government needed it or not. To quote again:

"It has been pointed out that a State-Government-sponsored firm, Rourkela Fabrication Ltd. . . ."

This is for Mr. Bhupesh Gupta, protagonists of public sector enterprise. Attention please, Mr. Bhupesh Gupta. It says:

"It has been pointed out that a State-Government-sponsored firm, Rourkela Fabrication Ltd. had been recommended by the Director of Industries in May 1961, but no enquiries were addressed even to this firm when substantial orders were placed by State Government Departments. It further appears from the balance-sheets of Kalinga Industries Ltd. that the position in respect of production of tubular structures was as follows:—

1959-60—1275 tons sale, of the value of Rs. 23.00 lakhs; 1960-61—560 tons sale, of the value of Rs. 16.6 lakhs; 1961-62—1200 tons sale, of the value of Rs. 26.6 lakhs.

"Considering that the two substantial orders placed with Kalinga Industries Ltd. in August 1962. by the Commerce Department, and Orissa Mining Corporation were for 1290 tons of these structures of the value of over Rs. 32 lakhs, it can be stated that bulk of the production of these structures by this factory of Kalinga Industries Ltd. were being purchased by the State Government without proper tender enquiries. In the absence of the DGSD rate contract for tubular structures, since no tenders were invited, it is difficult to determine the excess payment which the State Government may have made to Kalinga Industries Ltd. for the purchase of these structures. It had however been revealed from an order for 563 units of these structures placed on Kalinga Industries on 1st April 1964 that, while the State Government in the Health (LSG) Department purchased these structures at Rs. 3200 per unit, structures of a similar specification had been procured from Kalinga Industries themselves, by the DGSD, for the Dandakaranya Development Authority, at the relevant time, at Rs. 1860 per unit."

When they were selling these very commodities to other departments, with whom they did not have any pull, or where they did not preside, they could sell them for a much lesser price. But when it came to the Government of Orissa, they had inflated the price to their advantage, and they did not even hesitate to take away money from the public exchequer, which wrongfully they did. To quote further:

"In respect of this particular order alone, the State Government appears to have made extra payment to the tune of Rs. 7 lakhs to Kalinga Industries Ltd. even as late as in 1964. The relevant official file of the Dandakaranya Development Authority regarding the purchase of these tubular structures at the rate of Rs. 1860 per unit is being obtained for further scrutiny."

Now, Madam, everywhere this C.B.I. says that further scrutiny is necessary, further enquiries are necessary, and as against such a report by the C.B.I., on which the entire Cabinet Sub-Committee's findings are based, how can the Prime Minister come forward here and make a bold statement, an emphatic statement, a wrong statement or a misstatement and say that no further enquiry is necessary and no further Commission of Enquiry is needed? Then, Madam, here it says—this is in connection with mines, where again Shri R. N. Singh Deo discontinued it, came in the way of Shri Biju Patinak's trespass on Government property and its wrongful occupation. It says:

"The matter was examined in the Law Department and the Legal Remembrancer was clearly of the view that neither Shri B. Patnaik, nor the company, had any legal right to work or possess the iron ore mines, and the working of the iron ore could be prohibited by issuing notice and, if this was disregarded prosecution could be launched under section 21 of Act 67 of 1957. This suggestion was approved by the concerned Minister, Shri R. N. Singh Deo, on 31st August 1960, and the Collector of

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Keonjhar was directed in this case, as in the case discussed earlier, to issue notice to both Shri Patnaik and B. Patnaik Mines (P) Ltd. to stop working the mines and to quit the area and make over possession to the Collector."

This is about those who were the Chief Ministers. I have something to say about others who continue, to whom the Prime Minister has given the benefit of doubt, and they are all free now to continue as Minister and Deputy Chief Minister. Serajuddin is a notable figure now, and those of them who have association even with Serajuddin are looked down upon. But here are the people who are indebted to him. And the same C.B.I. says:

"In the file seized from the premises of Serajuddin in the course of searches made by the Customs Officials the following entries were found:—

(1) 51-5-55—Rs. 68|8|6—Expenditure on gramophone records" . . ."

They did not probably want anything big, it was gramophone records—

"(2) 1-7-59/4-7-59—Rs. 70-62—Expenditure on railway tickets.

(3) 2-7-59—Rs. 500—in cash.

(4) 3-7-59—Rs. 12,000—in cash.

(5) 19-2-63—Rs. 211—for spectacles.

SHRI BHUPESH GUPTA: What sort of eyes?

SHRI LOKANATH MISRA: What sort of heart? What sort of mind? How debased it is? How low it can go? And in this connection the findings of the C.B.I. are these. These papers say:

3 P.M.

"The material on record makes out a *prima facie* case in respect of this allegation."

This is regarding the present Chief Minister and the CBI Report says that there is a *prima facie* case.

Now, about the Deputy Chief Minister, this is what is stated here:

"In the files seized by the Customs Officials in 1959 from the premises of Serajuddin. in the course of searches, the following entries found mention:

1.10.50 Rs. 3,115—in cash.

18.3.54 Rs. 3,000—in cash.

22.12.54 Rs. 432|12—expenditure incurred for purchase of tickets, hotel charges etc.

23.6.59 Rs. 60,000—in cash.

11.7.59 Rs. 247.78—gold necklace."

Madam, after going through all this, I am reminded of an old story that we used to read, about seven blind men who wanted to explore an elephant. Here also there are seven people who are blinded by their partisan attitude and political considerations, they want to shield corruption. I am happy that Mr. Chagla has partially admitted it, because he has said there are different facets of truth. These seven blind men of the story also found different facets of truth. One of them felt the trunk of the elephant and said it was a snake, another felt the leg and said it was a pillar, another who felt the body said it was a wall and so on. Here also these blind men have found different things. Somebody finds impropriety, somebody finds lack of pecuniary gains and somebody else finds something else. But, in the midst of all this, truth has slipped out. I will take on only another two minutes. Madam.

Because of all this, I would again request the Prime Minister here and his colleagues on the Cabinet Sub-Committee, to give fresh thought to this. They should re-think about it. There is time yet. Let them now decide to set up a commission of enquiry which alone can bring out the truth. Otherwise, what I had anticipated would come to pass. Even though Mr. Chagla as the spokesman of the Government had declared that these people were unworthy of holding positions of importance, one of them, the same gentleman about whom he gave an indictment, has

been elected as General Secretary of the Provincial Congress Committee of Orissa. Unfortunately, it is your party that rules the country. And thereafter you see, the Central Government has been slapped in the cheek. It has been clear that they have been slapped in the cheek. There has been a re-affirmation of faith and confidence in the same persons who were ousted because of these malpractices. Therefore, I would urge upon the Government to change its views and have a re-thinking about it and constitute a commission of enquiry. I insist that a commission of enquiry is absolutely necessary and let it be constituted as early as possible.

Thank you, Madam.

The question was proposed.

THE DEPUTY CHAIRMAN: There are four amendments to be moved by Shri Bhupesh Gupta, Shri A. B. Vajpayee, Shri M. P. Bhargava, and Shri A. D. Mani|Shri Oberoi, respectively. I suppose all of you are moving the amendments?

HON. MEMBERS: Yes.

SHRI BHUPESH GUPTA:

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

'and having considered the same, this House is of opinion that the allegations mentioned in the statement together with other relevant materials be referred to a Commission of Inquiry under the Commissions of Inquiry Act, 1952'."

SHRI A. B. VAJPAYEE:

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

'and having considered the same, this House—

(1) regrets the arbitrary manner in which Government have brushed aside the serious charges levelled against the Chief Ministers of Bihar and Mysore and the two former Chief Ministers of Orissa; and

(2) records its opinion—

(a) that the facts revealed and admitted in Parliament clearly make out a *prima facie* case of corruption against the two ex-Chief Ministers and other Ministers of Orissa; and

(b) that the stand taken by Government in regard to the charge-sheets against the Chief Ministers of Bihar and Mysore has failed to convince the House that any attempt has been made at an objective evaluation of the charges;

and accordingly recommends that—

(i) a Commission be appointed under the Commissions of Inquiry Act, 1952, to probe into the allegations against the two former Chief Ministers and other Ministers of Orissa; and

(ii) the allegations against the Chief Ministers of Bihar and Mysore be referred to the Attorney General of India to examine whether there is a *prima facie* case or not."

SHRI M. P. BHARGAVA:

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

'and having considered the same, this House approves the action taken by Government'."

SHRI A. D. MANI:

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

'and having considered the same, this House being satisfied that a *prima facie* case has been made out in respect of the allegations in all the cases mentioned in the statement, recommends that Government should appoint a Commission of Inquiry to enquire into all these cases under the Commissions of Inquiry Act, 1952'."

(The amendment also stood in the name of Shri M. S. Oberoi).

THE DEPUTY CHAIRMAN: All the amendments are moved.

The questions were proposed.

SHRI G. S. PATHAK (Uttar Pradesh): Madam, I have heard with great patience and attention what has come from Mr. Lokanath Misra. I am amazed, Madam, that serious charges should be made by an hon. Member of this House from a document which cannot be obtained but by the commission of an offence, which is not a very laudatory method, and the fruit of this crime is being utilised for the purpose of arraigning people who are not here before the House.

AN HON. MEMBER: Why not? Is it painful to you?

SHRI AWADHESHWAR PRASAD SINHA (Bihar): No interruptions please.

SHRI DAHYABHAI V. PATEL: Why don't you ask your Party people not to interrupt?

SHRI G. S. PATHAK: The whole statement, the whole speech is based upon a wrong appreciation of the legal position and of the factual position. You cannot say that the decision of the Prime Minister is wrong unless you know the entire material on which the Prime Minister based it.

SHRI LOKANATH MISRA: Then please place the entire material before the House.

AN HON. MEMBER: It is not possible.

(Interruptions)

THE DEPUTY CHAIRMAN: Please do not interrupt. Give him a patient hearing.

SHRI G. S. PATHAK: Before the Prime Minister there was the report of the committee appointed by him. The members of that committee were eminent people. They had experience and they were responsible people. They had before them not only the CBI Report which was concerned merely with what was contain-

ed in the government account books, but something more. The CBI Report was not concerned with other evidence. It was not concerned with other documents and CBI was not concerned with taking evidence. But before this committee there was the statement of the persons concerned who were asked to explain what was contained in the CBI Report, and there was other material also. Those statements were made without objection. It is not possible then to criticise the views taken by the Cabinet Committee and the Prime Minister basing the criticism, on a document whose genuineness is suspect, a document which has been obtained by these questionable means.

What is the position? Allegations were made in the shape of a memorial before the President. The President in order to seek the advice of the Prime Minister sends that memorial to the Prime Minister. The Prime Minister in order to inform himself as to the correctness or otherwise of these allegations appoints a committee, a very strong committee. And on the report of that committee the conclusion is reached that there are improprieties committed by two persons. So far as others were concerned, there was nothing made out. The Prime Minister was bound to give advice to the President, and the gentlemen concerned are told what are the views of the Prime Minister and they voluntarily resign. Now, Madam, it has been a tradition established in this country—and it is a tradition of which all of us should be proud—that a Minister is not formally called upon to resign. When there is any error of judgment committed, when there is a technical error committed even by a subordinate; the Minister offers his resignation. The present Prime Minister, when he was Railway Minister, resigned when there were some collisions; he was not responsible for those collisions. Another Minister resigned because he had committed the mistake of not filing an affidavit in a case which called for certain comments from the Court. If he had filed an affidavit, most probably that affidavit would have been believed and no comments would have been made against him.

SHRI LOKANATH MISRA: But he came on promotion here.

SHRI G. S. PATHAK: Therefore, the traditions which are now held in this country are traditions of which any country would be proud. There have been many Ministers who have been made to resign or who have even offered resignations voluntarily.

SHRI LOKANATH MISRA: Traditions for the promotion of corruption.

SHRI G. S. PATHAK: Madam, it is within the discretion of the Prime Minister what action to take. It was within his discretion whether to appoint a Commission or not to appoint a Commission. What is missed by the Opposition, I say with great deference, is the nature and function of the Commission under the Act of 1952. A Commission is merely a fact-finding body. It is not a judicial body; it has got no power to act judicially; it has got no power to say that a certain person has committed a crime or that a certain person has done some civil wrong. It is merely an instrument for determining facts as they exist. For what purpose? For the purpose of enabling the Government to take future action but not for the purpose of punishing an individual, nor for the purpose of determining the civil liability of an individual. Therefore, it is within the province of the Government to determine whether in any particular case a Commission should or should not be appointed. There is no rigid rule that in every case a Commission should be appointed. Circumstances may differ and may require that a Commission should be appointed. There may be numerous facts which may have to be determined. If there are a few facts and if otherwise it is convenient for the Prime Minister and the Cabinet to examine those facts, why should a Commission be appointed when we know that the function of the Commission is merely to enable the Government to form its opinion? If, without the intervention of the Commission, without the utilisation of this instrument, this machinery, Government finds it possible itself to determine the facts, to examine the case and see what action

should be taken, Government is perfectly entitled to do so. Therefore, this outcry for the appointment of a Commission in every case is most unjustified. Madam, with all respect, that is the correct view to take.

SHRI AKBAR ALI KHAN: It is doubtful whether, under this Act, a State Chief Minister could be asked to . . .

SHRI G. S. PATHAK: There is one thing more, Madam. If you want to examine the conduct of a Minister, then there are other provisions in the Constitution which are available. The Constitution has recognised the appointment of the Comptroller and Auditor-General of India. He is charged, under the Constitution, to examine the accounts, find out if there are any irregularities and illegalities in the matter of expenditure. He is free from any political controls. He is an independent functionary and under the Constitution it is his obligation to send reports on the accounts to the Governor and it is the Governor's obligation to place these reports before the Houses.

SHRI LOKANATH MISRA: Or, not to place them.

SHRI G. S. PATHAK: No, the word is "shall".

SHRI LOKANATH MISRA: I will take that up when I reply.

SHRI G. S. PATHAK: There is the Public Accounts Committee functioning. There are other procedures which are available in the State Legislature and there is this advantage in the State Legislature that the persons whom you want to accuse, the persons against whom you are making charges are present there to meet those charges. It seems to me, Madam, that all this is being shifted from the proper sphere and brought here before this House by this method of making an application to the President . . .

SHRI BHUPESH GUPTA: We did not appoint the C.B.I. to go into this matter.

SHRI G. S. PATHAK: Please sit down.

SHRI BHUPESH GUPTA: Tell us as to who appointed the C.B.I. to go into this. It was your Prime Minister.

SHRI G. S. PATHAK: How unfair this is? I concede that the Opposition has the right of criticism; the Opposition exists for criticism and Parliament exists for criticism—I concede all that but there must be fair-play in democracy, there must be square deal.

SHRI BHUPESH GUPTA: What about twenty lakhs of rupees?

SHRI G. S. PATHAK: Is it proper for Members of this House not to impose a restraint upon themselves, not to be guided by reason and arraign people who are not here to meet the charges? What has happened today? All that we have heard from Mr. Lokanath Misra is a list of allegations against people who are not here and he has said that on account of these allegations the Prime Minister's decision is wrong. I submit, Madam, in all humility that it is necessary for the Opposition to impose a restraint upon its privileges.

SHRI LOKANATH MISRA: But there are persons of your eminence to defend them.

SHRI G. S. PATHAK: They should not utilise an occasion like this to attack people who are not present here to meet those charges. Under cover of this motion, all that is being done is to condemn people. It is not a brave act to condemn people who are not here. This should not be allowed.

SHRI LOKANATH MISRA: But your bravery lies in corruption.

SHRI G. S. PATHAK: Madam, there are courts open. The Prime Minister and the Cabinet are not the courts. I understand that there are civil proceedings pending in which these matters could be decided. How can you convert . . .

SHRI LOKANATH MISRA: He is making a wrong statement. It is not civil proceedings but it is a defamation case that is pending.

SHRI G. S. PATHAK: Defamation is civil proceedings.

SHRI BHUPESH GUPTA: It may be criminal also.

SHRI LOKANATH MISRA: It is more comprehensive than defamation.

SHRI G. S. PATHAK: The courts are open to those who want to find out whether a person is criminally or civilly liable. It is open to them to go to the courts and to have the matter adjudicated upon. Why come here in this manner, in this questionable manner, why arraign people who are not . . .

SHRI LOKANATH MISRA: On a point of order, Madam. He calls this questionable. We made a representation to the President . . .

THE DEPUTY CHAIRMAN: Mr. Pathak, he is on a point of order. Yes, what is your point of order?

SHRI LOKANATH MISRA: He says that this is questionable. I contend that it could never be called questionable. It has been a motion admitted by the Chair. The motion has been admitted by the Chair and we spoke on it and this could never be called questionable. We made a representation to the President and it was open to the President . . .

SHRI G. S. PATHAK: I said why I call this questionable. What I have stated is about the questionable document. That is what I have said. I have already stated that a Memorial was made to the President and so on.

SHRI DAHYABHAI V. PATEL: If it is questionable, produce the original.

SHRI BHUPESH GUPTA: You proceed with your questionable speech.

SHRI G. S. PATHAK: It is a pointless criticism which has been made in this House and extravagant statements are made. As it has been said, extravagance makes better news than commonsense and that is what has been done today by the Opposition.

श्री ए० बी० वाजपेयी : महादया, जब शास्त्री सरकार बनी और नन्दा जी ने भ्रष्टाचार के खिलाफ अभियान छेड़ा तो यह आशा बंधी थी कि देश की अन्य समस्याओं को हल करने में यह सरकार भले ही सफल न हो किन्तु जहाँ तक भ्रष्टाचार के निराकरण का सम्बन्ध है, यह सरकार दृढ़ता का परिचय देगी और भ्रष्ट तत्वों के साथ किसी भी कीमत पर समझौता नहीं करेगी ।

उड़ीसा का मामला बहुत दिनों से लटक रहा था । जब सी० बी० आई० से कहा गया कि वह उड़ीसा के मामले की जांच करे तो हमें लगा था कि सी० बी० आई० की रिपोर्ट प्राप्त होने के बाद मंत्रिमंडल या तो एक जाच कमीशन कायम करने का निर्णय करेगा या हिम्मत के साथ यह घोषणा कर देगा कि उड़ीसा के मंत्रियों के विरुद्ध लगाए गए आरोपों में कोई जान नहीं है और वे निराधार हैं । आखिर सी० बी० आई० को तथ्यों का पता लगाने के लिये क्यों कहा गया ? क्या उसका उद्देश्य यह नहीं था कि अगर कोई प्राइमा फेसी केस है तो सी० बी० आई० उसकी पुष्टि में तथ्य इकट्ठा करे और उसके आधार पर मंत्रिमंडल कोई निर्णय ले । सी० बी० आई० की रिपोर्ट आ गई लेकिन मंत्रिमंडल ने बड़ा विचित्र रवैया अपनाया । कहा जाता है, सी० बी० आई० की रिपोर्ट एक पुलिस रिपोर्ट है । श्री चागला ने कहा :

"I would not hang a dog on the basis of an *ex parte* statement like this."

पुलिस की रिपोर्ट पर वामपंथी कम्यूनिस्टों को गिरफ्तार किया जा सकता है, पुलिस की रिपोर्ट पर उन्हें उनकी स्वाधीनता से बंचित किया जा सकता है, पुलिस की रिपोर्ट पर विधान सभा में निर्वाचित होने के बाद भी उन्हें रिहा नहीं किया जाता । उस समय पुलिस रिपोर्ट बड़ी विश्वसनीय रिपोर्ट बन जाती है, उस समय पुलिस रिपोर्ट इस सरकार के लिये गीता और कुरान का महत्व प्राप्त कर लेती है । लेकिन जब उड़ीसा के भ्रष्ट मंत्रियों के खिलाफ उस रिपोर्ट के आधार पर एक जाच कमीशन नियुक्त करने का सुझाव आता है तो श्री चागला कहते हैं वह किसी कुत्ते को भी उसके आधार पर फांसी पर चढ़ाने के लिये तैयार नहीं है । हम यह स्थिति कभी भी स्वीकार नहीं कर सकते । सी० बी० आई० ने जो कुछ किया, अच्छे उद्देश्यों से किया । इस सम्बन्ध में सी० बी० आई० की प्रशंसा की जानी चाहिये । सी० बी० आई० ने जो भी सामग्री इकट्ठी की वह सरकारी फाइलों से इकट्ठी की । श्री चागला के लिये वे फाइलें अविश्वसनीय हो सकती हैं, हमारे लिये नहीं । होना तो यह चाहिये था कि सी० बी० आई० रिपोर्ट के आधार पर एक जाच कमीशन की नियुक्ति की जाती । लेकिन ऐसा नहीं किया गया । संधानम् कमेटी ने जो सिफारिशें दी हैं उनकी अवहेलना करके और श्री गुलजारीलाल नन्दा ने भुवनेश्वर में मुख्य मंत्रियों को जो नोट सरकुलेट किया उसकी भी उपेक्षा करके मंत्रिमंडल ने अपनी एक उप समिति कायम की? यह किस सिद्धांत के आधार पर की गई ? अभी अभी श्री पाटक ने कहा कि मंत्रिमंडल कोई अदालत नहीं है, मगर मंत्रिमंडल की एक उपसमिति अदालत बना दी गई और निर्णय देने के अलावा उस पर जाच करने का भी भार सौंप दिया गया । लेकिन यह अभी भी साफ नहीं है कि मंत्रिमंडल की उपसमिति का काम क्या था । श्री चागला कहते हैं मैं—उनको कोट कर रहा हूँ :

[श्री ए० बी० वात्परी]

"Our only function was to advise the P. M. as to whether here was a *prima facie* case against the Chief Minister of Orissa and Mr. Patnaik."

मगर, श्री ए० के० सेन ने इससे अलग बात कही है। उनका कहना है कि :

"The Sub-Committee had to ascertain facts, get the replies from the persons charged and arrive at a conclusion after seeing whether any of the charges were proved beyond reasonable doubt."

मंत्रिमंडल की उपसमिति किस लिये बनाई गई, इस सम्बन्ध में भी उस समिति के दो सदस्य स्पष्ट नहीं हैं। श्री चागला कहते हैं : प्राइमा फेसी केस है या नहीं, खाली यह देखना हमारा काम था। श्री सेन कहते हैं : मंत्रिमंडल की उपसमिति का काम था, जांच करे और यह देखे कि सन्देह से परे आरोप थे या नहीं। तो मंत्रिमंडलीय उपसमिति को न्यायालय का रूप दे दिया गया। इसका तो कभी समर्थन नहीं किया जा सकता। और फिर मंत्रिमंडलीय उपसमिति में इतना साहस नहीं था कि कह देती कि आरोप निराधार हैं, आगे किसी भी जांच की जरूरत नहीं है। मगर उसने कहा, कुछ इम्प्रोप्रायटी की गई। उनकी दृष्टि में जो इम्प्रोप्रायटी है वह हमारी दृष्टि में करप्शन है, भ्रष्टाचार है। सी० बी० आई० की रिपोर्ट से यह साफ है कि जो भी उड़ीसा में हुआ उसके फलस्वरूप श्री बीरेन मित्रा ने, श्री पटनायक ने, लाखों रुपये कमाए, लाखों रुपये बनाये और उतने ही लाखों रुपये का सरकारी खजाने को घाटा हुआ। यह कौन तय करेगा कि रुपयों में फायदा हुआ या नहीं हुआ? मंत्रिमंडलीय उप समिति को यह फैसला करने की जिम्मेदारी अपने ऊपर नहीं लेनी चाहिये थी।

यह भी स्पष्ट नहीं है कि जिन व्यक्तियों ने, संसद् के सदस्यों ने, विधान सभा के

सदस्यों ने, आरोप लगाए थे उन्हें क्यों नहीं मंत्रिमंडलीय उपसमिति ने बुलाया, उनसे क्यों नहीं पूछताछ की? उनके पास कुछ और सबूत थे जो मंत्रिमंडलीय उपसमिति के सामने रखे जा सकते थे। क्या मंत्रिमंडलीय उप समिति ने एकतरफा फैसला नहीं दे दिया?

महोदया, भ्रष्टाचार कापेम पार्टी का घरेलू मामला नहीं है। मंत्रिमंडलीय उपसमिति के सदस्य कितने भी सम्मानित हो, मगर उन पर यह आरोप लग सकता है—लगेगा कि उन्होंने पार्टी के हित में सारे मामले पर लीपापोती की। उनकी प्रतिष्ठा और जनता के विश्वास को बनाए रखने का एक ही तरीका था कि एक जाच कमीशन नियुक्त किया जाता और अगर मंत्रिमंडलीय उप समिति के सदस्य समझते थे कि आरोपों में खाली इम्प्रोप्रायटी है, कोई करप्शन नहीं है तो भी उन्होंने जांच कमीशन नियुक्त करने की बात क्यों नहीं मानी? अगर पंजाब में जाच कमीशन नियुक्त हो सकता है, अगर बख्शी गुलाम मोहम्मद के खिलाफ जांच कमीशन कायम हो सकता है, तो उड़ीसा के भूतपूर्व मुख्य मंत्रियों को नापने के लिये अलग गज्र अपनाने की क्या आवश्यकता है? अगर कमीशन कायम होता और कोई आरोप साबित न होते तो वे प्रतिष्ठा के साथ बरी हो जाते, मंत्रिमंडल की भी प्रतिष्ठा और गरिमा रह जाती। मगर मंत्रिमंडल ने लीपापोती करके जिन भूतपूर्व मुख्य मंत्रियों के साथ नरमाई का व्यवहार करने की कोशिश की है, उनका तो मुह काला रहा ही है, किन्तु थोड़ी सी कालिख मंत्रिमंडल ने अपने माथे पर भी लगा ली।

महोदया, बिहार के मुख्य मंत्री के भी खिलाफ आरोप है और प्रधान मंत्री जी ने जो वक्तव्य दिया उसमें कहा था कि हम इस परिणाम पर पहुंचे हैं कि आरोपों में कोई दम नहीं है। उन्होंने यह भी कहा कि हमने

बिहार के मुख्य मंत्री को आरोपों की जानकारी दी थी और उनसे स्पष्टीकरण मांगा और फिर हम एक नतीजा पर पहुंचे। मगर बिहार के मुख्य मंत्री कहते हैं, उन्हें किन्हीं आरोपों की जानकारी नहीं दी गई। बिहार के मुख्य मंत्री कहते हैं उनसे कोई सफाई नहीं मांगी गई। बिहार की विधान सभा में 22 मार्च को एक कांग्रेसी मेम्बर के जवाब में बिहार के मुख्य मंत्री ने कहा—मैं उनके शब्दों को उद्धृत कर रहा हूँ "सिन्ट्रल कैबिनेट सब कमेटी ने अब तक कोई चार्ज हमारे पास नहीं भेजा है। इसके आगे बिहार के मुख्य मंत्री ने कहा कि: "मैंने कोई जवाब तलब नहीं किया गया, मेरे पास कोई चार्ज नहीं आया, मैं आपके सामने कैटेगोरिकल स्टेटमेंट करता हूँ"। हम अपने प्रधान मंत्री की बात मानें या बिहार के मुख्य मंत्री की? दोनों सम्मानित व्यक्ति हैं, दोनों कांग्रेसी हैं हम किसी पर अविश्वास करना नहीं चाहते।

प्रधान मंत्री (श्री लाल बहादुर) : मैं यह कहना चाहता हूँ कि वाजपेयी जी ने जो बयान पढ़ा है यह मुख्य मंत्री का पूरा बयान है, यह मैं तो नहीं कह सकता, कुछ भी पक्के तरीके से नहीं कह सकता, जब तक कि उनसे पूछा न जाये कि उन्होंने क्या बयान दिया दूसरी बात यह है कि मैं यह साफ कर दूँ कि उनके पास चारजेज भेजे गए और उन्होंने उनका जवाब भेजा।

श्री ए० बी० वाजपेयी : महोदया, प्रधान मंत्री जी कहते हैं कि चारजेज भेजे गये—हम मान लेते हैं। मगर बिहार के मुख्य मंत्री जो गलतफहमी पैदा कर रहे हैं उससे पता लगता है कि भ्रष्टाचार के आरोपों पर परदा डालने के लिये किस हद तक कांग्रेस के मुख्य मंत्री जा सकते हैं और अगर बिहार के मुख्य मंत्री इस हद तक जा सकते हैं तो मैसूर के और उड़ीसा के मुख्य मंत्री किस हद तक गए हैं?

इसका अनुमान लगाना कठिन नहीं होना चाहिये।

महोदया, बिहार के मुख्य मंत्री के खिलाफ गम्भीर आरोप हैं और उन्हें इस तरह से समाप्त नहीं किया जा सकता। आरोप केवल भ्रष्टाचार का नहीं है, आरोप केवल इस बात का नहीं है कि उनके पुत्रों ने मुख्य मंत्री के पद का दुरुपयोग करके संपत्ति कमाया। गम्भीर आरोप इस बात के हैं कि अपने पुत्रों को, अपने रिश्तेदारों को, अपने गृह के लोगों को बचाने के लिए उन्होंने न्यायदान में हस्तक्षेप किया और उन्होंने कोर्ट में चलनेवाले मामलों को उठवा लिया। हाई कोर्ट ने एक मामले में इसके खिलाफ अपना निर्णय दिया है तथा अपना मत प्रकट किया है। इन आरोपों को मंत्रि-मंडल की उपसमिति ने ठीक तरह से देखा?

श्री राम सहस्र (मध्य प्रदेश) : प्रधान मंत्री जी ने जो अभी फरमाया उसके बारे में वाजपेयी जी ने कुछ नहीं बतलाया। क्या उन्होंने इस विषय के बारे में मुख्य मंत्री जी से मालूम कर लिया था या नहीं? वे केवल अखबार की खबरों के आधार पर इस तरह की बात कह रहे हैं।

श्री ए० बी० वाजपेयी : महोदया, मैं बिहार विधान सभा की कार्यवाही की प्रतिलिपि से पढ़ रहा हूँ। जो जवाब दिया गया वह विधान सभा में दिया गया था और मुख्य मंत्री जी ने दिया। उनमें से कौन सच बोल रहा है यह मुख्य मंत्री जी तथा प्रधान मंत्री जी तय करें। मैं यह नहीं कहता कि झूठ कौन बोल रहा है, मैं कह रहा हूँ कि कौन सच बोल रहा है, यह तय हो जाये।

SHRI K. K. SHAH (Maharashtra):
Will you please let us know what is the date of that statement?

SHRI A. B. VAJPAYEE: March 22nd.

महोदया, मैसूर के मुख्य मंत्री के खिलाफ भी आरोप लगाये गये हैं और उन आरोपों पर भी मंत्रिमंडल की उपसमिति ने लोपापोती करने की कोशिश की है। अभी पब्लिक एकाउन्ट्स कमेटी का उल्लेख किया गया। मैसूर विधान सभा की पब्लिक एकाउन्ट्स कमेटी ने शरावती प्रोजेक्ट के मामले में, गुलबर्गा मिल के बारे में, जो भी अपनी रिपोर्ट दी है, वह मुख्य मंत्री के इस दावे का खंडन करती है कि शरावती प्रोजेक्ट के मामले में, गुलबर्गा मिल के मामले में, खादी तथा ग्रामोद्योग के हिसाब किताब की गड़बड़ी के मामले में उन्होंने सब कुछ कर दिया। मेरे पास समय नहीं है कि मैं पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट आप के सामने पढ़ कर सुनाऊं। लेकिन मुख्य मंत्री जी ने माना है कि शरावती प्रोजेक्ट में 50 लाख रुपये का गोलमाल हुआ है। इस गोलमाल का कौन जिम्मेदार है? शरावती प्रोजेक्ट के मामले में अदालती जांच नहीं कराई गई। और भी गम्भीर आरोप लगाये गये हैं उनके पुत्रों द्वारा धन बनाने के बारे में, दामाद द्वारा कमाई करने के बारे में और ठेकों के लिए एंटेडर न निमंत्रित न करने के बारे में।

SHRI PATIL PUTTAPPA (Mysore):
May I know what those specific charges are. You cannot make . . .

SHRI A. B. VAJPAYEE: Here are the charges that have been submitted to the President. I am prepared to lay on the Table all the charges. Will you allow me to put it on the Table?

महोदया, मेरा निवेदन है कि भ्रष्टाचार के मामले में मंत्रियों को सीजर की पत्नी की तरह संदेह से न केवल परे होना चाहिये,

मगर संदेह से परे दिखाई भी देना चाहिये। प्रधान मंत्री जी ने कहा कि सरदार प्रताप सिंह कैरों का इमसे ज्यादा क्या हुआ, उनको इस्तीफा ही देना पड़ा। मैंने उड़ीसा के मुख्य मंत्री का भी इस्तीफा ले लिया। सरदार कैरों पर जब कलक का टीका लगा तब उन्होंने इस्तीफा दिया और उड़ीसा के नेता अपने को दूध का धोया हुआ घोषित कर रहे हैं। वहां की कांग्रेस कमेटी, कांग्रेस लेजिस्लेटिव पार्टी उनमें विश्वास प्रकट कर रही है। श्री अतुल्य घोष ने उन्हें गुड कन्डक्ट का सर्टिफिकेट दे दिया है। श्री पटनायक चुनौती दे रहे हैं कि मैंने कोई इम्प्रोप्राइटी नहीं की है। मैं जानना चाहता हूं कि सरकार श्री पटनायक की चुनौती को स्वीकार क्यों नहीं करती है और एक कमीशन तय करके उस पर छोड़ क्यों नहीं देती कि उन्होंने भ्रष्टाचार किया या नहीं किया?

महोदया, यह सवाल उठाया जा रहा है कि केन्द्रीय सरकार को प्रांतीय मुख्य मंत्रियों या मंत्रियों के खिलाफ भ्रष्टाचार के आरोपों की जांच करने का अधिकार है या नहीं? मुझे आश्चर्य है कि श्री सप्रू जैसे विद्वान और विधि विशेषज्ञ यह सामला उठा रहे हैं। जो कमीशन इन्क्वायरी एक्ट, 1952 है उसमें साफ लिखा हुआ है कि केन्द्रीय सरकार किसी भी सार्वजनिक महत्व के मामले में जांच के लिए इन्क्वायरी कमीशन कायम कर सकती है। डालमिया जैन के मामले में सुप्रीम कोर्ट ने फैसला दिया कि कन्करन्ट लिस्ट की जो 45 इन्ट्री है, वह सरकार को अधिकार देती है कि अगर मामला राज्य में सम्बन्धित है तो उसके बारे में भी कमीशन कायम करे। केन्द्रीय सरकार अपनी जिम्मेदारी से बच नहीं सकता है। इसलिए मैं निवेदन करना चाहता हूं कि संविधान की आड़ लेकर राज्यों के मंत्रियों तथा मुख्य मंत्रियों के पापों पर पर्दा डालने का प्रयत्न न किया

जाये। यह प्रश्न सार्वजनिक जीवन में उच्च मान-दंडों को बनाये रखने का है, यह प्रश्न लोकतंत्र में लोगों की आस्था को जमाये रखने का है, यह प्रश्न भारत के भविष्य का है, यह प्रश्न हमारे अस्तित्व का है। संविधान की आड़ लेकर या पार्टी के कारणों से प्रेरित होकर अगर भ्रष्टाचार पर पर्दा डालने का प्रयत्न किया गया तो उसके परिणाम भयंकर होंगे।

एक बात कह कर मैं खत्म कर दूंगा। सत्तारूढ़ दल में कुछ ऐसे व्यक्ति हैं जो अपने को प्रगतिशील कहते हैं, जो समाजवाद का नारा जरा अधिक जोर में लगाते हैं। एक बात बड़े ताज्जुब की है कि जिन पर भ्रष्टाचार का आरोप लगाया गया है, जितने भी कुर्सियों से लुढ़के, वे सब प्रगतिवादी थे। सरदार प्रताप सिंह कैरों थे, उन्हें गद्दी से हटना पड़ा, उससे पहले केशवदेव मालवीय को हटना पड़ा और उड़ीसा के नरपुंगव भी बड़े प्रगतिशील बनते थे। मगर जब पर्दा हट गया, तब पता लगा कि समाजवाद की आड़ में वे पूंजीवादी की भूमिका कर रहे थे। बख्शी साहिब भी प्रगतिवादियों में आते हैं और अब उनकी कलाई खुलने जा रही है। यह स्थिति समाजवाद के लिए, सत्तारूढ़ दल के लिए ठीक नहीं है। मैं निवेदन करना चाहता हूँ कि यह भ्रष्टाचार का मामला, पार्टी का मामला नहीं है। सारे दलों को एकत्रित होकर भ्रष्टाचार के निराकरण के लिए संगठित होना चाहिये। लेकिन चपरासियों को चार आने की रिश्तत लेने के आरोप में पकड़ा जाये और 20 लाख कमाने के बाद भी बीजू पटनायक एंड कम्पनी अनलिमिटेड, वह सत्ती छूट जाये, तो इस तरह से देश में भ्रष्टाचार मिटने का वातावरण नहीं बनेगा। समय का तकाजा है, वक्त की फुकार है कि सत्तारूढ़ दल अपनी दलगत भावना को अलग रख कर इस राष्ट्रीय प्रश्न पर दृढ़ता की नीति अपनाये। तब ही लोकतंत्र और सार्वजनिक जीवन की रक्षा हो सकती है।

धन्यवाद।

SHRIMATI NANDINI SATPATHY (Orissa): Madam Deputy Chairman, a lot of things have been spoken against the leaders, present leaders, of Orissa in this House and in the other House. I emphasise the words 'present leaders of Orissa', because this is the verdict of the people there. So much has been said in the other House on the 'No-Confidence Motion' and here also we have discussed so many things about these leaders, who are not present in this House. The 'big business' press has given enough publicity to those people who have thrown enough of wild charges against these leaders of Orissa, but thanks to the consciousness of the people of my State, they did not accept these wild charges and this propaganda. All the mobilisation by some of the Opposition Members here to have a demand day to set up a Commission of Inquiry had failed. Nobody responded to that. I would like to say how could the verdict of the people be such after so much of venom spread against these leaders. Because they knew who are the people behind all these troubles. Though the memory of the masses is very short, they remember their sufferings perfectly well. The people of my State do not want to go back to that state where they were rotting in poverty and ignorance. So the verdict was this. Because they do not want to go back to the feudal order again from which they have been freed after so much of sufferings and struggle.

AN HON. MEMBER: Who are they?

SHRIMATI NANDINI SATPATHY: Those friends of mine from Orissa who are sitting in the opposition and shouting. Because the people do not want to go back to that state of ignorance and poverty in which they were rotting, they are not prepared to tolerate the exploitation by Rajas and Maharajas of the ex-States of Orissa.

Madam, the political background of Orissa is something different from the

[Shrimati Nandini Satpathy.]

other parts of this country. It is not so easy to assess the present position of this State without knowing it from its proper context. Those who have joined hands to shout against the Orissa leaders with this Party of Rajas and Maharajas, which has again merged with the Swatantra Party—may I caution them that they are going against the fundamental desire of the people of my State to live and grow? They are going against the people's movement there to make this State industrialised and to banish poverty from it for ever. Will the posterity excuse them in spite of their tall talks on socialism and Communism?

SHRI BHUPESH GUPTA: I shall never interrupt her because she is not a sole proprietor of any concern in Orissa.

SHRIMATI NANDINI SATPATHY: This attack on the Congress leaders of Orissa is not new. The strength and determination shown for the merger of the States by the Congress leaders under the efficient guidance of Sardar Patel could not be taken very easily by the Rajas and Maharajas of my State. It was not so easy for them to leave their wealth and luxury which they had enjoyed for such a long time at the cost of the people.

SHRI LOKANATH MISRA: Even then plenty of them are with you.

SHRIMATI NANDINI SATPATHY: Not with us, but with you, with the feudalists. So, Madam, it is very natural that this Party would fight tooth and nail with the Congress Party which had freed the people from age-long bondage and slavery.

I do not want to take my hon. friends much back to the history of Orissa. I am really surprised to see this party of the Rajas and Maharajas speaking about corruption and immorality. What is this privy purse after all? Is their hard-earned money, of the Rajas and Maharajas

(*Interruption*) which they are utilising against the progress and prosperity of the people of my State? Not only the privy purse, but many buildings and palaces and thousands of acres of land which they are enjoying at present are not made out of their toil and sweat. I need not say wherefrom and how they could get it. And what was there in the State treasuries when they were handed over to Orissa? Most of them were empty—I mean the ex-State treasuries—and in some there was very little money. Where did this money go at the time of merger? Where did the teak woods from the jungles of Orissa go? The people of Orissa, the people of the ex-State area, could answer this question very correctly.

SHRI LOKANATH MISRA: They have answered it.

SHRIMATI NANDINI SATPATHY: They will answer in the coming election again. These people of the ex-State area have seen that theft and murder were committed in broad daylight before thousands of eyes without any check, any C.B.I. or Cabinet Sub-Committee.

The Congress leaders of Orissa knew these people very well, Madam. When some of them came out successful in the election with the help of the privy purse that has been granted to them by this generous democracy and with the help of the cheap popular sentiment, the Congress offered to join with them to form a coalition Ministry. But at the same time, Madam, I should say here that the Congress leaders were quite vigilant about the work of this coalition Ministry. They could easily detect that the Ganatantra Parishad, the name which this party of Rajas and Maharajas adopted to divert the attention of the people—just like the name "Padmalochan" being adopted for a blind man—was trying to check the progress of the State. (*Interruption*). So this coalition Ministry was broken and the new era began in my State under the present leadership in Orissa. And with this new era began the heart-burning of all feudal lords, capitalists and monopolists who were exploiting these poor people for a long time.

This was because a check was put on them by Shri Biju Patnaik and his party. Shri Biju Patnaik could foil their conspiracy for exploitation by bringing the Congress in an overwhelming majority in the mid term election to the Orissa Assembly.

So began the prosperity of the State (Interruption) Paradip port, express highway, MIG factory, Panchayat industries and so many State corporations began to take shape and function. Lakhs of Orissa labourers got a job to maintain themselves and their families. Small producers and dealers of Orissa could see a ray of hope in the fiscal policy of the State Government. Could I mention what the Chief Minister of West Bengal, Shri P. C. Sen, in his letter dated 17th January 1965 to the Prime Minister mentioned about this policy, the fiscal policy of Orissa? He wrote

"It is true that for long years business monopolies of Calcutta have thoroughly exploited Orissa. There was need for some drastic thinking for Orissa, if she were to come to her own. In fact, Biju's policy and the mechanism by which he steadily developed this thought, led to what has now become widely accepted policy of rural industrialisation and development of local trade under the name of Orissa Panchayat Industries system."

Madam, not only Orissa but the whole of India needs a drastic re-thinking if she were to come into her own. No social revolution could take place under the present 'go slow' process of bureaucracy and red tapism.

Shri Biju Patnaik and his party had the initiative, they had the drive. They could realise that the procedure-bound administration most of the time brought the progress to a stand still. When we want to transform the society, we will have to change certain procedures which are obstructions in the way. And that was exactly what Shri Biju Patnaik or the Congress Ministry in Orissa have done.

And, Madam, they have taken all the responsibility for doing this on themselves. In spite of the Cabinet Sub-Committee saying that Shri Biju Patnaik and Shri Biren Mitra did not derive any personal benefit for themselves, they resigned from their respective positions before anybody could ask them to do so. It was only possible, because the same party ruled at the Centre as well as in the State. Had there been the Government of the party of my hon friend, Shri Lokanath Misra, things would have been something different (Interruptions). The Constitutional point would have been raised as to the Centre's probe into the State affairs. Thousands of administrative improprieties and irregularities are there in the process of running the administration and in actually doing some work. It is very easy to sit comfortably here and criticise the people who are doing the actual work in the field.

The Cabinet Sub-Committee not only examined the police report but also went through so many other papers and documents before giving its decision.

(Interruptions)

AN HON MEMBER You cannot say that even

SHRIMATI NANDINI SATPATHY

I do not want to go into the details which have already been discussed in the other House and here also. I would only say this much. I would only mention here what the Prime Minister while speaking on the No-Confidence Motion in the other House said, that if anybody wants any further action on the CBI Report, they can take the matter to the courts. In the same discussion he said that it is not a small thing for a person to resign from his position or post while having a majority support from the party as well as from the legislature.

Madam, lastly I would only say this much that it is very easy to understand the anger of my hon friends who are in the Swatantra Party from Orissa. Their fort of reaction, their bastion of feudalism, has been demolished in my State,

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never to come up again. So, it is in vain, in vain that they are trying to gain the ground for their party in Orissa. The people of my State will again give their final verdict in the coming election as they have done in the mid-term election in 1961.

SHRI ARJUN ARORA: Mr. Lokanath Misra should resign his seat and seek re-election.

SHRI MULKA GOVINDA REDDY: Madam Deputy Chairman, we have been discussing the statement of the Prime Minister that was made on the 22nd February with regard to the corruption charges that were levelled against the Orissa Chief Minister and some of his friends, with regard to the charges against the Mysore Chief Minister and some of his colleagues and with regard to the charges against the Chief Minister of Bihar and some of his colleagues. I am confident that if a proper and judicious appraisal had taken place, the statement of the Prime Minister would not have been there. It is a misleading, one-sided, partisan statement made in the interests of resurrecting his party, not in the interests of the country or the public at large. I am not motivated by character assassination of any person in this case. In fact, I do not know, I have not seen Mr. Biju Patnaik or Mr. Biren Mitra. But if we go through the records about the charges that are made against those Ministers, it is quite evident that not only were improprieties committed by them but they were committed to such an extent that Mr. Chagla went to the extent of saying that they were unworthy of holding the Chief Ministership of Orissa.

The Prime Minister has stated in his statement that no pecuniary benefit has accrued either to Mr. Patnaik or to Mr. Biren Mitra. If we glance through the records, if we glance through the Report of the CBI, it is quite evident that large sums of money have gone into the pockets of Patnaik, Biren Mitra and company. To say that no pecuniary benefit has gone to them is an incorrect state-

ment, and, I should say, a false statement. The fact is that not only have Rs. 20 lakhs gone to them. According to the Report of the Special Audit, these two persons and their relatives appear to have made a profit of Rs. 2 crores. I fail to understand why the Special Audit Report that was submitted to the Governor by the Auditor-General in June, 1964 has not seen the light of day. There appears to be some mystery about it, and some pressure tactics have been adopted to see that the Report is whittled down so much that it would strengthen the opinion of the Sub-Committee. Who are the members of this Sub-Committee? What judicial authority did they have to come forward and say that we have given this verdict and no further? If anything, it proves that there is a *prima facie* case even according to the Report of the Cabinet Sub-Committee. When a *prima facie* case has been made out, it is their duty to appoint a Commission of Inquiry under the Commissions of Inquiry Act of 1952. The Central Government has ample authority and power to appoint a Commission of Inquiry into the charges against State Ministers or Chief Ministers. I fail to understand how this Cabinet Sub-Committee consisting of such eminent people came to the conclusion that Mr. Patnaik and Mr. Biren Mitra did not derive any pecuniary benefit? On the other hand, Mr. Patnaik and Mr. Biren Mitra never made any differentiation or distinction between State property and their property. Everything appears to have been theirs. The other day, Lal Bahadur Shastriji was answering Tankha Babu that the days of empires had gone. Here you will find that even though the days of empires have gone, new empires in the names of Mr. Patnaik and Mr. Biren Mitra are coming up, and for such empires the Prime Minister . . .

SHRI BHUPESH GUPTA: It is one empire, the Austro-Hungarian Empire.

SHRI MULKA GOVINDA REDDY: . . . is lending all support.

(Interruptions)

Madam Deputy Chairman, charges are made against the present Chief Minister of Orissa and the Deputy Chief Minister of Orissa. Mr. Sadashiv Tripathy, when he was Minister for Revenue, was mainly responsible for reducing the rate of land from Rs. 400 per acre to Rs. 100 per acre. He is a party; he has aided and abetted all the commissions of sins by these people. And the praise or the reward that he has got today is—even though he has not got that following, but because of the pressure and because of the following that Mr. Biju Patnaik and Mr. Biren Mitra have—that they have made him a nominal head in 4 P.M. Orissa. The *de facto* rulers are the same old people against whom the Education Minister said that they are unworthy of holding the place. Madam Deputy Chairman, I was really astonished to find that an ex-Judge who had filled that post with distinction should have come down to say that there is no pecuniary benefit and that he is not prepared to hang a dog on the basis of an *ex-parte* statement like this. What a fall from Himalayan heights to the Paradip Bay. The same ex-Chief Justice of Bombay had the courage and the privilege of telling that Mr. T. T. Krishnamachari had committed an offence and that he should quit. Today he comes and defends the very people who have committed acts of impropriety even though they are unworthy to hold that post. He says that there is no pecuniary benefit to them, and therefore, there is no need to appoint a commission of enquiry.

SHRI G. MURAHARI (Uttar Pradesh): Now he is a Minister. That makes all the difference.

SHRI MULKA GOVINDA REDDY: Yes. Madam Deputy Chairman, serious charges have been made against the Chief Minister of Mysore and some of his colleagues. About 25 charges have been made against them. According to the Prime Minister, some replies were received from the Chief Minister of Mysore and on the basis of that the Cabinet Sub-

Committee has given a clean chit. Crores of rupees have been involved in the charges that have been made against them. In the State Assembly the same charges were made. It is not as if we are seeking this opportunity of making those charges against the Chief Minister of Mysore. On the floor of the Assembly when twice no-confidence motions were moved, these very charges were made against the Chief Minister and his colleagues. At one stage he was inclined to appoint a judicial commission to go into the question of the Sharavathi Valley Project. This project is worth about Rs. 120 crores. About Rs. 20 to 30 crores have been misappropriated in it and Rs. 1.25 crores have been wasted by way of awards to contractors unknown to any other State in India. And the charge is that some of the Ministers and their relations are a party to this nefarious deed.

Madam, there is another very vital charge of corruption that has been made against the present Chairman of the Legislative Council during his term of office as Chairman of the Khadi Board. Some lakhs of rupees were involved and no account up to date has been maintained for the period during which he was the President of that organisation. Madam Deputy Chairman, he has still the audacity, in spite of the directive of the Congress Committee that no presiding officer should continue to be a member of the Working Committee, to defy the Congress Working Committee and continues as a member of the Working Committee and the Election Committee even though he was the presiding officer in the Mysore State. Lakhs of rupees were misappropriated. Thousands of rupees were claimed as T.A. and D.A. even though he was utilising the Government car that was given to him. The former Chairman of the Khadi Board, while relinquishing his office, made these serious charges against him. Even the Minister of Industries in the Mysore Government on the floor of the Legislature has said that accounts have not been prepared and now accounts are being drawn up so that proper acco-

[Shri Mulka Govinda Reddy]
 units are maintained to white-wash the misappropriation that has been committed by Mr. Hallikere and others.

THE DEPUTY CHAIRMAN: Your time is nearly finished

SHRI MULKA GOVINDA REDDY:
 Another five minutes

THE DEPUTY CHAIRMAN Not five minutes Two minutes more. We are adhering strictly to time.

SHRI M. N. GOVINDAN NAIR
 (Kerala) He has one whole State to cover.

SHRI MULKA GOVINDA REDDY.
 There are serious charges made against the Chief Minister and his colleagues where they have derived pecuniary benefit as is the case with Mr. Biren Mitra who was the sole proprietor of Messrs. Orissa Agents. He derived lakhs of rupees as benefit So also the near and close relations of the Chief Minister and his colleagues are involved in looting the Treasury of the Mysore State Many a time these complaints have been made. Even the Public Accounts Committee in the Mysore State has adversely commented upon the doings of the present Ministry. Not only that, the Accountant General in his report has made strictures against the present Ministry, particularly with regard to the Sharavathi Valley Project and Khadi Board

Madam, I would like to quote for the benefit of this House from the Santhanam Committee report Mr. Santhanam, a Congress member, was appointed as chairman of the committee to find out ways and means to root out corruption. He has produced this report which is worthy of him He says —

“There is a widespread impression that failure of integrity is not uncommon among Ministers and that some Ministers who have held office during the last 16 years have enriched themselves illegitimately, obtained good jobs for their sons and relations through

nepotism, and have reaped other advantages inconsistent with any notion of purity in public life.”

Madam, if charges are levelled against Ministers and Chief Ministers by responsible people, that should be enquired into by a panel to be constituted on the advice of the Prime Minister or by the President. In Mysore 42 legislators have made these charges against the Chief Minister and his colleagues Out of them 10 are from the Congress side. I understand that a former Minister of Mysore who is still in the Congress Party, Mr. Channa Basappa, has threatened to go on a hunger strike in front of the Vidhan Soudha to protest against the decision of the Cabinet Sub-Committee in not appointing a commission of enquiry into the charges against the Mysore Ministry I, therefore, plead with all emphasis at my command that if we want a clean administration, if we want an efficient administration, if we want purity in public life and if we want to establish a socialist society and socialist order, there is no escape from the fact that wherever charges of corruption, misuse of power have been made against persons in authority, automatically there should be appointment of a commission of enquiry under the Commission of Enquiries Act to go into the charges If that commission gives a finding against the people involved, the people involved will abide by the verdict of the commission. I, therefore, strongly plead that this recommendation should be accepted and it would have been better if we had accepted the suggestion that was made by Mr. Deshmukh, former Finance Minister, that there should be a statutory commission to go into the question of corruption charges against persons in authority. I plead that the Prime Minister will revise his attitude or his decision in this case and appoint a commission of enquiry in all these three States of Mysore, Orissa and Bihar

Thank you very much

SHRI PATIL PUTTAPPA: Madam, we are living in an era of crowding changes Yet there are certain values

that would never change. Amongst them are the good impersonal things such as truth, honesty, service, sacrifice, dedication, decency and sanity in public life. They have added meaning to life and have made it worth while to live. It has become customary with some here in this House and outside, in season and out of season, to attack, condemn and demolish the national character.

SHRI D L SEN GUPTA (West Bengal) None of them has national character.

SHRI PATIL PUTTAPPA. You are attacking it

श्री. विष्णु कुमार नन्नालाल जो चोरड़िया
 (मध्य प्रदेश) क्या हमें इतना भ्रष्ट होने
 का हक नहीं है ?

SHRI PATIL PUTTAPPA: They perpetually want the non-existing head of King Charles II. They want somebody to sacrifice, no matter who he is. I am perhaps far more emphatic in my assertion to eradicate corruption but I will not go the way as my friends on the other side want to go. I do not want, for that matter, to create in this country a vicious and corroding atmosphere which would be detrimental to the growth of decent and healthy life in this country. Nobody need scoff at me because I plead for sanity. The values my friends want to attack are far more precious than material riches. The call from this House should go forth from now on that more than ever we are rooted in the conviction that the basic values of decency and human dignity must not be allowed to perish in this country. I repeat them because this suicidal trend has become, if anything, more emphatic, more schizophrenic and more irrational. This dangerous degenerating trend of undermining every reputation that matters in this country and the public life of our country must be checked in good time if we are to create for ourselves a niche in the comity of nations. The time has come for us to realise that we are not going to build up our perso-

nalities by dragging down the personality of somebody else. In this task, reason should be our sole guide but unfortunately anger has found some quarters here and outside and therefore reason, fairplay and sanity have been bidden a good bye.

SHRI MULKA GOVINDA REDDY: We have no anger or malice against anybody.

SHRI PATIL PUTTAPPA. You have it. I will come to it later.

I join my voice with a celebrated statesman—I think it is the ex-Prime Minister of Japan, Mr. Ikeda, who said

“Parliament is the sacred arena to serve the cause of happiness and progress of our country and of our people. It is not a place for animosity or strife, for disputes or quarrels. It is a place for fair discussion and bold decision, a place for gallant co-operation. Only in this way we demonstrate the truth worthy of parliamentary government and generate the power to cope with whatever situation, domestic or foreign, that may arise.”

The Prime Minister has taken a realistic and bold decision, when he made his announcement on 22nd February 1965. He has sought the gallant cooperation of all decent people, including the people in the opposition.

AN HON. MEMBER. But if they are decent . . .

SHRI PATIL PUTTAPPA: Of course, if they are decent. In view of the very short time at my disposal, I intend to limit my remarks to the charges levelled against the Chief Minister of Mysore. It is the fashion of the day that if you do not find anything against a person, call him ‘corrupt’. I do not want to go into the case-history of persons who have made these allegations, although I believe that a person seeking equity should go with clean hands. Mr. Nijalingappa, the Chief Minister of Mysore, who by virtue of his dedicated life, has occupied an honoured position in the country needs no

[Shri Patil Puttappa.]

candle to tell his great qualities of head and heart. Even if a Chief Ministership was at stake, he would not allow his integrity to fall. He has demonstrated it some time back. The whole country knows about it. It is not office that has brought him credit. It is he who has brought credit to the office he occupies. I will come to the main charge against Mr Nijalingappa which relates to the Sharavathi construction project. About that, the Prime Minister in his statement has already given him a clean chit. While replying to a question in this very House, the Prime Minister said that nothing substantial or otherwise has been found against the Chief Minister of Mysore. Here I would like the House to know the whole truth about Sharavathi. The critics have alleged that the design of the Sharavathi Hydel Project was changed and by virtue of that change in design, the contractors by invoking the arbitration clause, have got a way with lakhs of rupees by way of compensation. The allegations are made as though the designs were changed from time to time at the instance of Mr. Nijalingappa and that the arbitration clause was inserted by him in the body of the contract. Since the entire thesis of the critics is based on the Sharavathi deal, I would like the House to know a material fact which demolishes the whole argument of the Opposition. After the so-called charge-sheet was submitted to the President of the Republic of India, by the Leader of the Opposition in the Mysore Assembly, the Mysore Assembly debated on a no-confidence motion by the Opposition. It is very recent history. While replying to the various deals pertaining to Sharavathi, the Public Works Minister of Mysore dealt with them one by one. He narrated the various deals which the Opposition leader had alleged and the Opposition looked very jubilant as though they had won their point but when he said that all that had happened prior to Mr Nijalingappa's taking over—he took over charge of Chief Ministership on 22nd June 1962—and all these happenings which they have alleged have happened before that date...

SHRI G. MURAHARI: They also belong. They were also Congressmen.

SHRI PATIL PUTTAPPA: But the dates cannot be altered. I may be a Congressman but . . .

SHRI MULKA GOVINDA REDDY: They were also Congressmen.

SHRI PATIL PUTTAPPA: That is the point.

SHRI MULKA GOVINDA REDDY: Against all Congress Ministers we have said

SHRI PATIL PUTTAPPA: What is pertinent and significant here is the remark of the P.S.P. Leader in the Opposition. He told the House that Nijalingappa may not be responsible but the Congress was. But that also was ably rebutted by the P.W.D. Minister. Here the House should know that the charges were made against Mr. Nijalingappa and now they want to escape.

SHRI MULKA GOVINDA REDDY: No escape; we are prepared, appoint a commission.

(Interruptions)

SHRI PATIL PUTTAPPA: Some people here believe with Goebbels that if a lie is repeated a hundred times, it becomes truth.

THE DEPUTY CHAIRMAN: Your time is over. Please wind up.

SHRI BHUPESH GUPTA: Do not repeat any more.

SHRI PATIL PUTTAPPA: The opposition tactics reminds me of the predicament in which Rousseau found himself at the time of the French Revolution. The noted authority on constitutional law, Mr. Dicey, in his classic work writes this: "Mr. Rousseau was prosecuted for a book which he had not written, the author of which he did not know, the contents of which he did not agree to." The opposition also is following similar

tactics. But now Shri Nijalingappa cannot be harassed like that, because he is living in Republican India, to the building of which he has given every ounce of his blood. The Cabinet Sub-Committee was right in exonerating him, because there was nothing incriminating against him. The opposition, like the blind philosopher, is simply in search of a black cat in a dark room.

Thank you.

SHRI BHUPESH GUPTA: We can ignore the speech that has been just made, because in the file in my possession in regard to the Mysore matter, unfortunately, there seem to be some charges against the hon. speaker also. But we are not concerned with them at the moment.

(Interruptions)

Madam Deputy Chairman, I thought we could discuss this matter half in jest and half in seriousness, but we cannot do so because the matter is of great public importance, and concerns the standards and morales of our public administration.

We are considering the statement by the Prime Minister and I am sorry he is not here, more so because I gave notice that I would have something to say, not very complimentary about the statement. First of all I should like to say in this connection that in the statement in this House on the 22nd of February the Prime Minister revealed what could not be concealed, and he concealed what he thought would not be revealed, because he took it for granted that the C.B.I. Report and the findings of the Cabinet Sub-Committee would not leak out and thus be made available to the Members of the Opposition. I am sorry for him. Now here our demand is very simple that, as far as the Orissa affair is concerned, the matter should go to a commission of inquiry. Here I have got with me the Das Commission Report, and I would remind hon. Members that one of the reasons why this Commission of Inquiry was appointed was because the memorialists to the President made it a point that the handling

of the Kairon affair by the late Prime Minister was partisan. In fact that was mentioned in paragraph 1 of their memorandum, and there it was Pandit Jawaharlal Nehru. But then they thought that in view of this attitude taken, rightly or wrongly by the memorialists, and in view of the fact that the Prime Minister of the time was being charged of a partisan handling, the matter should go to a Commission of Inquiry. If that was true in the case of Prime Minister Nehru, would it not . . .

DIWAN CHAMAN LALL (Punjab): May I ask, what did the Das Commission say about that particular allegation?

SHRI BHUPESH GUPTA: The Das Commission has said what it had to say.

DIWAN CHAMAN LALL: Nothing.

SHRI BHUPESH GUPTA: One of the reasons why it was referred to the Das Commission was because such a view was taken. If it was so in the case of our late Prime Minister Nehru, a man of such stature and personality, how many more times it should be true of our present Prime Minister? Well, if you are open to some kind of questioning on that account, naturally, these things would also be liable to be questioned by us and by many others in this country, as had been done? We are discussing the Prime Minister's statement and in this connection we are bringing up other matters contained in the C.B.I. Report and the Cabinet Sub-Committee's report. Here I would invite your attention to what the Prime Minister in his statement has said:

"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."

Now in the C.B.I. Report, and even in the findings of the Cabinet Sub-Committee's Report, it is not disputed that very great material advantages and pecuniary bene-

fits flowed to the alinga Tubes and the Kalinga Industries, and through them to the wife of Shri Biju Patnaik, as chairman of the board of directors or as managing director of the said concerns, to Mrs. Gyan Patnaik, wife of Shri Biju Patnaik, and also to Orissa Agents, of which the sole proprietor was the wife of the Deputy Chief Minister of the time, namely, Mr. Biren Mitra. May I ask the hon. Members here, are we to believe today that when the wives get such advantages and benefits, the husbands will be left high and dry and will not get any share of it? Many hon. ladies are sitting there. May I ask them through you, Madam, how many of them would like not to share the material gains and advantages, wealth and property, with the husbands to whom they are devoted, as indeed they were in this case?

Miss MARY NAIDU (Andhra Pradesh): When the husbands are well off, they spend it on their children, particularly on their daughters.

SHRI BHUPESH GUPTA: I am sure you are not married. How can you say that?

Now, Madam Deputy Chairman, we are supposed to be in the land of Sita and Savitri and yet, in the Cabinet Sub-Committee's report it is made to look as if our womenfolk are so selfish that even if they get lakhs and lakhs of rupees, they will not allow their husbands to get any benefit out of it; yet they will live in the same house and all the rest of it. Well, I think that is an interpretation which may sound somewhat, well, may be understandable in some other country, but not in India where, in the old days, our widows went to the funeral pyre when husband died.

Now we are told that they did not share any benefits at all. And interestingly enough, just before Mr. Biju Patnaik became the Chief Minister after the mid-term elections, we saw him resigning from the position of the managing director of the Kalinga Tubes, and then we find there

Mrs. Gyan Patnaik, undoubtedly his beloved wife, stepping into his shoes and becoming the director of that concern. Mr. Biju Patnaik left the chairmanship of the board of directors of the Kalinga Industries and the same lady came there as chairman of the board of directors to fill the place. As far as the other lady is concerned—Mr. Mitra—well, before marriage she was very nice, a very nice lady, and always she has been nice; she was in that very noble profession working as a nurse. But after her marriage, suddenly we found her becoming the sole proprietor of Orissa Agents. I can understand a daughter of the Birla family going, in the nature of things, into business. But when I see a lady, who had been a nurse in the noble profession of nurse, going into business of that kind and then making so much money, am I not to smell a rat in it? Or am I to take as if nothing had happened? Therefore I think that this kind of story should not be told. I think there it was an arrangement, it was an interlocking of Patnaik, Mitra and Company with the Orissa Government and that the mid-term election made it possible. Everybody knows, before the mid-term elections took place in 1961, that 132, or may be a little less, new jeeps were bought of Mahendra & Mahendra concern for running the Congress election campaign, and that the money for it, as we had been told in this House in some other connection, came from Mr. Biju Patnaik himself. And after the elections we found Mr. Biju Patnaik becoming the Chief Minister, and in a small State as that we had also a Deputy Chief Minister—Mr. Mitra, and it is a very interesting thing, wives becoming sole proprietor, managing director or chairman of the board of directors, and so on, and the husbands sharing Ministerial position—in a small State—as Chief Minister and Deputy Chief Minister. Lucky is Orissa to have two Chief Ministers, one going under the style of Deputy, another real—in that way. After that what happened? The Cabinet Sub-Committee says that immediately the business of the Orissa Agents increased manifold and immediately we find that the Orissa Agents also

became the sole sales agents to the firm in Calcutta—Jenson and Nicolson, Ltd. And there it is stated in the findings that Jenson and Nicholsons of Calcutta immediately increased the commission given to the Orissa Agents, after they had taken over the Ministry. Are we to ignore all these things? Are we to ignore all these things and think that there is nothing fishy about it all? Then what happened? Then within a matter of months, in November 1961, a circular was issued which made it possible for the Government of Orissa to buy more stores and other things from Kalinga Industries and the Kalinga Tubes through the Orissa Agents and in the report it is stated that the purchases which took place were not only irregular but that out of the purchases by the Orissa Government through the Orissa Agents, to the order of Rs. 60 lakhs, as much as Rs. 20 lakhs were in excess of demand. Somebody got it. The wife got it, it is admitted. But was the husband deprived? That I should like to know. Did the husband know nothing about it? How did the Cabinet Sub-Committee say that the husband did not get any benefit? Were the wives called upon before the Cabinet Sub-Committee to declare on oath what they had done with that property? Was it after this that they took this view? Did not the husbands get any share of it? On whose affidavit did they come to that conclusion? It is subjective. It is their desire on their part that these people should be given a clean bill and therefore they forgot that in our country wives share such things with the husbands, and so they came to the conclusion that no pecuniary benefits were derived. Madam Deputy Chairman, our wives have many domestic chores to attend to, many of them. They have to look after many other things. They are not taken into business by their husbands in order to earn.

(Interruptions)

SHRI B. K. P. SINHA: What experience has my hon. friend of wives? He is a bachelor.

SHRI BHUPESH GUPTA: I will not be diverted. Madam Deputy Chairman, Then you have another example. Mr. Srinivasan was appointed Chief Engineer and Administrator for that famous Paradip project. He was appointed in disregard of rules and after his appointment his emoluments were in excess of what was due. Mr. Patnaik, the Chief Minister told the Public Service Commission there that this post would not be at all announced. Clearly they were told that. After getting that appointment, within five days of it, Mr. Srinivasan placed orders to the tune of Rs. 18 lakhs with the Kalinga Tubes and materials were taken. And what is more, I am told that an advance of 90 per cent. of the expenditure was paid on the basis of that order. Within 24 hours of the order being placed, the advance was given to those people who were to supply the materials. And yet we are told in this Report that even after a year it had been found that the materials which were supposed to be bought from Kalinga Tubes could not be lifted, and the ground they were giving was that there was saline water in Paradip Port, that there was no storage facility etc. etc. as if they did not know about it before this arrangement of 90 per cent. being given to them. And this giving of 90 per cent. advance within 24 hours of the placing of the orders was done in disregard of the rules. Mr. Mahtab, when he was Chief Minister had made a rule, saying that such high advances should not be given. But it was done here. We would like to know who suffered the loss and who gained by it. Certainly the people suffered, Orissa suffered. It is no use the hon. Member, Shrimati Nandini Satpathy, telling us that Orissa had been liberated, that the bastions of the princely order had been removed and so on. The bastions of the princes had fallen but you have there people building the new empires of monopolists like Mr. Patnaik and Mr. Mitra and others.

SHRIMATI NANDINI SATPATHY: Ask your communist friends and they can tell you better.

SHRI BHUPESH GUPTA: Well, for the present, you have to hear me and as far as your friend is concerned, he has taken away so much money.

THE DEPUTY CHAIRMAN: Mr. Gupta, you must adhere strictly to your time, because there are many others to speak.

SHRI BHUPESH GUPTA: I am just finishing, Madam. Give me a few more minutes only.

THE DEPUTY CHAIRMAN: Only two more minutes.

SHRI BHUPESH GUPTA: Therefore this again is another thing. There is this question of some land. For a year, before Mr. Patnaik came in as Chief Minister nothing was done in order to get the lease charges reduced from Rs. 400 to Rs. 100. But immediately after he came in as Chief Minister, what was not done in one year was done in a matter of months, and they got the reduction from Rs. 400 to Rs. 100. Am I to understand that these are doings of little innocent people who move in the kindergarten classes or are they the doings of very *pucca* hands who know how to combine business of management with the Government through these organisations? I can give so many examples, but I do not wish to give them. I think the Prime Minister is guilty of shielding a corrupt organisation. Mr. Chagla and Mr. Asoke Sen and others are supposed to be very great stalwart lawyers and advisers. May I ask them if, suppose, the Opposition Party had been involved in this matter, what would they have done? May I ask them, suppose, in a shareholders' meeting these charges had been made by the shareholders against the Managing Agents or the Chairman of the Board of Directors, what would have happened in such a situation? Yet they have got here their legal ingenuity, argumentation, casuistry, logic-chopping, in order to cloud the issue and to shield corruption, when downright plunder of the Orissa treasury took place, money was paid, material benefits were gained and in the course of two and a half years

they made more money than ever since the Orissa Agents came into existence.

And then when the trouble started and the Kamaraj Plan came, Shri Patnaik went and Shri Biren Mitra became the Chief Minister and then we found the Orissa Agents winding up their business.

Therefore, Madam Deputy Chairman, I say that I charge this Government, the Prime Minister specially, of making a statement which is politically designed, in order to shield their party men. It is a partisan statement and every syllable of it is permeated with that spirit and I charge the Prime Minister of taking a narrow party outlook, because Mr. Patnaik happens to be a very powerful man in the Congress Party, therefore, nothing shall be done. It is another side of the weakness in the leadership. Madam Deputy Chairman, save the country from this Government. When they are able to commit such downright things which have been found recorded in the report of the CBI on which they are sitting tight, they in the Committee's findings have said that there were irregularities and improprieties on the part of these people. At this rate, we shall be calling rape, striptease and theft irregularities; plunder and dacoity would be described as impropriety. I do not know what would have happened if Edmund Burke were to speak of Warren Hastings and say that what he committed in India was only some impropriety and irregularities. Would that be justified if he had said that? I say there is a *prima facie* case even on the basis of the findings of the Cabinet Committee's own report which we have read and re-read. What has happened is downright corruption and plunder of public resources, misuse of office in which Ministers and officers and others had been involved and their objective was to enrich, by taking advantage of office, the Orissa Agents and the Kalinga concerns and to build the Patnaik-Mitra empire. In such a situation, in order to clear themselves from public suspicion and public accusation and allegations of the kind that have been

made, buttressed by documents and other materials, the proper thing is to place the whole matter under the searchlight of an enquiry under the Commissions of Inquiry Act and . . .

THE DEPUTY CHAIRMAN: That will do, Mr. Gupta. Mr. R. P. N. Sinha.

SHRI BHUPESH GUPTA: Therefore, I ask that this Government . . .

THE DEPUTY CHAIRMAN: I have called Mr. Sinha.

SHRI BHUPESH GUPTA: I say that this Government is a cesspool of corruption.

THE DEPUTY CHAIRMAN: Order, order. I have called Mr. Sinha.

SHRI BHUPESH GUPTA: Madam, Deputy Chairman, I am finishing.

THE DEPUTY CHAIRMAN: But I have called him.

SHRI BHUPESH GUPTA: So I would ask the hon Prime Minister to accept our suggestion.

SHRI R. P. N. SINHA (Bihar): Madam, I rise to oppose the amendment moved by my friend, Mr. Vajpayee, to the motion under consideration. While I was listening to the speech, I was reminded of a couplet . . .

SHRI BHUPESH GUPTA: You were reminded of a couplet or a couple? I am reminded of a couple.

SHRI R. P. N. SINHA: You being a bachelor should not talk of a couple. Now, this is by a poet Akbar of Allahabad:

SHRI LOKANATH MISRA: At least there is one conscientious gentleman who does not want to defend corruption.

THE DEPUTY CHAIRMAN: Order, order. Only very limited time is there at your disposal, Mr. Sinha.

SHRI R. P. N. SINHA: This is what the poet had said.

SHRI A. B. VAJPAYEE: Bad taste.

SHRI R. P. N. SINHA: In his own inimitable manner and not in the manner of Don Quixote of his neighbour, Shri Vajpayee waxed eloquent on something, on the charges against the Chief Minister of Bihar *without going into the matter at all*. There are no Chimeras in the world of reality but in the world of character assassination they are numerous and we sometimes make the error of believing them and that is what my friend, Mr. Vajpayee has done. He has trodden into an unknown land. He has dealt with a matter of which he has no knowledge personally. He has quoted from certain statements of the Chief Minister which he has taken out of context. I remember when the statement was made. It came out in the papers that the Home Minister was looking into the complaint against the Chief Minister of Bihar and many Congress people in Bihar resented this and we felt that the Home Minister had no right to look into the allegations against the Chief Minister of a State. This matter was referred to and in that context he said that he had not been sent any charges and that he had not submitted any explanations. That was about the Home Minister, not the Prime Minister.

SHRI A. B. VAJPAYEE: May I know the date on which the Chief Minister made that statement?

SHRI R. P. N. SINHA: I do not remember the date.

SHRI A. B. VAJPAYEE: Here is the newspaper cutting, the proceedings of the Bihar Assembly and what happened on the 22nd March are all mentioned here.

SHRI R. P. N. SINHA: That is true but has he got the entire proceedings? He has got only an extract.

SHRI BHUPESH GUPTA: You are a very good man. You don't speak on this subject.

SHRI R. P. N. SINHA: Madam, Bihar is one of those States—a very unfortunate State—that has had no political peace for many years since the death of Dr. Sri Krishna Sinha. After his death, after another Chief Minister was selected, allegations started coming to Delhi and this went on till under the Kamaraj Plan he was sent away on political pilgrimage. After he went, another leader of the Legislature Party was elected and consequently he became the Chief Minister. At that time, the Leader of the Opposition happened to be an old rival of his, I mean my great friend, the Raja Bahadur of Ramgarh. We all know that the rivalry between the present Chief Minister and the Raja Bahadur has been there for more than a decade. Now, he brought forward a Motion of No Confidence in the Assembly. In that motion, he made certain charges. I suppose the charges were numerous. The Chief Minister answered all the charges and went into them at great length. His reply went into hundred pages and he answered every charge and tore them to tatters, including the charges about the Chief Minister's sons doing business etc. If you are putting forth charges from out of your imagination, you can have any number but here I would take up only of the charges, the one about his sons. His sons have been in business for the last fifteen to twenty years, even from the time of Dr. Sri Krishna Sinha. The Chief Minister comes from a poor family and it is no wonder that his sons have tried to earn their livelihood. They started some business in Chota Nagpur in mica and other things. The present Chief Minister was not even a Minister then. To say that his sons enjoyed all the patronage of Government is something which is beyond anybody's reason to understand. The Chief Minister answered all those charges and they were over but the things did not end there. At that stage, came on the scene the villain of the piece, not three but five

musketeers from Bihar lead by one Mr. Bhola Prasad Singh of whose antecedents we are fully aware.

SHRI G. MURAHARI: What are the antecedents?

SHRI R. P. N. SINHA: I am not here to discuss all that.

SHRI G. MURAHARI: Why do you then make such an allegation against somebody who is not here to defend himself?

(Interruptions)

What do you know about his antecedents? What are the antecedents? That is what I want to know.

SHRI JOSEPH MATHEN (Kerala): Same as yours.

SHRI C. D. PANDE (Uttar Pradesh): He is Lohia's man in Bihar.

SHRI R. P. N. SINHA: For the information of his compatriot here, I would just read out what "The Searchlight" published a few days back about his performance in the Legislature. It said:

SHRI A. B. VAJPAYEE: We are not concerned with him. He is not the Chief Minister of Bihar.

SHRI R. P. N. SINHA: We are concerned because he is the villain of the piece. The paper says:

"During the discussion of the Bill noisy scenes were created and the presiding Member, Mr. Krishna Bahadur, had to raise his voice often to restore order and to bring a Member to relevance (Here the Member is Mr. Bhola Prasad Singh). On one occasion all the Congress Members rose in protest when Mr. Singh said that even some Opposition Members were joining the Congress for a share in the loot and did not allow him till he withdrew."

SHRI A. B. VAJPAYEE: What is wrong with that?

SHRI R. P. N. SINHA: He is Mr. Bhola Prasad Singh and . . .

SHRI G. MURAHARI: What is wrong with this?

SHRI R. P. N. SINHA: What I wanted to show was that this is the sort of man who had been running to and from Patna to Delhi and submitting memoranda and allegations, etc., against the Chief Minister.

SHRI G. MURAHARI: Wherever there is corruption, there will be a memorandum.

(Interruption)

SHRI R. P. N. SINHA: I do not want to bring in the Raja Bahadur.

THE DEPUTY CHAIRMAN: Your time is getting over while you are consulting your neighbour.

SHRI R. P. N. SINHA: I am finishing. Well, Madam, I had occasion to look into the memorandum about which reference was made by the Prime Minister. This memorandum, I was told, was written by one of the most prominent lawyers of the Patna High Court and when I showed it to some of the lawyers here, lawyers of the Supreme Court, they said, "I is unbelievable that an eminent lawyer can draw up a third class document like this". I do not know if my hon. friend, Mr. Vajpayee, has got this memorandum or whether he has looked into it.

SHRI A. B. VAJPAYEE: I have got a copy.

SHRI R. P. N. SINHA: You have got a copy?

SHRI A. B. VAJPAYEE: Yes.

SHRI R. P. N. SINHA: Then you should certainly support what I have been saying about this memorandum.

SHRI G. MURAHARI: What about the charges?

THE DEPUTY CHAIRMAN: Please wind up.

SHRI JOSEPH MATHEN: That is all baseless.

SHRI R. P. N. SINHA: Now it was on this memorandum that the Prime Minister was asked to give his opinion. Now anybody, who has intelligence as Mr. Vajpayee has, can see that the Prime Minister could form no other opinion about the charges that were levelled in this memorandum than what he did and there is no denying that all the allegations that are there are fantastic, untrue and they are, as I said, chimerical and I would say uncharitable also.

شی عبدالغنی (یغاب) :

جذاب والا - جہاں تک آفیشل پارٹی کا تعلق ہے اس کے بارے میں سارا سارا دیکھ سہاتا گاندھی کو اپنا گرو ماننا ہے - سہاتا گاندھی کی وہ مثالیں ہمارے سامنے ہیں - ایک تو ہے میرے بزرگ سارڈول کوپہر کی جلیہوں نے صرف اتنا کہا تھا کہ یہ جو پروٹوٹ ہے وہ قائم ہار ہو گیا ہے - گاندھی جی نے نہ صرف ورکنگ کمیٹی سے نکالا بلکہ انہیں پبلک پولیٹکس سے بالکل دور جانا ہوا - دوسری مثال ہمارے ناری مو کی ہے - اس میں بھی گاندھی جی نے بالکل چلتا نہیں کی اور جائز جو تھا وہ دنیا کے سامنے رکھا - میں مان لیتا ہوں کہ جو کچھ صدر نے بھائی کہتے ہیں انریبل ممبران فرماتے ہیں کہ یقیناً

[شری عبدالغنی]

اور بدھیں متراہ کے - وی سہالے اور
شری نیچ لنگھا وہ سب دودھہ کے
نہائے ہوئے ہیں، بالکل فرشتے ہیں،
تو میں یہ آپ کو یاد دلاؤں گا کہ
ان کے اور مہرے جو دوسرے نہتے
جواہر لال تھے، انہوں نے جب، داس
کمیشن کو مقرر کیا تھا، تو کہا
تھا کہ پرتاپ سنگھ کھروں بالکل
نردوش ہیں لیکن ہارجون اس کے
کہ میں مانتا ہوں، پھر یہی میں
یہ کہتا ہوں کہ ملک واہ بھائیوں
کو تسلی دہانے کے لئے ضروری ہے
کہ ہم داس کمیشن بٹھائیں اور اس
کمیشن کے یہ ثابت کیا کہ جواہر
لال نہرو جی کے سامنے میں جو
یہ بات بتھائی گئی تھی وہ بالکل
غلط تھی - اور پرتاپ سنگھ کھروں
مستحرم ثابت ہوئے - اسی لئے میں
کہتا چاہتا ہوں کہ آپ کے جو ایکس
چیف مسٹر ہیں یا موجودہ چیف
مسٹر ہیں اگر وہ دودھ کے نہائے
ہوئے ہیں تو آپ انکوائری کرنے - میں
کہہواتے کہوں ہیں - آپ کمیشن بٹھالے
میں دولت کہوں محسوس کرتے
ہیں - کہوں کہ آپ یہ مانگ کر
سکتے ہیں جیسا کہ ہلڈت جی نے
بھی فرمایا تھا کہ تم کو جیل میں

جانا پڑے گا اگر تم ثابت نہیں کر
سکوگے - لیکن ہم ثابت کر سکتے
ہیں اور اس بات کی ضروری
ذمہ داری لیتے ہیں کہ ہم جیل جانے
کے لئے تیار ہیں اگر ہم ثابت نہیں
کر پائیں گے کہ یہ جو بھائی ہیں
وہ دودھہ کے نہائے ہوئے نہیں بلکہ
وہ مستحرم ہیں، کرپٹ ہیں - انہوں
نے جائیداد لوٹی ہے - انہوں نے
دولت بنائی ہے - اہلی فیملی کے
لئے اور دوستوں کی فیملی کے لئے
سب کے لئے بنائی ہے - اگر ہم یہ
سب باتیں ثابت نہیں کر پائیں
گے تو ہم جیل جانے کے لئے تیار
ہیں -

دوسری بات جو ہمارے قابل
تربین مسٹر اشوک سہی صاحب نے
فرمائی ہے کہ تم جاؤ کورٹ میں
ہم بہترین لائر دیں گے - میں ایسا
نہیں مانتا ہوں کہونکہ جب داس
کمیشن بٹھایا گیا تھا تو میں مشلی
کے طور پر کام کرنا تھا۔ (Interruptions)
جب آپ کی بھی باروی آئے گی تب ہم
بتلائیں گے کہ آپ کتنے کرپٹ ہیں تو میں

یہ کہہ رہا تھا کہ اشوک سین صاحب نے کہا کہ ہم ڈنر، کھیل ڈنر دیں گے۔ لیکن ہم بار بار اس وقت چلتے رہے، مسٹر سین صاحب، گورنمنٹ، کہتے رہے کہ ہمیں ڈنر دینا چاہیے۔ لیکن کسی نے نہیں دیا۔ ہمیں لاکر ہی نہیں دیا بلکہ جو بیس انہوں نے ہمارے پرائم مسٹر کو دئے تھے اس کی کاپی تک مہیا نہیں کی۔ اب بھی مہیا نہیں کریں گے جو پمڈاک صاحب، بیرمیں مترا یا چھف سیکریٹری صاحب نے بیان دئے ہیں اس کے بارے میں ابھی تک نہیں بتلایا گیا ہے۔

مہتمم قپتی چتر سین، اس وقت جو وقت ہوئی وہ یہ تھی کہ پمپولہج کال کر لیا اور کہا کہ یہ فائل نہیں دکھائیں گے اور ہم یہ فائل کرتے ہیں۔ اگو اشوک سین صاحب یہ ذمہ لیں تو ہم ان لوگوں کے اوپر مقدمہ دائر کرتے ہیں۔ میں ایلٹی کومیشن کانفرنس کا سیکریٹری ہوں اور میں مقدمہ کرنے کے لئے تیار ہوں۔ لیکن یہ ذمہ داری لیں کہ ہم نہ صرف وکیل دیں گے بلکہ فائل پر پمپولہج کال نہیں کریں گے۔ وہ یہ کہیں کہ لیں گے پاس جو ڈکومنٹس ہیں وہ بھی خوشی کے ساتھ عدالت کے سامنے رکھ دیں گے۔ اگر وہ اس طرح کی بات کرنے کے لئے تیار ہیں تو

ہم عدالت میں جانے کے لئے تیار ہیں۔ جہاں ہم یہ ثابت کریں گے کہ جن چیف منسٹروں کو پمڈا دی جا رہی ہے، وہ کرپٹ ہیں۔ کھلیت سب کھلی کا درجہ جواہر لال نہرو سے اوپر نہیں ہو سکتا۔ کھلیت سب کھلی ان لوگوں کے بارے میں کہتی ہے کہ امپروپرائٹیز نہیں ہیں اور انہوں نے کوئی کسی طرح کی خیانت نہیں کی ہے، کوئی بد دیانتی نہیں کی ہے۔ اس میں کوئی ایسی بات نہیں ہے جو ہمارے شان دار لیکچر جن کی میں آج عزت کرنا ہوں، جب میں نے ان کو سنا تو مجھ کو برا دکھ ہوا۔ ہمارے جو چاکلہ جی ہیں وہ ایک قابل ترین فرزند ہیں اور میں یہ کہنا چاہتا ہوں کہ آپ کی سب کھلی کی چاہے کتنی وقعت کروں نہ ہو لیکن جواہر لال نہرو کے مقابلہ میں کھلیت سب کھلی کی کوئی قیمت نہیں ہے۔ اس کو سارا ملک تسلیم کرے گا اور ساری دنیا تسلیم کرے گی۔ جب ان کو دھوکا لگ سکتا ہے تو کھلیت سب کھلی کے بارے میں بھی دھوکا ہو سکتا ہے۔ لیں کے سامنے اور ان کے من میں ایسی باتیں آ سکتی ہیں کہ انہیں پالمپلکس میں معلوم نہیں کس کا پردہ یہاں چاک ہونے والا ہے۔ میں اپنا پردہ چاک کرنے کے لئے تیار ہوں اور جو

[شری عبدالغنی]

انہیں مل جل کر رہا ہے۔ یہاں پر فرما رہے تھے میں ان کو ملتا رہتا ہوں اور وہ ہمیشہ ہنگامہ بھریں مترا کے معاملہ میں توڑتے رہتے ہیں۔ آپ کے پاس حکومت ہے پولیس آپ کے پاس ہے۔ عدالت آپ کے پاس ہے، جہل آپ کے پاس ہے۔ آپ میں دیکھئے اور ہم یہ ثابت کرتے ہیں کہ اس کیلئے سب کا ہٹی نے اس معاملہ میں بالکل زیادتی کی ہے۔ اور یہ کہنا کہ پرائیویسی کیس نہیں ہے تو میں کہنا چاہتا ہوں کہ پرائیویسی کیس آپ کو کیسے نظر آئے گا۔ پرائیویسی کیس تو تب نظر آئے گا جب ہم اس کو بالکل نہ دیکھیں۔ آپ اس بار کو دیکھ کر دیکھیں کہ ہمارے پارٹی کہاں کہاں بد نام ہونے جا رہی ہے۔ میں سمجھتا ہوں کہ اگر اس وقت آپ میں حسد ہے تو آپ ہمارے چیلنج کو قبول کریں اور میں آپ کا چیلنج قبول کرتا ہوں۔ میں ان لوگوں پر مقدمہ کرنے کے لئے تیار ہوں۔ آپ جس طرح کا داس کمیشن پہلے بٹھایا تھا اس طرح اس کمیشن بٹھائیں اگر اس کا فتویٰ آپ کے حق میں جائے تو میں یقین دلانا چاہتا ہوں کہ میں پولیٹکس کو ہمیشہ کے لئے تھاک دوں گا۔ لیکن اگر ہم سچے ثابت ہوئے تو یہ جو کیلئے سب

کمٹی والے ہیں یا پرائم منسٹر ہیں یا ہوم منسٹر ہیں ان کو شان کے ساتھ ریزائن کرنا چاہیئے۔ جب ہم سچے ثابت ہوئے ہیں اور وہ عدالت میں مجرم ہوتے ہیں، مجرم ہیں اور مجرم دہش کے تو پھر آپ اس طرح کا کمیشن بٹھانے سے کیوں قرتے ہیں۔

مہتمم قیامی چھڑ میں؟ میں بڑے ادب سے عرض کرنا چاہتا ہوں کہ آج یہ ٹھیک ہے کہ پالیٹکس میں کئی باتیں دیکھنی پڑتی ہیں۔ جن کو حکومت کرنی ہوتی ہے ان کو مصلحت سے کام لینا ہوتا ہے۔ لیکن مصلحت سے کام لیں مہرے بھائی ایم۔ پی بھارگو جس نے ساری زندگی کانگریس کے دھ کے لئے کانگریس کے اصول کے پرچار کے لئے کانگریس والوں کو سلجھانے کے لئے سکھائے اور اہلسا کے لئے دے دی ہے؟ وہ کہتے ہیں کہ سرکار نے جو کچھ کر دیا وہ ٹھیک ہے۔ مجھے ان کے اسلئے مہنت کو دیکھ کر برا دکھ ہوا۔ لیکن مجھے اس بات کا دکھ نہیں ہے کہ ہمارے جڑ چھانڈا صاحب ہیں وہ کیا کرتے ہیں۔ وہ کانگریس میں نہیں رہے اور گاندھی جی کے سامنے انہیں زانو تہ کرنے کا موقعہ نہیں ملا۔ اور نہ ہی ہمارے اشوک سین صاحب کو موقعہ ملا۔ یہ بات مہرے دماغ میں آ سکتی ہے۔ لیکن ایک قابل توہین نرند ہوتے ہوئے اس طرح کا دل و

دماغ دکھتے ہوئے اس طرح کا کام کرے
کیا وہ تھیک کرتا ہے ؟ لیکن ایک
کانگریسی ہے بڑا ہی ستون ہے اور
عظیم الشان ورکر ہے وہ ایسی بات
کہتا ہے تو وہ میری سمجھ میں نہیں
آتی -

سورکار کو دو باتیں بڑی دلیری سے
کرنی چاہیئیں - وہ یہ کہتی ہے کہ
سی-بی-آئی کی جو رپورٹ ہے وہ پبلک
ڈکومینٹ نہیں ہے اگر نہیں ہے تو نہ
صحیح کیا وہ مجذوب کی بڑ ہے ؟ ہم
ایک بات کہتے ہیں کہ اگر وہ مجذوب کی
بڑ نہیں ہے تو وہ حقیقت ہے - تو آپ
کہتے ہیں کہ وہ مجذوب کی بڑ ہے - آپ
کمیشن کیوں نہیں بٹھاتے اور ہم لوگوں
کو پورا موقعہ کیوں نہیں دیتے ؟ آپ
پورا موقعہ دیجئے - اگر ہم سچے ثابت
ہوئے تو آپ کو کہنا چاہئے کہ ہم سچے
ہیں - اور اگر آپ سچے ثابت ہوئے
تو ہم کہیں گے کہ آپ سچے ہیں -
میں ایک بات ار کہہ چاہتا
ہوں کہ ہمارے اپوزیشن والے بھائی جو
ایسے کے ہیں جنہوں نے یہ مہمورندم
دیا ہے - اور اس کے بعد آچاریہ کرپلائی
کی راہ نمائی میں تمام ان ذمہ دار
بھائیوں نے جس میں دیا بھائی اور
باجپئی بھی اور کئی اپوزیشن کے بھائی
ہیں راشٹر پتی جی سے ملاقات کی - یہ سب
غلط ہو سکتے ہیں - میں مان لیتا ہوں -
لیکن کیا ہرے کرشن مہتاب جی کے
خط کو جو آج کانگریس کے سب سے بڑے
ستونوں میں سے ایک ستون ہیں کوئی
چھپا سکتا ہے ؟ انہوں نے کیا کہا -

مہدم - انہوں نے یہ کہا کہ یہ کرپشن
لاکھوں کا نہیں بلکہ کروڑوں کا ہوا - اور
انہوں نے ان سودوں کا ذکر کیا جو سودے
موجودہ منسٹری نے کئے - اس کا حل
کیا ہے ؟

5 P.M.

آپ ایک کو گالی دے سکتے ہیں -
آپ کے پاس مجارٹی ہے اور آپ اپنی
مجارٹی سے ہمیں گرا سکتے ہیں لیکن
ہماری بات کو آپ غلط ثابت نہیں کر
سکیں گے - جب تک یہ سورج نکلتا
ہے تب تک ہم پورے دعووں سے کہتے
ہیں کہ ہم آپ کو عدالت میں جھوٹا
ثابت کریں گے اور اپنے آپ کو سچا
ثابت کریں گے - اگر ہم آپ کو جھوٹا
ثابت نہیں کریں گے تو میں یہاں کھڑے
ہو کر اعلان کرتا ہوں کہ میں پولیٹیکس
سے ہمیشہ کے لئے ریٹائر ہو جاؤں گا -
اتنا ہی نہیں آپ مجھے پھانسی کی
سزا دیجئے اور میں خوشی سے اس کو
قبول کروں گا - تو اگر ہم عدالت میں
بہترین مترا کو، پٹنایک کو، اور نیج
لنگپا کو مجرم قرار نہ دیں تو میں
ہمیشہ کے لئے سزا بھگتنے کے لئے تیار
ہوں - تھیلک یو -

†[श्री अब्दुल गनी (पंजाब) :
जनाबे वाला, जहा तक आफिशियल पार्टों
का ताल्लुक है वलिक सारे देश का-सारा देश

†[] Hindi transliteration.

[श्री अब्दुल गनी]

महात्मा गांधी को अपना गुरु मानता है । महात्मा गांधी की दो मिसालें हमारे सामने हैं एक तो है मेरे बुजुर्ग सार्दूल केवीशर की जिन्होंने सिर्फ इतना कहा था कि यह जो प्रोनोट है वह टाईम बार हो गया है । गांधी जी ने न सिर्फ वर्किंग कमेटी से निकाला बल्कि उन्हें पब्लिक पोलिटिक्स से बिल्कुल दूर जाना पड़ा । दूसरी मिसाल हमारे नारी-मन की है । उस में भी गांधी जी ने बिल्कुल चिन्ता नहीं की और जाईज जो था वह दुनिया के सामने रखा । मैं मान लेता हू कि जो कुछ मेरे भाई कहते हैं, आनरेबल मेम्बरान फरमाते हैं कि पटनायक और बीरेन मित्रा, के० बी० सहाय और श्री निर्जलिगप्पा, वे सब दूध के नहाए हुए हैं, बिल्कुल फरिश्ते हैं तो मैं यह उन को याद दिलाऊंगा कि उनके और मेरे जो दूसरे नेता जवाहरलाल थे, उन्होंने जब दास कमीशन को मुकदमा किया गया था, तो कहा था कि प्रताप सिंह कैरों बिल्कुल निर्दोष हैं लेकिन बावजूद इसके कि मैं मानता हू, फिर भी मैं यह कहता हू कि मुल्क वाले भाईयों को तसल्ली देने के लिये जरूरी है कि हम दास कमीशन बिठाएं और उस कमीशन ने यह साबित किया कि जवाहरलाल नेहरू जी के दिमाग में जो यह बात बिठाई गई थी, वह बिल्कुल गलत थी और प्रताप सिंह कैरों मुजरिम साबित हुए । इसलिए मैं कहना चाहता हू कि आप के जो एक्स-चीफ मिनिस्टर है या मौजूदा चीफ मिनिस्टर हैं, अगर वह दूध के नहाए हुए हैं तो आप इन्क्वायरी करने में घबराने क्यों हैं ? आप कमीशन बिठाने में दिक्कत क्यों महसूस करते हैं ? क्योंकि आप यह मांग कर सकते हैं जैसा कि पंडित जी ने भी फरमाया था कि तुमको जेल में जाना पड़ेगा अगर तुम साबित नहीं कर सकोगे । लेकिन हम साबित कर सकते हैं और उस बात की पूरी जिम्मेदारी लेते हैं कि हम जेल जाने के लिए तैयार हैं अगर हम साबित

नहीं कर पाएंगे कि यह जो भाई हैं वे दूध के नहाए हुए नहीं हैं बल्कि मुजरिम हैं, करप्ट हैं । उन्होंने जायदाद लूटी है । उन्होंने दौलत बनाई है । अपनी फैमिली के लिए और दोस्तों की फैमिली के लिए सबके लिए बनाई है । अगर हम यह सब बातें साबित नहीं कर पाएंगे तो हम जेल जाने के लिए तैयार हैं ।

दूसरी बात जो हमारे काबिलतरीन मिनिस्टर अशोक सेन साहिब ने फरमाई है कि तुम जाओ कोर्ट में हम बेहतरीन लायर् देगे, मैं ऐसा नहीं मानता हू क्योंकि जब दास कमीशन बिठाया गया था तो मैं मुंशी के तौर पर काम करता था । (Interruptions)

जब आपकी भावारी आएगी तब हम बतलाएंगे कि आप कितने करप्ट है । तो मैं यह कह रहा था कि अशोक सेन साहिब ने कहा कि हम लाय्यर, कंपेबल लाय्यर देगे । लेकिन हम बार बार उस वक्त चिल्लाते रहे मिस्टर सेन साहिब से, गवर्नमेन्ट से, कहते रहे कि हमें लाय्यर दीजिए लेकिन किसी ने नहीं दिया । हमें लाय्यर हा नहीं दिया बल्कि जो बयान उन्होंने हमारे प्राइम मिनिस्टर को दिए थे उसकी कापी तक मुहैया नहीं की । अब भी मुहैया नहीं करेगे । जो पटनायक साहिब, बिरेन मित्रा या चीफ सैक्रेटरी साहिब ने बयान दिए है उसके बारे में अभी तक नहीं बतलाया गया है ।

मैडम डिप्टी चैयरमैन, उस वक्त जो दिक्कत हुई वह यह थी कि प्रिविलेज काल कर लिया और कहा कि यह फायल नहीं दिखाएंगे और हम यह फाईल करते हैं । अगर अशोक सेन साहिब यह जिम्मा लें तो हम उन लोगों के ऊपर मुकदमा दायर करते हैं । मैं एंटी कर्प्शन कांफ्रेंस का सैक्रेटरी हू और मैं मुकदमा दायर करने के लिए तैयार हू लेकिन यह जिम्मेदारी लें कि हम न सिर्फ वकील देंगे बल्कि फाईल पर प्रिविलेज काल

नहीं वरेंगे। वह यह कहें कि उनके पास जो डाकूमैट है वह भी खुशी के साथ अदालत के सामने रख देंगे। अगर वे इस तरह की बात करने के लिए तैयार हैं तो हम अदालत में जाने के लिए तैयार हैं जहाँ हम यह साबित करेंगे कि जिन चीफ मिनिस्टर्स को पनाह दी जा रही है वे कर्पट हैं, कैबिनेट सब कमेटी का दर्जा जवाहरलाल नेहरू से ऊपर नहीं हो सकता। कैबिनेट सब कमेटी उन लोगों के बारे में कहती है कि इम्प्रोप्राई-टीज नहीं है और उन्होंने कोई किमी तरह की खयानत नहीं की है। कोई बद-दयानती नहीं की है उस में कोई ऐसी बात नहीं है। हमारे शानदार लीडर जिन की मैं आज इज्जत करता हूँ, जब मैं ने उन को सुना, तो मुझ को बड़ा दुख हुआ। हमारे जो चागला जी हैं वह एक काबिलतरीन फ़रजन्द हैं और मैं यह कहना चाहता हूँ कि आप की सब कमेटी की चाहे कितनी वकअत क्यों न हो लेकिन जवाहरलाल नेहरू के मुकाबले मैं कैबिनेट सब कमेटी की कोई कीमत नहीं है। इस को सारा मुल्क तसलीम करेगा और सारी दुनिया तमलीम करेगी। जब उन को धोखा लग सकता है तो कैबिनेट सब कमेटी के बारे में भी धोखा हो सकता है। उन के सामने और उन के मन में ऐसी बातें आ सकती हैं कि आईन्दा पोलिटिक्स में मालूम नहीं कि किस का पर्दा यहाँ चाक होने वाला है। मैं अपना पर्दा चाक करने के लिए तैयार हूँ और जो आनरेबल मेम्बर यहाँ पर फरमा रहे थे मैं उन को मुनता रहता हूँ और वे हमेशा पटनायक, बीरेन मित्रा के मामले में तड़पते रहते हैं। आप के पास हुकूमत है, पुनिस आप के पास है। अदालत आप के पास है, जेल आप के पास है। आप हमें दीजिए और हम यह साबित करते हैं कि इस कैबिनेट सब कमेटी ने इस मामले में बिल्कुल ज्यादाती की है और यह कहना कि प्राइम फेसी केस नहीं है तो मैं कहना

चाहता हूँ कि प्राइम फेसी केस आप की कैसे नज़र आएगा। प्राइम फेसी केस तो तब नज़र आएगा जब हम उस को बिल्कुल निरपेक्ष हो कर देखें। आप इस बात को हटा कर देखें कि हमारी पार्टी कहां कहा बदनाम होने जा रही है। मैं समझता हूँ कि अगर इस वक़्त आप में हिम्मत है तो आप हमारे चैलिज को कबूल करें और मैं आप का चैलिज कबूल करता हूँ। मैं उन लोगों पर मुकदमा करने के लिए तैयार हूँ। आप जिस तरह का दाम कमीशन पहले बिठाया गया था उसी तरह का कमीशन बिठाएं। अगर इन का फतवा आप के हक में जाए तो मैं यकान दिलाना चाहता हूँ कि मैं पोलिटिक्स को हमेशा के लिए त्याग दूंगा लेकिन अगर हम सच्चे साबित हुए तो यह जो कैबिनेट सब कमेटी वाले हैं या प्राइम मिनिस्टर हैं या होम मिनिस्टर हैं उन को शान के साथ रिजाइत करना चाहिए। जब हम सब साबित हुए हैं और वह अदालत में मुजरिम होते हैं, मुजरिम हैं और मुजरिम रहेंगे, तो फिर आप इस तरह का कमीशन बिठाने से क्यों डरते हैं।

मैडम डिप्टी चैयरमैन, मैं बड़े अदब से अर्ज़ करना चाहता हूँ कि आज यह ठीक है कि पोलिटिक्स में कई बातें देखनी पड़ती हैं। जिन को हुकूमत करनी होती है उन को मसलहत से काम लेना होता है। लेकिन मसलहत से काम लें मेरे भाई एम० पी० भार्गव जिस ने सारी जिन्दगी कांग्रेस के ध्येय के लिए, कांग्रेस के असूल के प्रचार के लिए, कांग्रेस वालों को सभालने के लिए, सत्य और अहिंसा के लिए दे दौ है, वह कहते हैं कि सरकार ने जो कुछ कर दिया वह ठीक है और मुझे उन के अमेडमेन्ट को देखकर बड़ा दुख हुआ,

[श्री अब्दुल ग़नी]

लेकिन मुझे इस बात का दुख नहीं है कि हमारे जो छागला साहिब है वह क्या करते हैं। वह कांग्रेस में नहीं रहे और गांधी जी के सामने उन्हें जानू ता करने का मौका नहीं मिला। और न ही हमारे अशोक सेन साहिब को मौका मिला। यह बात मेरे दिमाग में आ सकती है। लेकिन एक काबिलतरीन फरजन्द होते हुए, इस तरह का दिल व दिमाग रखते हुए, इस तरह का काम करे क्या वह ठीक करता है? लेकिन एक कांग्रेसी है, बड़ा ही स्तून है और अजीम आलोचन वर्कर है, वह ऐसी बात कहता है तो वह मेरी समझ में नहीं आती।

सरकार को दो बातें बड़ी दिलेरी से करनी चाहिए। वह यह कहती है कि सी० बी० आई० की जो रिपोर्ट है वह पब्लिक डोक्यूमेंट नहीं है अगर नहीं है तो न सही। क्या वह मजबूब की बड़ है? हम एक बात कहते हैं कि अगर वह मजबूब की बड़ नहीं है, तो वह हकीकत है। आप कहते हैं कि वह मजबूब की बड़ है तो आप कमीशन क्यों नहीं बिठाते और हम लोगों को पूरा मौका क्यों नहीं देते? आप पूरा मौका दीजिए। अगर हम सच्चे साबित हुए तो आप को कहना चाहिए कि हम सच्चे हैं और अगर आप सच्चे साबित हुए तो हम कहेंगे कि आप सच्चे हैं। मैं एक बात और कहना चाहता हूँ कि हमारे अपोजीशन वाले भाई जो उड़ीसा के हैं, जिन्होंने यह मेमोरेंडम दिया है और उन के बाद आचार्य कृपलानी की रह-नुमाई में तमाम उन जिम्मेदार भाईयों ने जिस में दयाभाई और वाजपेयी भी और

कई अपोजीशन के नेता हैं राष्ट्रपति जी से मुलाकात की। वे सब गलत हो सकते हैं, मैं मान लेता हूँ, लेकिन क्या हरे कृष्ण महताब जी के खत को जो आज कांग्रेस के सब से बड़े स्तूनों में से एक स्तूत हैं कोई छिपा सकता है? उन्होंने ने क्या कहा, मंडम, उन्होंने ने यह कहा कि यह करप्शन लाखों का नहीं बल्कि करोड़ों का हुग्रा और उन्होंने उन सोदों का जिक्र किया जो सौदे मोजूदा मिनिस्टरी ने किए। इस का हल क्या है?

5 P.M.

आप एक को गाली दे सकते हैं, आप के पाम मेजार्टी है और आप अपनी मेजार्टी से हमें गिरा सकते हैं लेकिन हमारी बात को आप गलत साबित नहीं कर सकेंगे। जब तक यह सूरज निकलना है तब तक हम पूरे दावे से कहते हैं कि हम आप को अदालत में झूठा साबित करेंगे और अपने आप को सच्चा साबित करेंगे। अगर हम आपको झूठा साबित नहीं करेंगे तो मैं यहाँ खड़े हो कर एलान करता हूँ कि मैं पोलिटिक्स से हमेशा के लिए रिटायर हो जाऊंगा। इतना ही नहीं आप मुझे फासी की सजा दीजिए और मैं खुशी से उस को कबूल करूंगा। तो अगर हम अदालत में बीरेन मित्रा को, पटनायक को और निर्जलिंगप्पा को मुजरिम करार न दें तो मैं हमेशा के लिए सजा भुगतने के लिए नैवार हूँ। थैंक्यू।]

SHRI K. K. SHAH: Madam Deputy Chairman, I am very proud that a very stormy question has been discussed in a very serene manner in spite of the fact that there are occasions when tempers could be faster than what they have been. On the whole, it has been demonstrated by this House, that in such a nice way

such a difficult question can be discussed and in the same spirit I request the hon. Members opposite to take into consideration a few submission that I am making. Please remember that Mr. Biju Patnaik and Mr. Mitra have filed suits in a court of law on the same facts—and the courts are very jealous. They do not permit you to discuss the facts on which a challan or a case has been filed. They do not like that public opinion should be whipped up which is likely to affect the course of justice. They do not like that anything should be done directly or indirectly which is likely to affect them in the judgment that they might deliver. Now, this was therefore a difficult situation. Take, for example, any Member of this House, against whom an allegation is made, promptly goes to a court of law. It may be that sometimes with a view to prolonging the agony some people file suits, but once the matter has gone to a court of law, it is beside the point for which purpose the suit has been filed. The point is, can the same question be discussed even by the highest authority? In fact, if you would permit me to say so, we have placed ourselves in a very difficult position. Mr. Biju Patnaik could have done it. Please try to follow, I am not holding any brief for anybody, what a difficult task was undertaken even by the Committee. To express an opinion was difficult. Still the anxiety was to see that if there was some substance in the allegations made, Mr. Biju Patnaik or as a matter of fact Mr. Biren Mitra should not head the State. On the one side the anxiety was to see that he did not head the State. On the other side, the anxiety was to see that they did not do anything which was likely to interfere with the course of justice. It was while they were facing this difficult task that the Prime Minister got a memorandum which was received by the President. Now, at that stage—you may find him ultimately, when the case is decided, either guilty or innocent—it must be said to the credit of Mr. Biju Patnaik even, that he could have gone to the court of law where he had filed the suit and obtained an injunction saying that this enquiry even by the President was likely to interfere

with the justice that he had been demanding in this court. He did not do that. The proceedings were forwarded to the Prime Minister. The Prime Minister, again, could not make an open enquiry. That will mean interference with the courts. Still the Prime Minister is anxious, since Mr. Biju Patnaik belongs to his Party, to see that if there is some substance, then he should not allow Mr. Mitra to carry on as Chief Minister. The only alternative was for him to appoint a sub-committee of eminent lawyers, who would pay the price of being misunderstood, but still preserve the principles which have been highly respected in this country, i.e. not to interfere with the course of justice. It was this difficult task. Please, if you remember this background and examine what the sub-committee has done, examine what the Prime Minister has done, then you will appreciate it. And you will permit me to say that even a man who is in the dock is entitled to your respect. He could have taken a sterner attitude. He could have gone to the court of law and pleaded before the court saying that you must not allow them to carry out any preliminary enquiry. Now, what more do you want? (*Interruption*). Please apply the same serene mind, in the same serene way which you have been carrying on, apply the same mind to this difficult question. I say it is Mr. Chagla who could pay the price, the ex-Chief Justice of Bombay High Court who could pay the price of even being misunderstood, by undertaking a difficult task. On the one side, he had to respect the same cause whose privileges all through his life he has taken care to see that they are absolutely guarded. On the other side—(*Interruption*)—I do not yield because my time is very limited and I have got a number of points.

SHRI M. RUTHNASWAMY (Madras): In order to follow your speech, may I know what is the nature of the suit filed by Mr. Patnaik in the court?

SHRI K. K. SHAH: Please, in the same serene way we want to discuss this question. There are occasions in the life of human beings and much more so in the

[Shri K. K. Shah.]

life of a Legislature when a difficult, tight rope-walking has to be performed and everybody's conduct must be judged from the angle from which this task has been undertaken. And if these facts are borne in mind, what has the Prime Minister done? On the contrary, the Prime Minister has gone to the extent of making public statements which cannot be made. In regard to the friends who produced the document, the report of the Sub-Committee, what are the forces behind it? That it was stealthily obtained was itself wrong. In an imperative moment of your life to *expose a bigger crime, if you commit a smaller crime*, you may console yourself, but a greater penalty will have to be paid. I am saying that whoever is responsible for making it a public document, is likely to interfere with the course of justice. You are producing and making it a public document which gives opinion about a matter which is pending in a court of law. That is why the Sub-Committee could not produce the document and make it public, because an opinion has been expressed on matters which are pending in a court of law.

AN. HON. MEMBER: You could not keep your secrets.

SHRI K. K. SHAH: It is not a question of keeping secrets. Even my friend could come into possession of a document by producing that document and making it public. What is not permitted is a public discussion of facts which are pending, which are matters pending in a court of law. The moment a document is placed on the Table of this House it becomes a public document. And the moment you make it a public document you are interfering with the course of justice. You may privately discuss it. You may not like it, because you are not in that mood.

AN HON. MEMBER: They are not lawyers.

SHRI K. K. SHAH: I am sure if you discuss this with any Supreme Court lawyer or any other lawyer, I am prepared to challenge it, the verdict can be only one,

namely, that by making this document public, an attempt has been made to interfere with the course of justice, by discussing a matter which is *sub judice*. Even in regard to matters which have been published, when the matter is pending in a court of law, in respect of any remark published in a newspaper, note has been taken by courts and they have been held to be contempt of court.

SHRI LOKANATH MISRA: But cannot you produce evidence? This is evidence.

SHRI K. K. SHAH: Let the court carry on. When the court is carrying on an enquiry, there are two stages in a case. One is the stage of enquiry or investigation. After the investigation or enquiry is over, the charge is framed and then a *prima facie* case is made out. It is for the court to decide whether a *prima facie* case is made out or not. Even at this stage when a *prima facie* case has to be made out, no comment is permitted by a court of law. You may not like it today, but I am sure some day you will appreciate the value of my small voice. Now, what has happened? Instead of saying that Mr. Biju Patnaik and Mr. Biren Mitra have committed an offence, they have said impropriety is committed what else could the Prime Minister have said? Could the Prime Minister say that an offence has been committed? Then, what happens to the court? On the contrary, even by saying that he has committed an impropriety, if the court is pleased to take note of that statement, there is an attempt to interfere with the court, because you have held him guilty and you have asked him to retire. But it is for the court to decide and it is not for us to decide, once the matter is before the court.

SHRI LOKANATH MISRA: What is it in the hands of the hon. Member? Is it a copy of the C.B.I. report?

SHRI K. K. SHAH: It is, it is. You have been good enough to circulate it, and I have taken advantage of it. I do not want to hide it because it has been circulated. But those friends who have

taken the liberty of discussing these facts—what are we discussing here? There are two things.

SHRI M. RUTHNASWAMY: Madam, on a point of order. The hon. Member alleges that in discussing this matter we are practically committing contempt of court. May I ask whether you have not allowed us to discuss this question and whether we cannot proceed with this matter?

THE DEPUTY CHAIRMAN: It is not exactly what he means.

SHRI K. K. SHAH: I wish my friend was attentive. He is attentive when it suits him. He is not attentive when it does not suit him. I said what the Prime Minister had been doing, what we had been doing. By making it appear in the Press, what effect it would have on the course of justice—that is what I am submitting. You may for a moment look at these matters very lightly. But it will not pay in the long run. I have no doubt whatsoever. In the same way I want to submit again that in what we have been discussing there are two points: one is that a Commission of Enquiry should be appointed, and the second is that this document should be made public. From my point of view, these are the two questions which are germane to the whole discussion in this House. How could a Commission be appointed when a court is seized of the whole matter? Suppose the Commission were to give a verdict and the court does not accept the verdict. Would the court permit the Commission to go on with the enquiry? It may be that an anomalous situation will be created by a man against whom allegations are made going to a court of law and stopping further enquiry.

SHRI LOKANATH MISRA: Does he have a certified copy?

SHRI K. K. SHAH: Why don't you allow yourself to be convinced by listening to me? Sometimes there is an attempt by this interference to refuse yourself a chance to be convinced. It is not proper

at least. What I am trying to do is to convince you. Supposing a Commission is appointed, will the court be bound by its verdict? Will the court permit that Commission to go ahead with its enquiry when the court is seized of that matter? It would be absolutely impossible . . .

SHRI M. N. GOVINDAN NAIR: Was it under your advice . . . (Interruption).

SHRI K. K. SHAH: I am sorry I thought you were immune . . .

SHRI M. N. GOVINDAN NAIR: May I know whether it was under your advice that this was done?

SHRI K. K. SHAH: In the same way, if a Commission could not be appointed, if no public enquiry could be held, if nothing could be done which will interfere with the course of justice, what a difficult task the Prime Minister and the Sub-Committee were undertaking. I hope you will appreciate that. On the contrary, you must give also a little credit, as I have said before, to Mr. Biju Patnaik. He did not make any attempt to stifle the enquiry which the Sub-Committee was making.

Madam Deputy Chairman, one point more and I have finished, and that point is this. Those friends who have thought it wise to secure this document and to make it public and to have a debate on this have not, with due respect to them, done it in a wiser way. I say this because by obtaining this document in this way you are opening the floodgates. This game can be played for years to come by all. Those who are in opposition today may be in Government to-morrow. Those who are in Government today may be in opposition to-morrow. But you have shown a way of interfering with the loyalty of the Services on which the good government of the country depends.

SHRI A. B. VAJPAYEE: No, some Cabinet Minister has leaked out the report, not the Services.

SHRI K. K. SHAH: Mr. Vajpayee is a very sober man. Supposing a Cabinet Minister is a party to that, why should you be a party to that? That is the most important point. If you say that we are not the custodians of morals and that you are the custodians of morals, then at least you observe the same standards which you want us to observe.

SHRI A. B. VAJPAYEE: With that I agree.

SHRI K. K. SHAH: Thank you very much. Now, has it been a wise thing which you have done, raising a debate in this House? This House is all-powerful, there is no doubt about it whatsoever. But if this House carries on a debate and Members in this House express an opinion about a matter which is pending in a court of law—is it wise . . . (*Interruption*). You like to respect the court when it suits you, and you do not like to respect it when it does not suit you. There is a Minister tomorrow or any highly placed official against whom some allegation is made, and apparently it goes to a court of law. Will you await the verdict of the court or not, or will you sit in judgment when the matter is pending before a court of law? Every public man, even if it goes to a court of law, will be at the mercy of anybody and everybody who chooses to go anywhere and everywhere he likes discussing those allegations. This is the most important point that has to be decided. I hope in their wisdom, after hearing my arguments, it will be possible for the opposition to say of Mr. Chagla, Mr. Sen and the Prime Minister, that a very difficult task was carried out by them in the most honest manner possible and that even if it meant a little risk, that risk was worth talking.

SHRI A. D. MANI: Madam Deputy Chairman, I have heard with very great respect the eloquent speech of my friend, Mr. Shah. Mr. Shah is an eminent lawyer, but I am afraid that if he had argued his brief in a court of law, his plea would have been dismissed in motion hearing stage, in other words, it would have been dismissed *in limine*.

Madam, he referred to the fact that a certain defamation case was now in progress in a court of law. I have gone through the material very carefully, which forms the basis of that defamation case, namely, the very courageous articles written by my friend, Mr. Bhargava, of the "Indian Express". Some of the material traverses the ground mentioned in the memorandum submitted to the President, but a good deal of other material has now been brought to the surface, and it is necessary therefore that a final finding should be given on all the allegations.

My friend, Mr. Shah, said that if a Commission of Enquiry had been appointed, it would interfere with the prosecution of that defamation case. I may, in this connection, remind him that the Vivian Bose Enquiry Commission was appointed at a time when a number of prosecutions were pending against the Dalmia-Jain Companies. At that time, Mr. C. D. Deshmukh did not take the stand that such a Commission should not be appointed because there were certain proceedings pending before a court of law. Madam, I would like to ask my friend, Mr. Shah, as well as my hon. friend, the Leader of the House, whether it is not necessary in a matter of this kind that not only justice should be done but justice should seem to be done. I am sure that Mr. Chagla, as long as he sat on the Bench of the Bombay High Court, always insisted that justice should not only be done but should seem to be done. In the instant case the Cabinet Sub-Committee of which he was a member examined Mr. Patnaik but did not examine the memorialists. The Cabinet Sub-Committee came to the conclusion that Mr. Patnaik and Mr. Mitra did not derive pecuniary advantage by these transactions. I have before me the C.B.I. report, and on page 10 relating to Mr. Mitra there is an extract of an endorsement by an official of Turner Hoare and Company which says:

"This was handed over to me today by Shri Biren Mitra. Please write to them confirming our conversation and ask for the advance."

In other words, even though Mrs. Mitra was the nominal head of Orissa Agencies, it was Mr. Mitra who was practically running the concern.

Here it is in black and white. My hon. friend, Mr. Chagla, might say that the CBI Report is a one-sided document and much importance, therefore, should not be attached to a one-sided document. I have gone through the so-called CBI Report. I do not want to call it CBI Report as long as Mr. Chagla is not prepared to own it. But this is the Report published in the papers, and the CBI does not publish its Report. Here is a conversation of a party. They have examined the documents bearing on this affair, and they have come to the conclusion that there is a case for an enquiry. When it is purely an analysis of documents, how is it possible for Mr. Chagla to say that the CBI Enquiry Report is a one-sided document? I am not a person who believes in pursuing an opponent or a person who has erred, right up to the end of his life. If Mr. Patnaik and Mr. Mitra had gone out of office and had retired from public life, there would have been no objection whatsoever to the course of action that they had taken, and I would not have come here and pressed for an enquiry. But what is happening today is, Mr. Patnaik is the Secretary of the Congress Committee of Orissa and Mr. Biren Mitra occupies an important position in the Congress Organisation there.

SHRI AKBAR ALI KHAN: From the Government they have retired.

SHRI A. D. MANI: What I am saying is this. Mr. Jimmy Thomas was a member of the Labour Government. He committed indiscretion by allowing his son to utilise Cabinet secrets. But Mr. Jimmy Thomas not only resigned his office of Chancellor of the Exchequer but also resigned from the Labour Party. Let Mr. Patnaik and Mr. Biren Mitra retire from public life. Then Mr. Chagla and his colleagues of the Cabinet . . . (Interruptions) Let me go on. No interruptions. Mr. Chagla and his colleagues of the Cabinet . . .

SHRI CHANDRA SHEKHAR (Uttar Pradesh) May I know whether a politician like Mr. Mani would have been allowed like this in the British parliamentary system?

SHRI A. D. MANI: Madam, Mr. Chagla and his colleague in the Cabinet Sub-Committee must ask themselves: When a person who has been found guilty of administrative impropriety is occupying a high position in public life and is a member of the Congress Working Committee, are we out to root out corruption? If we are not out to root out corruption, then all these things are possible. With what face can Mr. Chagla and his colleagues prosecute a subordinate official on a charge of accepting Rs. 25 as bribe when the CBI Report has shown that Mr. Patnaik and Mr. Biren Mitra have derived substantial advantage, financial advantage, from these transactions?

Madam, I would also like to refer to the Bihar case. There was the case of a junior Minister of the British Government who lent his motor-car to somebody who was not holding a driving licence. He was asked to resign. In the case of Bihar, the son of a Bihar Minister was found driving a truck carrying loads of cement which should not have been carried and the Chief Minister directly intervened asking the police to suppress it.

AN. HON. MEMBER: It is wrong.

SHRI A. D. MANI: I want a reply. This has been noted by the sub-inspector in the records. Then why is no enquiry being conducted? The Chief Minister of Bihar says that he was not asked anything about the charges made against him. And the Cabinet Sub-Committee itself says that it had not taken the explanation of Mr. Sahai before coming to a conclusion.

About the Sharavathi Project case, the Chief Minister of Mysore himself said on the floor of the Legislature that he was prepared to consider the setting up of a judicial enquiry. When he himself has said it, the Cabinet Sub-Committee has

[Shri A D Mani]

exonerated him. Great harm has been done to public life, by not ordering a judicial enquiry they have not focussed public attention on the evils in a system of government when corruption exists Mr Winston Churchill quoting Mr Attlee on the occasion of the Belcher case said

‘In a democratic government, the only way by which we can root out corruption is to bring matters to light We do not send politicians to jail, we ask them to get out of public life’

This has not been done in the case of Orissa, this has not been done in the case of Bihar, this will never be done in any other case, because the matter has been looked at from a party point of view

I would like to make one submission, and that is in support of my amendment In the interests of public life in the interests of restoring confidence in parliamentary form of government—because confidence in parliamentary form of government is slowly evaporating—Government should set up a Commission of Inquiry If Mr Patnaik, Mr Biren Mitra and Mr Sahai all of them feel that they have a case to present to the Commission, let them get themselves cleared before it and all of us will salute them as courageous men who tried to answer the allegations that have been brought against their character and conduct.

श्री गोडे मुराहरि : डिप्टी चैयरमैन महोदया, जब से कांग्रेस सरकार हिन्दुस्तान की हुकूमत में आई है तब से, हिन्दुस्तान के एक कोने से लेकर दूसरे कोने तक भ्रष्टाचार और भ्रष्टाचार के मिवाय और कुछ सुनायी नहीं देता। उड़ीसा, बिहार और मैसूर के मुख्य मंत्रियों के खिलाफ जो भ्रष्टाचार के चार्जज लगाए गए हैं, उनके बारे में आज यहाँ पर हम बहस कर रहे हैं। उनके बारे में कैबिनेट सब-कमेटी की राय है कि उड़ीसा में तो एक इम्प्रोवायटी हुई है, लेकिन बिहार और मैसूर

में कोई प्राइमा फेसी केस नहीं है। जैसा कि उड़ीसा में देखा गया है, कांग्रेस के मिया सरकार के मालिक और बीवी सम्पत्ति की मालिक, और जैसा कि बिहार और मैसूर में देखा गया है, कांग्रेस के मिया सरकार के मालिक और बेटे और दामाद सम्पत्ति के मालिक। ऐसे हिन्दुस्तान की दुर्गति हुई है।

मैं उड़ीसा के चार्जज के बारे में ज्यादा नहीं कहना चाहता हूँ, क्योंकि काफी यहाँ पर उसके विषय में कहा गया है। मैं हर एक चार्ज को लेकर बोलना नहीं चाहता हूँ। लेकिन, जिस ढंग से सी० बी० आई० की रिपोर्ट पर इस सदन में और दूसरे सदन में भी बहस हुई है और जिस तरह से कांग्रेस के भी कुछ सदस्यों ने उसी रिपोर्ट को लेकर इस बहस में हिस्सा लिया है और इससे जाहिर है कि सरकार इम सी० बी० आई० की रिपोर्ट को सदन की टेबल पर न रख कर पता नहीं क्यों उड़ीसा के मामले को छिगाना चाहती है, क्योंकि वह रिपोर्ट अब बिल्कुल पब्लिक हो गई है, सबके हाथ में रिपोर्ट आ गई है और कांग्रेस के सदस्य भी कहने हैं कि हाँ, यह रिपोर्ट हमारे पास भी है। लेकिन दुर्भाग्यवश इस सदन में उस रिपोर्ट को टेबल पर नहीं रखने दिया गया है। तो इस रिपोर्ट को हमारे सामने न रखने का क्या मतलब होता है? इस रिपोर्ट में कहा गया है कि उड़ीसा में जो भी धाधलिया हुई है, वह कुछ हद तक सही है और सरकार ने आरोपों को सही माना है। जब ऐसी स्थिति है तो सरकार को चाहिये था कि वह चीफ मिनिस्टर्स के खिलाफ कोई जुडीशल इक्वायरी कराती और उनके बारे में कुछ कार्यवाही होती। लेकिन आज यह कहना कि कोर्ट में एक केस है इसको यहाँ पर हम डिसकस नहीं कर सकते हैं—तो कोर्ट में कैसा केस है? कोर्ट में श्री पटनायक साहिब ने खुद एक डीफेंसेशन केस किसी अखबार के खिलाफ चला दिया है और उस केस की आड़ में छिपने की कोशिश

करना मेरे खयाल में कोई बहादुरी का काम नहीं है। इसलिये यह आर्गुमेंट देना कि वह केस चल रहा है इसलिये उसके बारे में यहाँ कोई बहस नहीं करनी है यह गलत होगा। जो भी यहाँ बहस में सुनने में आया है उससे मुझे ऐसा लगता है कि जो आरोप लगाए गए हैं, उनके बारे में किसी के मन में दोष नहीं है। लेकिन वह कोर्ट में केस है इसलिये यहाँ उसके बारे में बहस मत करो। कोई कहता है पटनायक साहिब के आने के बाद से उड़ीसा में इतने उद्योग-ध्वजे बढ़ गए हैं कि उसमें चाहे जितना भ्रष्टाचार करो। कोई कहता है फला पार्टी में कोई राजा है, कोई स्पूडलिस्ट है और उनकी ओर में आरोप लगाये गये हैं, इसलिये उन आरोपों के बारे में मत सोचो। मुझे यह विचित्र सी दलील लगती है यह सारी चीज गलत है क्योंकि या तो पटनायक साहिब ने जो भी कुकर्म किये हैं, उन कुकर्मों के बारे में जांच हुई है और अगर उनको दोषी ठहराया गया है तो उसके बारे में कोई न कोई कार्यवाही होनी चाहिये, नहीं तो ऐसा लगता है कि कांग्रेस जिनके बारे में मानती है कि उन्होंने देशहित में काम किया है, इसलिये चाहे जितना भ्रष्टाचार करे उनको मुआफी है। फिर इस नतीजे पर आप आइये।

तो मेरा कहना यह है कि उड़ीसा के बारे में जल्द से जल्द कोई जुडीशल इन्क्वायरी होनी चाहिये। मैं तो यहाँ तक कहूँगा कि सिर्फ उड़ीसा के बारे में ही नहीं, जो भी आपके पास मुख्य मंत्रियों के बारे में आरोप आए उनको एक परमानेंट जुडीशल कमीशन बैठकर उसके सामने रखे। जो भी शिकायत आएँ, उन पर वह विचार करे। कैबिनेट सब-कमेटी की राय मानने के लिये कौन तैयार है? मैं कहता हूँ मुझे कैबिनेट सब-कमेटी के ऊपर विश्वास नहीं है। कैबिनेट सब-कमेटी कांग्रेस के मंत्रियों की होती है, वह कांग्रेस के मुख्य मंत्रियों के बारे में आरोप क्या देख सकती है।

कांग्रेस पार्टी के 7 आदमी सब-कमेटी में बैठकर यह फैसला कर दे कि उनके ऊपर कोई प्राइमा फेसी केस नहीं है और इसको देश मान ले, यह मैं मानने के लिये तैयार नहीं हूँ और अगर आप सचमुच चाहते हैं कि देश यह माने कि उनके ऊपर कोई प्राइमा फेसी केस नहीं है तो आपको चाहिये था, चीफ मिनिस्टर्स को चाहिये था कि वे खुद डिमांड करते कि जुडीशल कमीशन नियुक्त हो और उनके पास वे सारे चार्जज भेज दिये जायें और इस तरह जुडीशल कमीशन द्वारा वे अपने को निर्दोष ठहराते। लेकिन कुछ दाल में काला जरूर है। क्या बिहार में, क्या मैसूर में, क्या उड़ीसा में, सब जगहों पर, जो भी आरोप हमारे सामने आये हैं, उनमें तथ्य है इसलिये ऐसा होता है कि जुडीशल इन्क्वायरी नहीं होती।

केवल बिहार के मामले में मैं कहना चाहूँगा कि वहाँ पर 17 चार्जज, 17 आरोप लगाए गए हैं। उनमें से कई चार्जज ऐसे हैं जो अदालतों में पेडिंग केसेज हैं। वहाँ पर भी मुख्य मंत्रियों ने अपनी पोजीशन का इस्तेमाल करके वहाँ के केसेज में दखल दिया है। और कई केसेज विदवा भी करवाए हैं। जब न्यायालय में मुख्य मंत्री दखल देता है और उनके जरिये केसेज को चलने नहीं दिया जाता तो फिर आपका यह कहना कि कोर्ट में जाकर इसका फैसला करो, इसका तो कोई मतलब नहीं निकलता है। इसलिये मेरा कहना है कि बिहार के बारे में जो भी चार्ज यहाँ पर लगाए गए हैं, हर एक चार्ज के बारे में इन्क्वायरी हो।

एक आरोप वहाँ यह भी है कि कुछ किसानों के खेत में एक बैंगल पाया गया था हजारीबाग में, तो श्री कृष्ण बल्लभ महाय के पुत्र ने उन किसानों के खेत को बंदखल किया और किसानों को उस खेत से बाहर निकाला और बैंगल को खुद उठा कर ले गये। जब किसानों ने पुलिस को इसके बारे में रिपोर्ट

[श्री गोडे मुगहरि]

की, तो पुलिस वालों ने किसानों को बचाने के बजाय उन्हें सेक्शन 144 के अन्तर्गत वहाँ से निकाला; क्योंकि उन्होंने कहा कि ये किसान यहाँ आ कर हल्ला मचा रहे हैं और यह भी कहा कि चूक सहाय साहिब के लडके ने उनके एक छोटे भाई के लिये एक लाइसेन्स के लिये एप्लाई किया है, इसलिये जब तक इसका फैसला नहीं होगा, तब तक उन किसानों को बाहर कर दोगे।

एक आरोप यह भी लगाया गया है कि मुख्य मंत्री के एक लडके ने शरारत की, कुछ लडकियों को छेड़ा। इसके बारे में वहाँ डिमान्द्रेशन हुआ और उसके बाद एक केस रजिस्टर हुआ, लेकिन वह केस वापस कर दिया गया; क्योंकि बिहार के मुख्य मंत्री के प्राइवेट सेक्रेटरी ने टेलीफोन कर दिया पुलिस को कि यह केस वापस होना चाहिये। वह भी बातें रिकार्ड की गई हैं, पुलिस सब-इन्स्पेक्टर की डायरी में।

इसी तरह से सीमेण्ट का लाइसेन्स दिया गया है, श्री गुटुल जी सहाय को तो वे उस सीमेण्ट को गया भेजते हैं। गया में किसी और सीमेण्ट के व्यापारी के पास भेजते हैं, इस तरह का सीमेण्ट का घोटाला करते हैं। यह सीमेण्ट जब ट्रक में ले जाया जा रहा था तो ट्रक, पकड़े गए। यह कहा गया कि ट्रक में जो सीमेण्ट है यह सहाय साहिब के पुत्र का है। उसके बाद उस ट्रक को भी छोड़ दिया गया और केस को भी विदड़ा कर लिया। तो ये सब चीजें हमारे सामने हैं। तो इस सरकार को चाहिये था कि उन सब चीजों के बारे में तहकीकात करती। फिर अगर वे कोई जुडीशल कमीशन द्वारा अपने को निर्दोष ठहराते, तो कोई बात न होती।

मैसूर के बारे में कहना चाहूंगा कि वहाँ 16 चार्जज लगे हैं जिनमें एक चार्ज यह है कि यहाँ पर मैसूर के मुख्य मंत्री को जो साहिब

डिफेंड करने आए, उनके खिलाफ भी आरोप है कि उन्होंने मुख्य मंत्री की कार्रवायों का फायदा उठाया। शरावती प्रोजेक्ट के बारे में मैसूर की आडिट रिपोर्ट ने खुद माना है कि वहाँ बहुत बड़ी घाघली हुई है। तो इन सब चीजों के बारे में सरकार को चाहिए था कि तहकीकात करती। खैर, इस सरकार से कुछ आशा करना गुनाह होगा, मैं यह मानता हूँ, क्योंकि सिर्फ बिहार, उड़ीसा और मैसूर की ही बात नहीं, जगह जगह हमने देख लिया, काश्मीर से केरल तक, कहीं कहीं साहिब का सुना था, कहीं बख्शी साहिब के ऊपर इन्क्वायरी हो रही है, कहीं उत्तर प्रदेश में मुजफ्फर हुसैन साहिब के बारे में कुछ हो रहा है उन्होंने ट्रान्सपोर्ट का लाइसेन्स अपने रिश्तेदारों को दे दिया—या राजस्थान में सुखाडिया साहिब के बारे में कहा जाता है या और मंत्रियों के खिलाफ आरोप लगाये जाते हैं। केरल में शंकर साहिब के ऊपर कुछ आरोप लगाये थे, उसके बारे में श्री कामराज ने फैसला दे दिया और के० एम० जार्ज को उनकी जगह बना दिया और उसका नतीजा हमने देख लिया।

तो मैं तो सरकार से यह कहूंगा कि देश को बचाओ। जो भ्रष्टाचार आपने सबसे ऊँचे दर्जे पर शुरू किया है वह सिर्फ आप तक सीमित नहीं रहता है वह तो छन छन कर नीचे भी जाता है और सारा देश भ्रष्टाचार से खराब हो रहा है। इसलिये यह जो भ्रष्टाचार के तरीके हिन्दुस्तान में फैल रहे हैं इनको खत्म करने की एक योजना बनानी है, तो फिर आप एक परमानेंट जुडीशल कमीशन बनाएं।

श्री प्यारे लाल कुरील "तालिब" (उत्तर प्रदेश) मेडम डिप्टी चैयरमैन, मैं आपका शुक्रिया अदा करता हूँ कि आपने मुझे दो-तीन मिनट बोलने के लिये दिये। जो चार्जज मुख्य मंत्रियों के बारे में लगाये गये हैं, उनको सब जानते हैं और जो कुछ स्टेटमेंट में कहा गया

है, वह भी सब लोग जानते हैं। मगर कुछ शकूक रह जाते हैं, जिन्हें रफा करना बहुत जरूरी हो जाता है। यह हमारा बुनियादी हक है कि हम सच्चाई को जाने; क्योंकि पार्लियामेंट एक सावरेन बाडी है और पार्लियामेंट में जो कुछ आता है, वह जनता के सामने जाता है। इसलिए जनता का भी यह बुनियादी हक है कि वह किसी चीज के बारे में सच्चाई जाने।

स्टेटमेंट में जो कुछ कहा गया है, उससे बात साफ मालूम नहीं होती है। उसमें भी यह बात कही गई है कि ऐसी बातें हैं, जिनके बारे में मच्चि वाते सामने नहीं आई है। इसलिए मैं कहना चाहता हू कि अगर इस बारे में एक कमिशन की बुनियाद कायम की जायेगी, तो कम से कम यह पता लगेगा कि कुसूरवार कौन है। इससे एक बात साफ हो जायेगी कि जनता को यह बात अच्छी तरह से मालूम हो जायेगी और हमको भी मालूम हो जायेगी। जम्हूरियत के लिए यह बहुत ही जरूरी है कि हम इस तरह की परम्परा को कायम करें, क्योंकि जनता को जम्हूरियत पर विश्वास है। जम्हूरियत में जनता को सब बातें मालूम होनी चाहियें और इस तरह के कमिशन बिठलाने से वे सब बातें मालूम हो जायेगी।

अभी यहाँ पर बहुत सी बातें कही गई हैं कि इन मामलों के बारे में प्राइम फेसी केस नहीं बनता है। ठीक है, आप जो कहते हैं, लेकिन जो हम कहते हैं वह भी ठीक है। लेकिन आखिर में इस बात का तो फैसला होना ही चाहिए कि कौन ठीक है? पहले इसी तरह से कैरो के बारे में कहा गया था कि वे कुसूरवार नहीं हैं, लेकिन बाद में पता चला कि वे कुसूरवार हैं। तो इस तरह की इन्क्वायरी होनी चाहिये। हमारे जो चागला साहिब हैं, वे एक बहुत बड़े जज हैं, अगर वे जज ही रहते तो बड़ा अच्छा होता। मैं उनसे यह कहना चाहता हू कि जिन मिनिस्ट्रो के खिलाफ करप्शन के

चाजेंज लगाये गये हैं, उनके बारे में कमिशन बिठलाया जाना चाहिये। अगर हम इस तरह की बात नहीं करते हैं तो इसका असर मिनिस्ट्रो तक ही महदूद रहेगा, बल्कि जो करप्शन ऊपर से शुरू होता है, वह नीचे तक जाता है, अफमरो से ही करप्शन नीचे जाते हैं। यह करप्शन नीचे तक ही दूर होगा, जब ऊपर करप्शन खत्म होगा। इसलिए यह हम सब लोगों के लिये मुनासिब है कि हम इस तरह का कोई कमिशन बिठलाये और इसके अलावा कोई जरिया हमारे सामने नहीं है।

इसके साथ ही साथ मैं यह भी अर्ज करना चाहता हू कि यह जो ज्यूडिशियरी से जजों को मिनिस्टर बनाया जाता है, वह निहायत बुरी बात है। अगर कोई आदमी जज का काम करता है या रिटायर्ड हो गया हो, तो उसको किसी भी हालत में मिनिस्टर नहीं बनाया जाना चाहिये। आप डिमारेलाइज कर रहे हैं, उन जजों को जो कि गैर-जानिबदार हैं। आज हर जज यह सोचने लगा है कि वह मिनिस्टर बन सकता है। आज वह सोचने लगा है पोलिटिकल इटरफियरेन्स की बात। आज वह सोचने लगा है खुशामद करने की बात। आज वह प्राइम मिनिस्टर और दूसरे मिनिस्ट्रो . . .

THE DEPUTY CHAIRMAN: What are you speaking? Are you speaking on the motion?

श्री प्यारे लाल कुरील "तालिब": उन्होंने जो बातें कही हैं, उनसे यह जाहिर होता है कि जज की हैसियत से वे कुछ कहते; और आज वे कुछ कह रहे हैं। क्यों ऐसा कह रहे हैं? आज देखने वाले जजों क्या यह नहीं जानते कि उन्हें भी मिनिस्टर बनाया जा सकता है। यह डिमारेलाइज करने वाली बातें हैं। इस लिए मैं चागला साहिब से दरखवास्त करूंगा कि वे खुद इस्तीफा दे करके कैबिनेट से जायें। यही उनके लिये मुनासिब है और इस तरह

[श्री प्यारे लाल कुरील "तालिब"]

से वे एक परम्परा कायम करेंगे। आज भी यह है कि पब्लिक सर्विस कमीशन का कोई मेम्बर जो रहा है या उससे गिटायर हो गया है, वह कैबिनेट का मेम्बर नहीं बन सकता। क्यों? यह बात सही है या नहीं कि यूनियन पब्लिक सर्विस कमीशन का कोई आदमी . . .

(Interruption)

हा, वह साहिब बैठे हुये है, वह सिर्फ सदस्य है, लेकिन उनको मिनिस्टर नहीं बनाया जा सकता है, जब तक कि यह कैद न हट जाये कि यूनियन पब्लिक सर्विस कमीशन का जो आदमी मेम्बर रहा है . . .

श्री सी० डी० पाण्डे : मेम्बर साहिब, मैं आपकी इत्तिला के लिये यह कहना चाहता हूँ कि मेम्बर, पब्लिक सर्विस कमीशन, मिनिस्टर हो सकता है।

श्री प्यारे लाल कुरील "तालिब" : वह मैं जानता हूँ अच्छी तरह से।

श्री सी० डी० पाण्डे : वह गवर्नमेंट सर्वेंट नहीं हो सकता। वह किसी गवर्नमेंट सर्विस में नहीं आ सकता है, लेकिन पब्लिक लाइफ में आ सकता है और कोई पद भी पा सकता है।

श्री प्यारेलाल कुरील "तालिब" : मैं जो बात कह रहा हूँ, वह सही कह रहा हूँ। वह पब्लिक लाइफ के आदमी है, लेकिन उनके रास्ते में दिक्कत है। वे बाकायदा बिल ला रहे हैं, इसी बात के लिये तो मैं यह दरखास्त करूंगा कि कोई हाई कोर्ट का जज या सुप्रीम कोर्ट का जज मिनिस्टर न बनाया जायें; क्योंकि ये बातें हैं, जो इससे पैदा होती हैं।

इसी तरह से मैं छोटे बिजनेसमैन की बात नहीं कहता, लेकिन जो बड़े बड़े बिजनेसमैन हैं, उनको भी कैबिनेट का मिनिस्टर नहीं बनाना चाहिये। इससे एक टैम्पटेशन होता है रुपया कमाने का। हर बिजनेसमैन हमेशा

यह सोचता है कि ज्यादा से ज्यादा रुपया कमाये। इसलिये मैं यह दरखास्त करूंगा कि आइन्दा किसी बड़े बिजनेसमैन को कैबिनेट में आने न दिया जाए। आज मुल्जिम और मुसिफ एक साथ बैठे हुये हैं। कौन नहीं जानता मि० टी० टी० कृष्णमाचारी की बात। लेकिन आज वह और जिन्होंने उनके खिलाफ फसला दिया था, वे दोनों एक साथ बैठे हुये हैं। क्या यह जम्हूरियत के लिये अच्छा है? क्या यह हमारे और आपके लिये अच्छा है? क्या इससे जनता के अन्दर विश्वास बढ़ता है?

मैं आपका श्रुक्रिया अदा करता हू कि आपने मुझे दो बातें कहने का मौका दिया।

SHRI D. P. KARMARKAR: In limiting myself to five minutes which I have promised myself, I do not propose to emulate the way in which our distinguished friends of the Opposition dealt with this question. I will not emulate Mr. Lokanath Misra in the want of balance which he displayed, when he spoke about Mr. Chagla, the Chief Justice, who has always regard for truth and who, in his capacity as the Minister has to commit the crime of saying that certain things are secret and they will remain secret. I am quite sure in my mind that if he were to be Chief Justice back again and he were to think that a secret thing should be brought before the Court, he will have no hesitation in bringing before the Court. I do not propose to emulate my friend, Mr. Bhupesh Gupta, about whom, after a long study of 10 years, I have come to the painful conclusion that in so far as his existence in this House is concerned, any stick, rightly or wrongly, good, bad or indifferent, broken or strong, is good enough to beat the Government with. I will not also emulate my friend, Mr. Vajpayee who basically, I must say, with great respect, has very noble instincts but who, I have found by a little bitter experience, like Brutus in the Julius Caesar drama, allows his emotions to run away with his judgment, or his judgment to run away with his emotions. I will not emulate also a friend of mine

from Karnatak, who is absent, Mr. Mulka Govinda Reddy, for whose sobriety of judgment . . .

The DEPUTY CHAIRMAN: He is there.

SHRI D. P. KARMARKAR: I am very happy because I wish he knows—for whose sobriety of judgment except when he is sitting there, I have great respect. I will not emulate my friend Mr. Abdul Ghani who is there for whom the question is 'take'—whether right or wrong, or legal or constitutionally proper or improper, it does not matter. A thing must be done, it shall be done, and reminding us of the reminiscences of old Emperors . . .

SHRI BHUPESH GUPTA: Whom shall you emulate? Mr. Biju Patnaik?

SHRI D. P. KARMARKAR: I will come to that Mr. Bhupesh Gupta, my friend, cannot be his own self unless he interrupts and I am quite sure in my mind as an ex-Health Minister that I have a feeling that unless he interrupts at least 50 times, he will not be able to keep good health. Therefore he is interrupting.

SHRI BHUPESH GUPTA: Cannot you emulate it?

SHRI D. P. KARMARKAR: Coming to the question proper, the question is a limited one. It has been said by Lord Bryce, a great Constitutional writer, that there is nothing so pathetic as an Opposition which has never any hope of becoming a Government. And why does he say that? It is because the less the chance of its becoming a Government, the more irresponsible it becomes and what has passed now is a good illustration of that thing. My friends opposite, I am quite sure in my mind, if they are realistic, are never hopeful during their life-time to come to these Benches and therefore constitutionally the sense of responsibility becomes less. Limiting myself to the question under enquiry, what is it that is there? The law is there, the Commissions of Inquiry Act is there. It lays down in so many clear terms, in good English which

Mr. Gupta can easily decipher, it is very simple. Even my child in the seventh standard can understand it quite well, more so Mr. Gupta. What does it say?

SHRI BHUPESH GUPTA: Your child is clever.

SHRI D. P. KARMARKAR: The Government may—it does not compel—unless there is a Resolution of the Assembly there or the House of the People there and it may appoint a Commission if it should feel necessary to do so. I wish people read the Acts. After reading the Acts, I wish people keep it on moving amendments. Now amendments are there. The Prime Minister has been here and I say without, doubt, in my own mind, with a sense of conviction that this phenomenon of the Prime Minister taking cognizance and taking such quick action—I have been a small student of constitutional affairs. I have had my opportunities, I have had my share of studying the constitutional Governments but subject to contradiction by my friend Mr. Gupta after reading the relevant references, subject to that possibility,—I make bold to say that there is not a single democracy in which so quick an action has been taken with regard to corruption in its own ranks. In other people's ranks it is easy. Here is what the Prime Minister has said.

SHRI BHUPESH GUPTA: So you admit it is corruption?

SHRI D. P. KARMARKAR: Please listen. I wish my friend Mr. Gupta knows the virtue of talking and I wish he cultivates the virtue of silence coming from Bengal of Shri Ramakrishna and Swami Vivekananda . . .

SHRI BHUPESH GUPTA: Also Bepin Chandra Pal and Surendranath Banerji.

SHRI D. P. KARMARKAR: This is a straightforward thing. Shri Ramakrishna said that when silence is golden, it is folly to be talkative. What does it say? The Committee came to the conclusion. Here is the document which comes to the

[Shri D. P. Karmarkar.]

President, it comes to the Prime Minister, it comes to the Government and the Government takes the fullest responsibility, a Government which does command the confidence of these Houses, by an overwhelming majority and a greater confidence in the country, that Government has come to a considered conclusion.

"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 benefits 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."

This is an honest, straightforward, out-right judgment, trying to sit in judgment on one of their own colleagues, one of their highly respected colleagues. It is not a matter of pride for them that they punished. It is a matter of regret that people, who otherwise might have been good, have been responsible for these improprieties. Therefore we are not merciful at all to whatever they are and then they advised. The findings of the Committee were accepted by the Central Government, were communicated to Mr. Patnaik and Mr. Mitra. Arguments and facts—flimsy arguments, flimsy facts may appeal to the Opposition. It is their duty. They consider it their duty, though flimsiness is no part of a duty of healthy Opposition but we on this side, the Government, came to a full conclusion with a sense of responsibility, knowing that everything that is done, that is said, every word that the Prime Minister has said is before the bar not only of this country but before international opinion which is watching everything, good and bad, that is happening in India. They come to the responsible conclusion that nothing further need be done by them. The Opposition can say but the Government have done the right thing and if something more arises, they have the

forum. There are the courts. As my friend Mr. K. K. Shah said, it is no use talking, it is almost, if I might say so with all respect to the Constitution, and if it is unparliamentary. Madam, you can score me out, it is almost abusing the privileges as Members of Parliament if I make a statement here which I am not able to make on a public platform entitling the man concerned to file a suit for defamation against me. I say anything—crores. My friend Mr. Govinda Reddy's lakhs are crores. Crores were involved, he said and it was Rs. 125 lakhs. Lakhs were involved, he said, whereas as a matter of fact the matter was concerning Rs. 17,000. Let us have a sense of proportion and responsibility. We have to abide by the law, the Opposition need not and the Opposition is in that position. No one has cast the responsibility on the Opposition to abide by the properties of the Constitution. They are free but we who are sitting on this side, the Government that is sitting on this side, owe this duty not only to the Members of this House but to the 460 millions of our countrymen in India to whom they owe the first duty, the second duty and the last duty. I must say very respectfully and without any sense of artificiality this. I must congratulate the Government. Not one word of appreciation for what the Government has done was there. If it is an Opposition worth the name, they should have said: 'We do appreciate what has been done but more must be done' but not one word of appreciation was there. I would say that is how the Opposition is moving under the circumstances. This is my last sentence.

I think the Government has done the best. To do more would be wrong, to do less would have been wrong, they have done the right thing. If my friends opposite have any facts or any feelings, there are forums which are wide and if they do not take recourse to those forums, it does not mean that their facts are worthless and that their conclusions untenable.

SHRI M. C. CHAGLA: Madam Deputy Chairman, I think there is one point on which the whole House is agreed—we on

this side and my hon friends opposite—and that is that unless we root out corruption in this country, there is great danger of our losing the principles and ideals which are a part of our national heritage. I also agree that we cannot root out corruption unless we start at the top. It is no use catching hold of small people and prosecuting them and sending them to jail. If we are to root out corruption we must start from the top. But I ask my friends opposite, I ask my friend Mr Vajpayee who made a very eloquent appeal, and I ask my friend, Mr Bhupesh Gupta, to put their hands on their conscience and tell me

SHRI JOSEPH MATHEN They don't have

SHRI M C CHAGLA and tell me if they improved the standards of integrity and honesty in this country by the way in which the so called C B I Report was obtained and made use of

SHRI A B VAJPAYEE We never obtained it

SHRI M C CHAGLA Whoever did. We are talking of high standards of public administration. (*Interruptions.*) I am really alarmed. I mean it seriously, I am alarmed at the repercussion this might have on the loyalty, honesty and integrity of public administration.

SHRI BHUPESH GUPTA It came to us and do you mean that we should not deal with it?

SHRI M C CHAGLA Madam, I was rather pained to hear my friend Mr Lokanath Misra, making an attack on our Prime Minister. If there is one person in Government and in public life, who has maintained the highest standards of public integrity, it is the Prime Minister. When he was the Railway Minister, it did not require the report of a Sub-Committee of the Cabinet. It did not require the finding of a commission of inquiry, for him to take the view that in the

interests of public integrity he should resign. How many Ministers without in any way being responsible for what happened, can do so? You know the incidents, the accidents, the casualties. He was then the Railway Minister. The Prime Minister tried to persuade him not to resign saying, 'It is not your responsibility. But he said No because the officials have been negligent. I must take the odium upon myself and resign.' And he resigned. And now is it fair that my friend, Mr Lokanath Misra, should cast these aspersions on the Prime Minister? Let us look at what he has done since he assumed office. In the first place he immediately gave effect to the Report on Mr Kairon. The whole world press, and if any of my friends is following the American press or the British press will bear me out that the British press, the American press and the Continental press paid the highest compliments to him for giving immediate effect to what was discovered by the Das Commission Report and asking Mr Kairon to resign. What was his subsequent action? He came before this House and placed before the House a code of conduct which he had evolved and which was to bind the Ministers, his own colleagues and the Chief Ministers of the States, and may I draw attention to a part of it? This was laid before the Lok Sabha on the 18th of November and Rajya Sabha on the 20th of November, 1964.

The authority for ensuring the observance of the code of conduct will be the Prime Minister in the case of Central Ministers, and Prime Ministers, and the Union Home Minister in the case of Chief Ministers. The said authority would follow such procedure as it might deem fit, according to the facts and circumstances of each case for dealing with or determining any allegation or a suspected breach of this code."

Therefore, when the representation made to the President was referred to the Prime Minister, he wanted to act in accordance with this code. Now it was left to the Prime Minister to decide for himself whe-

[Shri M C Chagla]

ther the Chief Minister of Orissa, and Mr Patnaik, an ex Chief Minister should give up public office or not. He could have taken the whole Cabinet into his confidence, he could have a Cabinet discussion. Instead of doing that because there was a mass of material to be looked into, he appointed a Sub-Committee of the Cabinet, and the Sub Committee gave its reports and he acted on that report. Now let me say one or two things. Again, my friend, Mr Lokanath Misra, said that in another connection I had said that a Minister must place all the facts before Parliament. I still adhere to that view. I think it is the duty of a Minister to come to Parliament to place all the relevant facts, if he has made a mistake, to confess it, if he has gone wrong, to say, "I am sorry I have gone wrong." But when a man becomes a Minister, he takes an oath of official secrecy, and the oath of official secrecy does not permit him to divulge cabinet proceedings. And what I want the hon Members to remember is that, when I have resisted strongly in that House and I do it in this House, the publication of this Report, it is because I feel that this is part of the Cabinet proceedings which cannot be disclosed.

SHRI BHUPESH GUPTA No

SHRI M C CHAGLA It is part of the Cabinet proceedings, because this so-called report was called for and placed before the Sub Committee in order that the Sub-Committee

SHRI BHUPESH GUPTA Kindly clarify. I am not talking about the Cabinet Sub-Committee's report. The CBI Report before the Cabinet how can you call it a Cabinet proceeding? It is an extraneous thing, a thing coming from outside.

SHRI M C CHAGLA I shall answer that question. My friend, Mr Gupta, some time back said that he had consulted the Oxford dictionary and found no difference between investigation and inquiry. I made

this remark in the other House, I will make it here, my hon friend should have consulted not the Oxford dictionary but Criminal Procedure Code, and then he would have known the difference between an inquiry and an investigation. This was not a legal investigation, this was not a formal investigation. All that happened was Government availed itself of a machinery, ready to hand, to find out facts in order to come to certain conclusion—I shall deal with it. Now do my hon friend realise that in this particular case this so-called CBI inquiry or investigation, all that it did was, it looked into the books of account of the Orissa Government, it never looked into the books of the companies concerned, it never took oral evidence or asked for any explanations, it never took the explanations even of the accused. Therefore I am right in saying that the CBI Report is an *ex-parte* report based on a very limited inquiry.

SHRI BHUPESH GUPTA Your Cabinet Sub-Committee's Report is an *ex-parte* report based on partisanship.

SHRI M C CHAGLA I would come to the sub Committee's Report also, but to the Opposition CBI Report is the bible, it is the gospel. The great mistake they are making is that they are equating allegations with proof. At best, what is contained in the CBI Report or the so-called CBI Report is allegations, (*Interruptions*) and the Opposition has not before it the subsequent history, the further investigation made by the Sub-Committee. Various things happened, more documents were produced, certain inquiry was made of certain persons and it is after that that the Sub Committee came to its conclusion. I am adverting to the Sub-Committee Report presently.

SHRI BHUPESH GUPTA The white washing part of it.

SHRI M C CHAGLA What I want to emphasise is that the Opposition is most unfair, because not only it is relying on a document which, on the face of it, is an *ex-parte* document but also it is not in

possession of the important materials which were in the possession of the Sub-Committee which are not and cannot be in the possession of the Opposition

6 P.M.

SHRI M RUTHNASWAMY What are they?

SHRI A B VAJPAYEE Why don't you publish them?

SHRI M C CHAGLA You might as well ask me to publish all the discussions we had in the Cabinet

SHRI BHUPESH GUPTA We do not want that

SHRI M C CHAGLA I am saying it is part of the Cabinet proceedings

SHRI BHUPESH GUPTA How can it be?

SHRI M C CHAGLA I have said that the Prime Minister could have decided this question himself. Instead of that, he wanted the assistance of his colleagues and his colleagues gave him that assistance. What else is part of Cabinet proceedings?

SHRI BHUPESH GUPTA But you were not meeting as a Cabinet. You were asked to do a certain thing which is outside the Cabinet.

SHRI M C CHAGLA I have dealt with the CBI Report. Let us look at the Sub-Committee. The Sub-Committee's function was a limited and restricted one.

AN HON MEMBER White wash?

SHRI M C CHAGLA It was not trying any offence. It was not passing any judgment. It was only deciding or it was only advising the Prime Minister in the light of the Code of Conduct as to whether a *prime facie* case had been made out, entitling or enabling the Prime Minister to act in accordance with the Code of Conduct. Let us look at what the Prime Minister says with regard to the findings of the Sub-Committee.

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.

How can it be said that when these findings of the Sub-Committee had been accepted by the Prime Minister and had been communicated to Parliament, that this was an attempt to shield these people or that it was the result of political pressure? I can understand if the finding was that they did nothing, that these charges are baseless and therefore, no action should be taken. Far from trying to shield these people, there is clear evidence that the Prime Minister accepted the findings of the Sub-Committee and wanted action to be taken against these two people. Action has been taken in the sense that they have voluntarily quitted public offices. I cannot understand how the Opposition can say that this is trying to white wash, that this is to condone corruption.

SHRI M N GOVINDAN NAIR Whether you wanted it or not there are these grave and concrete allegations against these people.

SHRI M C CHAGLA Where is the shielding?

SHRI M N GOVINDAN NAIR My point is by your action you are doing an injustice to Mr Patnaik if you are not putting before him all the findings so that he could say if these allegations are false or not.

SHRI BHUPESH GUPTA The Cabinet Sub-Committee said there were irregularities and acts of impropriety. But all these words were not used by the Prime Minister in his statement.

SHRI M C CHAGLA Let us turn to the third aspect. We have been told that the so-called CBI Report.

SHRI BHUPESH GUPTA Why 'so-called'?"

SHRI M C CHAGLA We are told that it discloses serious offences, that lots of money had been misappropriated, that Mr Patnaik and others had made gains and that the State had lost money, and therefore a Commission of Enquiry should be appointed. Now, as my hon friend Mr Patnaik has pointed out, the functions of a commission of enquiry are very limited. All that a commission of enquiry can do is to find out facts, nothing more.

SHRI BHUPESH GUPTA What did you do in the Chagla Commission? We have read your report and there you went over a big range of subjects and you gave good findings.

SHRI M C CHAGLA The Commission of Enquiry Act is here. The law is quite clear. A commission cannot say that anybody is guilty of an offence. It cannot pass judgment. The very title of the Act makes it clear that it is a Commission of Inquiry. If the Government wants to find some facts, then a commission is appointed. In this case, instead of appointing a commission of inquiry and adopting dilatory methods,—a commission might have taken two or three years—the Prime Minister acted with expedition with dispatch and came to conclusions with the help of a few of his colleagues, that acts of impropriety had been committed and therefore, these people should quit office. After that, what is the need for any judicial enquiry?

SHRI BHUPESH GUPTA There is

SHRI M C CHAGLA Mr Gupta need not carry on a running commentary. It has been suggested that something should be done about serious allegations made in the document which my hon friend flourishes. Madam, let me draw the attention of the House to one important fact which is overlooked. The Auditor General has been asked by Mr Patnaik

formally, when he was Chief Minister, to have a special audit, not only into these transactions but into all the companies concerned. The Orissa Brothers, The Kalinga Tubes and the Kalinga Industries. The Auditor General has made a special report and he has called upon the Government to answer various points. It is necessary to give answers to them. The report will be sent to the Governor. May I draw the attention to the relevant article in the Constitution? It is article

AN HON MEMBER Article 151 (2)

SHRI M C CHAGLA Yes, article 151(2). It says

'The reports of the Comptroller and Auditor General of India relating to the accounts of a State shall be submitted to the Governor'

It is mandatory

'shall be submitted to the Governor of the State who shall

Again it is mandatory—

cause them to be laid before the Legislature of the State"

Now, let the House have a little patience. Let this report come before the State Legislature. It is bound to come. It has to come and I assure this House and I assure the other House too, that if any defalcations are found, if any misappropriations are found the law will take its course. We are governed in this country by the rule of law and any person how ever mighty he be whether it is Mr Patnaik or Mr Mitra or anybody else, if he has committed an offence, action will be taken against him. Why do you want a commission of enquiry? I do not know how long it will take perhaps in a month or two, we shall get the findings of an entirely independent authority.

SHRI BHUPESH GUPTA No

SHRI M C CHAGLA Why not?

SHRI BHUPESH GUPTA: I say what you have stated in the Cabinet Committee's findings we should like to know, how these things came about.

THE DEPUTY CHAIRMAN: Mr. Gupta, you should allow Mr. Chagla to finish his speech.

SHRI M. C. CHAGLA: I have made it clear that I would be very wrong on our part without a full enquiry, to say that anybody was guilty of an offence. That is not how my judicial sense works.

SHRI BHUPESH GUPTA: But *prima facie* case is there.

SHRI M. C. CHAGLA: One minute, please. We are satisfied that impropriety had been committed and we have given the finding. With regard to the larger question—did they commit defalcation, did they swallow public money, did they cause losses to the State; I say we are not called upon to deal with that, for that was not within our ambit.

SHRI A. B. VAJPAYEE: That is why we want a commission of enquiry.

SHRI BHUPESH GUPTA: That is exactly the reason why we want a commission of enquiry.

SHRI M. C. CHAGLA: Madam, can you say that the Comptroller and Auditor-General is . . .

SHRI MULKA GOVINDA REDDY: The Sub-Committee has said that there has been no pecuniary benefit or gain to Mr. Patnaik or Mr. Mitra. And how he has said a different thing.

SHRI M. C. CHAGLA: I think there is no more an independent body in the whole of India than the Comptroller and Auditor-General of India. If he makes a report, that report will be submitted to the Legislature, apart from the report of the Public Accounts Committee.

(Interruptions)

THE DEPUTY CHAIRMAN: No running commentary. I think you must give him a patient hearing. Let him finish his speech first.

SHRI BHUPESH GUPTA: The hon. Minister is saying things which are not tenable in law even. Can the Auditor-General interrogate a Minister's wife. Can the Auditor-General interrogate Mrs. Patnaik?

SHRI M. C. CHAGLA: I do not want to take too much time but I just want to sum up by saying that there are three basic misconceptions in the arguments advanced by my hon. friends in the Opposition. The first is as to the nature of the C.B.I. report and, if I may repeat, it is an *ex-parte* statement untested by cross-examination, untested by other materials and all the materials that they have on which the Opposition has mounted this attack on us are based on this document. The second misconception is with regard to the function of the Sub-Committee. My hon. friends probably thought that we were judges, that we were called upon to write a judgement . . .

SHRI A. B. VAJPAYEE: That is what the Law Minister has said.

SHRI BHUPESH GUPTA: You are Congress Partymen assigned to white wash crime.

SHRI A. K. SEN: I never said that.

SHRI M. C. CHAGLA: . . . that Mr. Patnaik and the Chief Minister were in the dock and that we had to decide whether they were guilty, etc. As I have said, it had a narrow, limited restricted function and we were to advise the Prime Minister to the best of our capacity. The third misconception on the part of the . . .

SHRI BHUPESH GUPTA: To the best advantage of Mr. Patnaik.

SHRI M. C. CHAGLA: And the third misconception on the part of the Opposition has been about the function and the

[Shri M. C. Chagla.]

necessity of a Commission of Enquiry. I said that the function of a Commission of Enquiry is merely to find facts and I said that there is no necessity for the Commission because the Prime Minister is already at it under the Code of Conduct which he had presented to Parliament. With regard to the question whether something more serious has been done by Mr. P.P. Naik or the ex-Chief Minister, let us await the report of the Auditor-General and if that discloses that anything has been done, the law will take its course.

(Several hon. Members stood up)

THE DEPUTY CHAIRMAN: Mr. Lokanath Misra has to reply.

PROF. M. B. LAL (Uttar Pradesh): If you would permit me, Madam, I want to ask one or two points of clarification. The Leader of the House says that the C.B.I. report is an *ex parte* police report. When the police is required to make an enquiry into any case it enquires both from the accused and from those that lay the charge. How is it then that in this particular case the C.B.I. was not required to find out from the accused persons what they had to say in reply to the charges framed against them or in reply to the results of the enquiry on the basis of the study of the documents with Governments?

SHRI M. C. CHAGLA: May I answer that question because it is very important that I should answer? I thought I had already clarified the matter. If this had been an investigation under the Criminal Procedure Code after a case had been registered, undoubtedly it was the duty of the police not merely to find facts but also to question the accused but this was not an investigation under that Code. It was an enquiry and the only enquiry that was held was into the documents of the Government of Orissa. The Orissa Government presented the documents, the police officials looked into the documents and made this report. They did not even go into the books of Kalinga Industries or

Kalinga Tubes. No oral evidence was taken and, therefore, it is not only one-sided but even in that one-sidedness, there is this peculiarity. You see the Criminal Procedure Code.

PROF. M. B. LAL: May I know from the Leader of the House who referred us to the Criminal Procedure Code to find out the distinction between an enquiry and an investigation, whether there is any clause in the Criminal Procedure Code or in any document of jurisprudence wherein it is said that the enquiry must be as limited as this C.B.I. enquiry and that the C.B.I. or any other body could submit a report without having any talk with the accused persons?

SHRI M. C. CHAGLA: In the Criminal Procedure Code, there is a chapter called "General Provisions as to enquiries and trials", Chapter XXIV. Will he go through that?

THE DEPUTY CHAIRMAN: He is referring you to that.

SHRI BHUPESH GUPTA: May I know whether it is not a fact that in the report of the C.B.I. itself, it is stated that the C.B.I. did not have access to certain things because they were not given? It is precisely because of these things, so that these documents could be reached—and this could be done only by a Commission of Enquiry—that we are asking for a Commission of Enquiry. May I know whether that aspect was borne in mind and whether, Madam, it is not also a fact that when the Mundhra affair went before the Chagla Commission, Mr. Justice Chagla did not confine his enquiry to an act or transaction of shares but went even into the motives and other agencies operating from behind the scene and had made certain remarks which helped the public to understand the position? Why in this case, therefore, after what they have got, information in their possession, they should not have gone in for an enquiry is what we want to know. That enquiry could reach out where they could not reach

because of some difficulties and make a comprehensive report or findings, whatever you call it.

SHRI RAJENDRA PRATAP SINHA (Bihar): I want one information from the Leader of the House. The Prime Minister gave his judgement on the allegations made against the Chief Minister of Bihar. I want to know whether the Chief Minister of Bihar asked to answer the allegations and if so, whether the answers were examined and then a clearance was given.

SHRI A. B. VAJPAYEE: May I ask the Leader of the House why the Memorialists were not invited by the Cabinet sub-committee to furnish proof to substantiate their allegations?

THE DEPUTY CHAIRMAN: That will do.

SHRI M. C. CHAGLA: May I answer Mr. Vajpayee's question first? We were not a court; we were not a tribunal

SHRI BHUPESH GUPTA: Why did you call Biju Patnaik?

SHRI M. C. CHAGLA: Mr. Bhupesh Gupta will not interrupt me. If we were going into the offences, the charges of the Memorialists, we would certainly have examined them but as I said, we were only advising, in confidence, the Prime Minister.

Now, with regard to my friend, he is perfectly right. The charges which were made against the Chief Minister of Bihar were sent to him, his explanations were received and the Sub-committee came to the conclusion which the Prime Minister disclosed to the House.

THE DEPUTY CHAIRMAN: Mr. Lokanath Misra.

PROF. M. B. LAI: Just one question, Madam.

THE DEPUTY CHAIRMAN: No more. Mr. Lokanath Misra.

SHRI BHUPESH GUPTA: Why did you call Biju Patnaik? Just because he belongs to your Party?

SHRI LOKANATH MISRA: After listening to the speech of the Leader of the House I am extremely disappointed that . . .

SHRI L. N. MISRA (Bihar): That you will always be.

SHRI LOKANATH MISRA: . . . there is nothing new than what he has said in the other House . . .

SHRI M. C. CHAGLA: I cannot change the facts.

(Interruptions.)

SHRI LOKANATH MISRA: . . . even though so many points were raised in this House which were not raised in the other House. (Interruptions.) What is this? Is this how the ruling party behaves? But somehow in his speech the Leader of the House says . . .

SHRI BHUPESH GUPTA: Not Leader of the House; the Government spokesman.

SHRI LOKANATH MISRA: Yes; the Government spokesman says that the C.B.I. Report has been one-sided. He cannot escape by calling it one-sided because all the relevant materials from the Government files have been picked up. Facts have been picked up from Government files. No other evidence was necessary.

SHRI M. C. CHAGLA: Not all the facts.

SHRI LOKANATH MISRA: Whichever has not been made available, they have not been taken up. If there was tampering with files, if some files were held back by the men in power, by the men in authority in Orissa, then the C.B.I. are not to blame. They themselves are to blame. The C.B.I. went further and extended an

[Shri Lokanath Misra]
invitation that whatever papers were necessary should be placed before them. They went through whatever was made available to them and prepared the Report and particularly when Shri Biju Patnaik and Shri Biren Mitra were in power. So he can never escape by saying it is a one-sided Report. It is an all-sided Report because all the materials that were necessary were made available to them.

Secondly, as a memorialist, I would beg to submit that the memorialists hold the Cabinet Sub-Committee guilty of not having asked any of the memorialists to represent their case when the other party was asked to do so. If there was some explanation, some clarification to be made available to them, we could have done that and now they take the plea that it is a one-sided Report. If there were any clarifications to be made available, they must have sent for the memorialists; that they did not do.

Then, Madam, he considers the Cabinet Sub-Committee's findings to be a confidential document. That way even the Fourth Plan document is confidential because it also travels the same way as this thing. It is the same Cabinet and a Sub-Committee of the Cabinet on Planning that goes through it and he cannot claim that it is a confidential document because of that. Hundreds of things in this country pass through the Cabinet. Passing through the Cabinet does not lend confidentiality to a thing. Therefore it is a very frivolous argument for an ex Judge to use that it is something that pertains to the Cabinet and therefore he considers it confidential. He cannot say that it is confidential simply because it passes through the Cabinet.

He also referred—some other hon. Member here also referred—to the Auditor-General's Report. I am extremely grateful to the Government spokesman that on this occasion at least he gave us the hope that when the Auditor-General's Report becomes available, if there is any thing wrong, steps would be taken. At least on that account I congratulate him.

But what about the fate of the Auditor-General's Report?

SHRI AKBAR ALI KHAN Have you got the Auditor-General's Report also?

SHRI LOKANATH MISRA I will just now tell you.

SHRI AKBAR ALI KHAN Madam, if you will permit me, by the time he looks through his papers I would like to repeat one thing which the late Prime Minister said when he was being opposed by all. He said

ہم آہ بھی کرتے ہیں تو ہو جاتے ہیں بدنام
وہ قبل بھی کرتے ہیں تو حرجا نہیں ہوتا

[ہم براہ بھی کرتے ہیں تو ہو جاتے ہیں بدنام
وہ قبل بھی کرتے ہیں تو حرجا نہیں ہوتا]

श्रीविमलकुमार मन्नालालजा चोरडिया :
यह हमारी वान आपने कैसे कह दी ?

श्री ए० बा० दाजपेया : मैडम, अभी कत्ल
तो उधर से हो रहा है ।

SHRI BHUPESH GUPTA We are now having a *mushaira* it seems.

THE DEPUTY CHAIRMAN Mr Lokanath Misra you need not take so much trouble.

SHRI LOKANATH MISRA Madam, to one of my questions in this House on the 18th November the Finance Minister here gave me a reply saying that the Auditor-General's Report has already been sent to Orissa. That was on the 18th November.

THE DEPUTY CHAIRMAN Which Auditor-General's Report?

[] Hindi transliteration

SHRI LOKANATH MISRA: Special Audit Report regarding Orissa affairs. I do not know if he has sent it on the election symbol of the Congress Party.

AN HON. MEMBER: Bullock cart?

SHRI LOKANATH MISRA: Then it would take about three months from here to Bhubaneswar.

SHRI M. C. CHAGLA: The Auditor-General has to submit his Report to the Governor, not to the Finance Minister or anybody here. That is in the Constitution.

SHRI LOKANATH MISRA: I am coming to that. I only give you the information given to me by the Finance Minister. What is the reaction from the other side? The Chief Minister of Orissa says, 'Neither my Governor nor I have received the Report'. Subsequently when he was heckled in the Assembly he said, 'My Government has not received it'. Who else remains who would have received it?

SHRI BHUPESH GUPTA: Maybe, his wife has received it.

SHRI LOKANATH MISRA: It is incumbent on the Governor, as indicated by the Government spokesman here, to cause it to be laid on the Table of the Assembly. Even if he has received it, he has not done it yet, and that is because of the influence that works here. And I accuse the Cabinet Sub-Committee. Also either I have to accuse the Finance Minister here for breach of privilege or I accuse the Chief Minister of Orissa for having made a wrong statement. It must be either here or there; it cannot be in the air. It is more than three months now and it is something serious. The ruling party should not laugh it away. It is something serious. A statement is made here by the Finance Minister who says that it has been sent and it is not being acknowledged by the Chief Minister of Orissa. It is not being submitted and I can assure this House that under the present leadership of Orissa it can never be submitted because there is no time limit stipulated in the Constitution. The Governor is not going to

cause it to be laid on the Table of the Assembly. He has not done it for more than three months now. Why did not he do it if he had the intention of doing it? (Interruption.) I am sorry it is six months.

SHRI K. K. SHAH: On a point of order, can he cast aspersion on the Governor?

PROF. M. B. LAL: The Governor acts on the advice of the Ministers and the Ministers do not advise him to lay it on the Table of the House.

SHRI LOKANATH MISRA: Then, Madam, the Lady Member from Orissa referred to our Party and the feudal order. If she had a sense of mathematics—I hope she has—she would have calculated the number of ruling chiefs in the Congress Party in Orissa. Most of them have gone to her side and it is the old feudal order mingled with the new feudal order that is coming up in Orissa. The present Maharajas of Orissa are Shri Biju Patnaik and Shri Biren Mitra. The old Maharajas are forgotten; they are dead now. It is only the creation of these new Maharajas in Orissa which we want to resist because we want democracy to stay in this country; we want a democratic country; no more feudalism. We are against feudalism. I am not a Rajah or a Maharaja. I take pride in it that I oppose this corrupt ruling party in Orissa and elsewhere. That is a matter of great pride to me.

Now, Madam, this is the last point. Mr. K. K. Shah wanted somehow to divert the issue by bringing in the defamation case, and the eminent lawyer, Mr. Pathak, also brought in that. When a representation was made to the President against those people who cannot be charged under section 420—I do not know if 1680 would be enough for them, four times that—they thought that they could take cover in a court of law. In any court in India except the older Presidency Courts a court fee is necessary on some percentage basis on the libel charges. It is only in the city of Madras, Bombay and Calcutta where for Rs. 20/- only some advocates or some lawyers can sometimes get the protection of

[Shri Lokanath Misra]

the court and it is in the Calcutta Court at a cost of Rs 20/- some lakhs have been involved in a case of defamation. This was only to come in the way of the President taking up this representation and handing it over to the Prime Minister but this did not work. The Law Department gave their decision in favour of proceeding with it even though the defamation case was pending. This is the Rs 20/- story of this defamation case about which Mr K. K. Shah waxed so eloquent.

THE DEPUTY CHAIRMAN Now there are four amendments. The first amendment is in the name of Mr Bhupesh Gupta. Are you pressing it?

SHRI BHUPESH GUPTA Yes.

THE DEPUTY CHAIRMAN The question is—

1 'That at the end of the motion, the following be added, namely—

'and having considered the same this House is of opinion that the allegations mentioned in the statement together with other relevant materials be referred to a Commission of Inquiry under the Commissions of Inquiry Act, 1952.' "

The motion was negatived

THE DEPUTY CHAIRMAN The next amendment is in the name of Mr Vajpayee. Are you pressing it?

SHRI A. B. VAJPAYEE Yes, I press.

THE DEPUTY CHAIRMAN The question is—

2 That at the end of the motion, the following be added, namely—

'and having considered the same, this House—

(1) regrets the arbitrary manner in which Government have brushed aside the serious charges levelled against the Chief Ministers of Bihar and Mysore and the two former Chief Ministers of Orissa and

(2) records its opinion—

(a) that the facts revealed and admitted in Parliament clearly make out a *prima facie* case of corruption against the two ex Chief Ministers and other Ministers of Orissa, and

(b) that the stand taken by Government in regard to the charge-sheets against the Chief Ministers of Bihar and Mysore has failed to convince the House that any attempt has been made at an objective evaluation of the charges.

and accordingly recommends that—

(1) a Commission be appointed under the Commissions of Inquiry Act, 1952, to probe into the allegations against the two former Chief Ministers and other Ministers of Orissa, and

(ii) the allegations against the Chief Ministers of Bihar and Mysore be referred to the Attorney General of India to examine whether there is a *prima facie* case or not.

Those in favour will please say 'Aye'.

HON. MEMBERS Aye.

THE DEPUTY CHAIRMAN Those against will please say 'No'.

HON. MEMBERS No.

THE DEPUTY CHAIRMAN The Ayes have it, the Ayes have it.

SHRI A. B. VAJPAYEE No, we want a Division.

PROF. M. B. LAL It has to be recorded.

SHRI LOKANATH MISRA Yes, it has to be recorded as to who are in favour of corruption and who are against it.

SHRI BHUPESH GUPTA Madam, I know that if you want to be a Minister, you must have a wife. (*Interruptions*)

SHRI D. P. KARMAKAR: Madam, those last words which are contempt of the Chair should be expunged.

THE DEPUTY CHAIRMAN: I have . . .

SHRI NAFISUL HASAN (Uttar Pradesh): That is not sufficient. That is an aspersion on the Chair, on the impartiality of the Chair.

SHRI BHUPESH GUPTA: What? I never said anything. I said from the Kalinga experience . . . (Interruptions.) It was nothing against the Chair.

THE DEPUTY CHAIRMAN: All right. let us have a division.

The question is:

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

'and having considered the same, this House—

(1) regrets the arbitrary manner in which Government have brushed aside the serious charges levelled against the Chief Ministers of Bihar and Mysore and the two former Chief Ministers of Orissa; and

(2) records its opinion—

(a) that the facts revealed and admitted in Parliament clearly make out a *prima facie* case of corruption against the two *ex*-Chief Ministers and other Ministers of Orissa; and

(b) that the stand taken by Government in regard to the charge-sheets against the Chief Ministers of Bihar and Mysore has failed to convince the House that any attempt has been made at an objective evaluation of the charges;

and accordingly recommends that—

(i) a Commission be appointed under the Commissions of Inquiry Act, 1952, to probe into the allegations against the two former Chief

Ministers and other Ministers of Orissa; and

(ii) the allegations against the Chief Ministers of Bihar and Mysore be referred to the Attorney General of India to examine whether there is a *prima facie* case or not."

The House divided.

THE DEPUTY CHAIRMAN: Ayes—23.
Noes—73.

AYES—23

Abdul Ghani, Shri
Chordia, Shri V. M.
Damodaran, Shri K.
Gaikwad, Shri B. K.
Gupta, Shri Bhupesh
Jagat Narain, Shri
Kapoor, Shri G. K.
Khandekar, Shri R. S.
Kumaran, Shri P. K.
Lal. Prof. M. B.
Mariswamy, Shri S. S.
Misra, Shri Lokanath
Murahari, Shri G.
Nair, Shri M. N. Govindan
Patel, Shri Dahyabhai V.
Patel, Shri Sundar Mani
Reddy, Shri Mulka Govinda
Ruthnaswamy, Shri M.
Singh, Shri Devi
Singh Dev, Shri Sankar Pratap.
Sinha, Shri Ganga Sharan
Thengari, Shri D.
Vajpayee, Shri A. B.

NOES—73

Abdul Shakoor, Moulana
Abraham, Shri P.
Ammanna Raja, Shrimati C.
Anandan, Shri T. V.
Annapurna Devi Thimmareddy, Shrimati.
Baghel, Shri K. C.

Barooah, Shri Lila Dhar
 Bhargava, Shri M. P.
 Bobdey, Shri S. B.
 Chagla, Shri M. C.
 Chetia, Shri P.
 Dasgupta, Shri T. M.
 Deb, Shri S. C.
 Desai, Shri Khandubhai K.
 Desai, Shri Suresh J.
 Dikshit, Shri Umashankar
 Doogar, Shri R. S.
 Dutt, Shri Krishan.
 Ghose, Shri Surendra Mohan
 Gilbert, Shri A. C.
 Gujral, Shri I. K.
 Gupta, Shri Gurudev
 Hathi, Shri Jaisukhlal
 Iyer, Shri N. Ramakrishna.
 Joshi, Shri J. H.
 Karmarkar, Shri D. P.
 Khan, Shri Akbar Ali
 Khan, Shri M. Ajmal
 Kothari, Shri Shanti Lal
 Lalitha (Rajagopalan), Shrimati
 Mahanti, Shri B. K.
 Maniben Vallabhbbhai Patel, Kumari
 Mary Naidu, Miss.
 Mathen, Shri Joseph
 Mishra, Shri L. N.
 Mishra, Shri S. N.
 Misra, Shri M.
 Mitra, Shri P. C.
 Mohammad, Chaudhary A.
 Mohinder Kaur, Shrimati
 Muhammad Ishaque, Shri
 Nafisul Hasan, Shri
 Nandini Satpathy, Shrimati
 Panjhazari, Sardar Ragbbir Singh
 Pathak, Shri G. S.
 Pattanayak, Shri B. C.
 Phulrenu Guha, Dr. Shrimati
 Pillai, Shri J. S.

Poonacha, Shri C. M.
 Prasad, Prof. B. N.
 Puttappa, Shri Patil
 Ramaswamy, Shri K. S.
 Ramaul, Shri Shiva Nand
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri N. Sri Rama
 Sahai, Shri Ram
 Savnekar, Shri Baba Saheb
 Shah, Shri K. K.
 Shah, Shri M. C.
 Sherkhani, Shri
 Shukla, Shri M. P.
 Shyam Kumari Khan, Shrimati.
 Singh, Thakur Bhanu Pratap
 Singh, Shri Dalpat
 Sinha, Shri Rajendra Pratap
 Tankha, Pandit S. S. N.
 Tara Ramchandra Sathe, Shrimati
 Thanulingam, Shri P.
 Tiwary, Pt. Bhawaniprasad.
 Tripathi, Shri H. V.
 Vaishampayen, Shri S. K.
 Varma, Shri B. B.
 Varma, Shri C. L.

The motion was negatived.

THE DEPUTY CHAIRMAN: The next amendment seeking an Enquiry Commission is barred. Your amendment is lost. There is one more amendment in the name of Mr. M. P. Bhargava.

SHRI A. B. VAJPAYEE: It was not moved.

SHRI BHUPESH GUPTA: On a point of order. This amendment we have not got notice of. We do not know what that amendment is. Under the rules notice has to be given and it was not even moved. It was not moved. He was not in his seat.

THE DEPUTY CHAIRMAN: I remember that I put the amendments of Mr. Bhupesh Gupta, Mr. Vajpayee and Mr.

A. D. Mani with Shri Oberoi. I did not put Shri Bhargava's amendment. ~~There-~~fore, that amendment cannot be before the House.

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, the amendment was moved. The record may be seen.

(Interruptions.)

THE DEPUTY CHAIRMAN: The amendment was circulated, but I do not think that the amendment was put to the House.

SHRI M. P. BHARGAVA: Madam Deputy Chairman, what you said was that all the four amendments are there.

(Interruptions.)

THE DEPUTY CHAIRMAN: I want to be very fair-minded. I had read out the names of Shri Bhupesh Gupta, Shri Vajpayee, Shri A. D. Mani with Shri Oberoi. Mr. Bhargava's amendment was not put to the House.

The House stands adjourned *sine die*.

The House then adjourned *sine die* at thirty-eight minutes past six of the clock.