

[Prof. M. B. Lai.] employees need more sympathetic consideration in the matter of deductions. Madam, this amendment Bill does not take into consideration the question of the proper payment of bonus which is regarded by many competent authorities as deferred payment of wages. They also provide good incentive to workers for efficient production. The Bonus Commission's report is before the Government for a long time. The Government has not been able to come to any decision simply because the Government is paying more attention to a minority report signed by an individual member of the Bonus Commission and is ignoring in that connection the recommendations of the majority report. The minority report is signed by a representative of the employers. This again indicates that the Government's labour policy is more employer-oriented than employee-oriented.

Madam, proper attention also needs to be paid with regard to the payment of the provident fund. Increasing emphasis is laid on payment to workers through provident fund hoping that thereby workers will have a certain increase in wages and the increased wage would be utilised in investment rather than in domestic expenditure. Much can be said in favour of this policy. Something can also be said against this policy. But today I am not going to discuss the merits and demerits of the policy. All that I wish to say is that there should be a provision for speedy payment of provident fund after a worker retires. At present there is no such arrangement which is causing difficulties to workers.

Madam I feel that greater attention needs to be paid to the miserable conditions of contract labour and those working on piece-work system. We ought to see that contract labour system and piece-work system do not result in labour's exploitation. At least minimum wages must be assured to them. I know that in certain

cases minimum wages are assured to even those working under the contract system. But this is not a universal practice.

Madam, on many an occasion I have differed from my friend, Mr. Arjun Arora. But today I am prepared to endorse his speech and will request the Labour Minister to pay due consideration to the suggestions of my friend, Mr. Arjun Arora. I do not wish to repeat them because under the parliamentary procedure, repetition is to be avoided to the extent possible. But I wish to lay emphasis on one of his suggestions, that is, with regard to the adequate codification of labour laws. I feel that the entire labour policy needs to be reorientated. Workers, I beg to submit, Madam need to be assured full employment, fair wage leading to living wage, non-contributory social security from womb to tomb, worker's education, self-government in industry, worker's participation in the management of public sector industries at all levels, the liquidation of worker's exploitation by capitalists, the organisation of public sector industries into an instrument of socialism and the proper provision of incentives to workers through good bonus system. I feel that alone we can ensure happiness to the workers, we can ensure march towards a socialist economy and socialist society. And that, I beg to submit, Madam, is the labour policy of the Samyukta Socialist Party.

SHRI ABID Ali: Madam, Deputy Chairman, I would fully endorse the last remarks made by my good friend who had just spoken, but, Madam—and it is a big "but"—we have first to make the nation strong, sufficiently prosperous and then ensure full justice not to the worker in the factory, the mines, the Railways, but also in the field as also to every citizen. If for a while Prof. Mukat Behari Lai also considers the progress achieved by the nation during these years after independence, he will appreciate that

much has been done though much more remains to be done.

PROF. M. B. LAL: And I wish I to emphasise the latter.

SHRI ABID ALI: With regard I to this particular Bill there are certain defects—maybe I am wrong, but I feel that way—and some more amendments are necessary, particularly with regard to the definition of wages. According to the changed circumstances the definition of wages in the main Act should have been amended at this stage.

Madam, the proviso on page 3 at the top appeals to me to be rather defective. On page 4, 75 per cent, deduction is permitted. Of course it is true that workers will have to repay the amount due from them, but they should not be so much overburdened with debt. This encourages more indebtedness and more difficulty for the workers. Cooperatives will go on advancing under the various categories but when the cut is limited, then the giving of loan also would be limited.

There are other things also, Madam. I have not given notice of any amendment because the Bill has been passed by the other House and now any amendment, even if the hon. Minister considers acceptable, would mean delay, but I hope that before long the hon. Minister will be bringing forward some more necessary amendments.

Madam, with regard to what my friend, Mr. Anandan, has said, I have to observe one thing. I have affection for him. He is one of my respected colleagues in the movement. As a worker in the Railways at one time himself, perhaps he might be under the impression that all those who are in the employment of Railways are good persons and the rest are bad. Madam, every one of us, in police or administration, a politician or a social worker, a trader or anybody else, is a product of the same society. What-

ever the standard of the society, that is reflected in every sphere. There are honest Railway employees though some of them may not be of that standard. Similarly, others also are honest and dishonest up to the same percentage as you find anywhere else. Therefore, to feel that these employees in the Railways will be subjected to greater hardship by accepting these amendments is something with which I do not agree. But I do not know where was the necessity to bring forward these amendments, because at present also damages or loss is recovered up to a certain limit depending on the circumstances of each case. Bad coins are rejected whether it is a conductor in a bus or a booking clerk in the Railways. Anyhow, Government has thought it fit and has now legalised it.

Some of the suggestions made by my friend are worth giving serious consideration by Government, and I am sure the Labour Minister and his Ministry will be examining them and at a proper time they will come forward with necessary amendments.

I was a bit worried when the hon. Labour Minister made a statement elsewhere that hospital workers might be excluded from the protection of the Industrial Disputes Act. I humbly request him to kindly take it very seriously. In the present planned economy and the economic position and other circumstances of the country, nothing precludes the Government from giving protection to these workers also under the Industrial Disputes Act and other labour legislation. Let us think for a moment if workers are not entitled to go to the Labour Courts, what should they do? We cannot prevent them from going on strike. We cannot compel them to work. There should be something for them to depend on and luckily in this country to-day the workers have confidence in the Labour Courts, in adjudication and the conciliation machinery of the Government. If you tell them that it is not open to them

[Shri Abid Ali.] to get these, then when their demands come, which they think earnestly, sincerely and they are convinced that they are legitimate demands and the Hospital Authorities whether Government or otherwise, refuse to concede them, then the alternative is to go on strike. By your removing them from the protection of the labour legislation, you cannot stop them from striking. Then what is the alternative? There is pressure, there has been pressure always from certain sections that these workers should not be governed by these enactments and that had to be resisted so far successfully and I am sure our progressive Labour Minister, his Deputy and the Labour Ministry, all will be very strongly opposing this suggestion and under no circumstances they will lend their support and will refuse to accept it.

Regarding the suggestion that notification concerning the Central Government projects should not be issued by the State Governments without the permission of the Central Government, I hope the intention is not to treat the employees in these projects on a different basis. The Government is committed, not to-day but for several years, that all the employees in the Government projects should be treated as employees in other sectors are treated. There should be no discrimination. If at all there is to be discrimination, it should be in favour of the workers, not against them. This tendency that the officers who are managing these projects are immune from doing injustice, I am sorry to submit, has no basis. There have been some officers who are ill-treating the workers. Why have we so much trouble in these projects to-day? Why have we so much indiscipline in these projects today and why have there been bad agreements to-day? First the officers resist good demands from the workers. Up to a certain limit only they can resist and when they collapse, they collapse like a house of cards and they submit even to demands

which should not have been accepted. There have been instances. Not only they disregard the Labour Ministry and their advice but also there have been instances that the State Labour Department, which has been helping them for better industrial relations, has been just discarded when these officers became panicky. They become first tortuous because some of them have that tendency and suddenly they collapse because they have no interest, no investment in these establishments. Of course, as citizens they are concerned but otherwise they have no stake. They feel that they will not be harmed. There are some instances in which, if the Labour Ministry examines, they will find that for prolonged periods these disputes were allowed to be continued and suddenly the collapse came. That is a very bad tendency and that tendency has been very much harmful, detrimental to good industrial relations and it has encouraged indiscipline and bad leadership. Good leadership among them ultimately had to retire and bad leadership got their place. So I do not want to say more on this point. I feel very much hurt when I find such condition in some of our very good first-class projects where hundreds of crores, have been invested and which should do very good, which should be instrumental in helping the prosperity of the country. The indiscipline there is harming our prosperity very much. Our socialistic society does not permit these tendencies. We are committed to it. No favouritism but justice has to be done not only to these workers but also to workers everywhere and with that in view, all these legislations are coming before us and my last request to the Labour Minister is that much more is to be done with regard to this enactment also. Some of my friends, particularly the gentleman who just preceded me, perhaps were discussing more about the wages but the scope of this particular Bill is very much limited. It is about payment of wages, about regulation and the points arising therefrom are mentioned here but some important things

are missing according to the requirements of the present times. I hope the hon. Labour Minister will be able to bring a comprehensive Bill soon to cover those items as well.

SHRI D. SANJIVAYYA: Madam, when the discussions started on this Bill, hon. Member Shri Anandan said that this Bill contained amendments of two categories. One category he described as bright and the other as dark. At the very outset I would like to assure him that this Bill contains amendments which belong to the first category alone and not a single amendment is thought of which can be categorised as belonging to the second. The first point that he raised relates to clause 3 of the Bill. He takes objection to clause 3 (a) where it says:

"Air transport service other than such service belonging to, or exclusively employed in the military, naval or air forces of the Union or the Civil Aviation Department of the Government of India."

Probably he is under the misapprehension that these words 'Civil Aviation Department' would mean the two Corporations, the I.A.C. and the Air India International. I would like to inform him that all employees who belong to the I.A.C. and the Air India International are covered by this Act, but when we say that this does not apply to the Civil Aviation Department, we mean that those Government servants who work in the Civil Aviation Department and who do not belong to these Corporations will not be covered. For instance only the employees of the Civil Aviation Department, who are Government employees and who are concerned with Telecommunication and ground facilities at the aerodromes have been excluded. I hope with his explanation my friends' doubt would disappear.

Then with regard to the P.W.D. he has also taken some objection. Sometimes the work spots are far away from the Divisional Headquarters where

bills have to be prepared. The Works and Housing Ministry and the State P.W.D. Ministries impressed on us the practical difficulties involved. Therefore, we have given them some facility in this regard.

The next point that he raised relates to the travelling allowance. In this Bill, as correctly observed by my hon. friend, Mr. Abid Ali, we do not specify as to what wages they should get or what travelling allowance should be paid. All that is covered by this Bill is as to how these payments are to be made. The quantum of payment is not fixed here. Whatever is fixed and whatever is due to the worker will have to be paid in the manner prescribed by this Bill.

Then he took objection to the insertion of the word "interest", but probably he has not taken the interest to see the other words there. The words used there are "the interest due". Unless the interest is due it will not be deducted, and whenever a loan is given or any advance made to an employed person or to a worker, it will be stipulated whether such advance or loan would bear interest, and unless it is in the agreement that a particular advance or loan will bear interest, the interest cannot be deducted. Therefore we have carefully used those words, "interest due".

Then, naturally, Shri Anandan, who is very much interested in the railway employees, has taken objection to sub-clauses (m) and (n) in clause 6. I have already, in my introductory remarks, made it amply clear that these sub-clauses had to be inserted on account of the recommendation of the Public Accounts Committee and also on account of the pressure of the Railway Ministry, in the sense that they had some difficulties and they wanted to get over those difficulties. Mr. Anandan has probably some misapprehensions about the view taken by the Public Accounts Committee. Not once or twice, but quite a num-

(Shri D. Sanjivayya.) ber of times, I should say, times without number, the Public Accounts Committee have considered this question—have considered very carefully too—and they have come to this conclusion. Therefore, we thought it would be necessary to insert these clauses. Of course Shri Anandan ha? a lot of experience so far as Railway Administration is concerned, and therefore he was saying how the booking clerks, how the commercial clerks will have to face hardships and difficulties. We have made it very clear in the Bill itself that insofar as the recoveries relating to base coins or mutilated or forged currency notes were concerned, the deductions will not be more than the actual loss sustained by the Railway Administration and also provided that these losses should be on account of the negligence of the employed persons concerned. With regard to others I have said that unless show cause notice is given, unless opportunity is given to them, these deductions will not be made. Then with regard to the other points made, they generally relate to certain other amendments. In a similar way my hon. friend, Shri Abid Ali, suggested that there are many more matters which need consideration, which should be looked into. We shall certainly look into them and, if necessary, will come forward with another amending Bill very early. Shri Anandan also raised one other point, namely, that some provisions in this Bill are ultra vires of the Constitution. We have consulted the Law Department and I do not see there is anything in this Bill which can be treated as *ultra vires* of the Constitution.

Then the other hon. Member who spoke, by and large supported the Bill. In fact, he quoted a sort of Hindi saying which said:

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meaning that whenever we think of Government properties, probably we do not pay much attention. Probably that is the meaning. Anyway he has supported the Bill and I have no comments to make.

Then the other hon. Member who spoke on this Bill was Shri Arjun Arora. He said that there were some dangerous provisions in this Bill. He correctly depicted the situation before 1936, that is, before this Act came into force. I quite agree with him. I quite sympathise with his anxiety so far as the welfare of the workers is concerned. With regard to deductions he thinks that so many advances should not be allowed. In a similar way my hon. friend who belongs to the S.S.P. also said that the moneys of the workers should not be frittered away in so many things. But when a worker wants to build a house, when he wants to possess a cycle or when he wants to fulfil certain social or religious obligations, I think it is desirable that we should allow him to take loans and see. . .

PROF. M. B. LAL: I only said that seventy-five per cent deduction? from the monthly wage will be too much.

SHRI D. SANJIVAYYA: But seventy-five per cent, a<; the hon. Member knows, is only when he has to pay a co-operative society. Here we have in our mind 'he loans which are advanced by the house-buildme; co-operative societies. Therefore, if he wants to own a house, naturally he has to pay a little more.

PROF. M. B. LAL: You may have in mind the housing co-operative societies, but the proposed law does not say so.

SHRI D. SANJIVAYYA: Any way then he made some other points with regard to definitions. For instance, the definition of 'workman' as is found in the Industrial Disputes Act, he says, is different from what it is in other Acts. He suggested that the definitions should be uniform so far as all labour laws are concerned. I entirely agree with him. We will certainly look into all the Acts and see that the definitions are made uniform. Then, when we said that whenever a State Government by notification extends the applicability of this Act to certain undertakings, such

state Vaovernments snould consult the Ceatral Government in the case of undertakings owned by the Central Government when such undertakings extended their activities to more than one State, we wanted it just to have uniformity all over. It is only consultation; it is not concurrence, and I do not know why my hon. friend took such objection to this consultation which we hav_e provided for in this Bill. Then he suggested codification of the laws. We will look into it as far as possible.

I do not know why—probably he is under a sort of misapprehensioh— he objects to the amendment that we have proposed to section 3. Section 3 in the principal Act says that the manager alone will be responsible for the payment of wages. Now we want to make the employer also responsible for such a payment. In a similar way, in section 19 of the principal Act it is laid down that the employer also should be responsible. Now, since we are amending section 3 of the Act making the employer also responsible, there is no necessity I to continue section 19 of the principal Act, because we are now amending section 3 of the principal Act.

Then our hon. friend of the S. S. Party laid great emphasis on the social ism which has been declared as the objective of the party in power. We are trying our best to see that socialism is achieved. He said that weekly payments should be made applicable. Section 4 of the principal Act lays down that all the payments should be paid within the month, sometimes within ten days or se^en days. Therefore, there is no further need for amending the Act.

Then he raised the question relating to bonus. But since we are thinking of a separate Bill dealing wjith the subject of bonus, I do not th}nk it necessary to bring in the subject of bonus here in this Payment of Wa|?es (Amendment) Bill. Similarly he referred to delayed payments so far as provident funds are concerned.

This is a matter which is being dealt with by the Ministry of Social Security and I shall certainly pass on tha valuable suggestion of the hon. Member to that Ministry for necessary action. The hon. Member generally endorsed the views of Shri Arjun Arora to whose points I have already replied.

Shri Abid Ali suggested that there were many more points which should be considered and this was suggested by others also. In fact, we had many proposals before us for consideration, but some were a little controversial and we thought that we should keep such controversial amendments for a better time, for calmer consideration, and so we have brought forward her_e all those amendments which are very simple and which are non-controversial. I hope and trust I have answered all the points and I hope hon. Members will certainly support this Bill.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Payment of Wages Act, 1936, 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. I find Shri Thengari and Shri Kumaran in whose names a number of amendments stand are both absent So there are no amendments.

Clauses 2 to 22 were added to the Bill.

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

SHRI D. SANJIVAYYA: Madam, I move;

"That the Bill be passed."

The question was proposed.

SHRI T. V. ANANDAN: Madam T have only . . .

SHRI D. SANJIVAYYA: I have only to say this much now. No doubt the Industrial Disputes Act is applicable to railway employees also, but in the matter of implementation there have been difficulties and in a recent Consultative Committee meeting I had made this very clear to the hon. Member and to other Members present. The Labour Ministry will take up the matter with the Railway Ministry.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The *motion was adopted.*

THE DEPUTY CHAIRMAN: Now we shall take up the next item—The Foreign Exchange Regulation (Amendment) Bill, 1964. Mr. Bhagat.

THE MINISTER OF PLANNING
(SHRI B. R. BHAGAT) : Madam, I will
have only five minutes.

THE DEPUTY CHAIRMAN: You may begin your speech.

SHRI A. D. MANI (Madhya Pradesh): May I make a suggestion? It was stated this morning...

THE DEPUTY CHAIRMAN: Let him begin his speech. There is still some time.

SHRI LOKANATH MISRA (Orissa): We can begin the discussion on the Das Commission Report five minutes earlier.

THE DEPUTY CHAIRMAN: You may begin, I have already asked Mr. Bhagat to take up this Bill.

SHRI B. R. BHAGAT: Madam, I beg to move:

"That the Bill further to amend the Foreign Exchange Regulation Act, 1947, as passed by the Lok Sabha, be taken into consideration."

While moving this Bill for consideration in the Lok Sabha, I had stated at length the considerations which had made it necessary to make the proposed changes in the Foreign Exchange Regulations Act, 1947. This Act represents the comprehensive law far regulating dealings in foreign exchange—a commodity which continues to be scarce and which is vital to carry out our development plans. I had stated that we had discovered a number of lacunae in the law during the last seven years since 1957 when the Act was last amended. We continue to be faced with a difficult foreign exchange situation and it is imperative that all necessary steps be taken to avoid misuse of this national resource.

The number of offences handled by the Directorate of Enforcement has been increasing from year to year and has risen from 1,700 in 1960 to 3,500 in 1963. While these figures by themselves unmistakably indicate the increasing volume of work handled by the Enforcement Directorate.

they do not give a complete picture inasmuch as the complexity of the cases has also risen with time. In 1957, the law was amended to enable the Director of Enforcement to adjudicate cases in lieu of taking recourse to prosecution in the courts of law as adjudication was certainly a speedier and more expedient method of settling these cases. Since we did not expect a large number of cases to arise, the power of adjudication was conferred only on the Director himself and on no other officer in the entire hierarchy. Our experience, however, has shown that the volume of work involved in the numerous cases and initiating adjudication (proceedings necessitates that the Directorate of Enforcement should be assisted from officers of Customs, Central Excise, Police and other Departments of the Government. We are, therefore, taking powers to entrust a part or all the functions of the Directorate of Enforcement to officers of the above-mentioned Department.

The law, as it stands today, does not empower the officers of the Enforcement Directorate to arrest offenders, to stop and search conveyances, to search premises, to summon persons and record their evidence. This seriously handicaps the Directorate in the discharge of its duties. We are, therefore, proposing to give to these officers the above-mentioned powers which are now being enjoyed by Customs officials. It is hoped that with these added powers, the Directorate of Enforcement will be able to investigate violations of law more effectively.

Madam, the Bill received extensive support in the Lok Sabha. I am quite certain that this House too will be generous in its support to the Government in our move to bring these offenders to book.

During the course of investigation, the Directorate of Enforcement come across documents and information which, though not directly related to foreign exchange, are of considerable

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interest to other Departments of the Government. We are empowering them to communicate the relevant information to the concerned duly authorised officers.

The Appellate Board, which hears appeals from the decisions of the Director of Enforcement, at present consists of one Chairman and one more member. There can be disagreement in the views taken by the members and the present composition of the Board does not take care of these contingencies. The composition of the Appellate Board is, therefore, being altered so as to have three members in all, including the Chairman. The law, as it stands today, does not provide for an appeal against the decisions of the Board and we are now proposing to provide for an appeal to the High Court on points of law only.

THE DEPUTY CHAIRMAN: You may continue later. It is now 4 o'clock. We will now take up the other business.

4 P.M.

**MOTION RE REPORT OF THE
COMMISSION OF INQUIRY ON
CERTAIN ALLEGATIONS
AGAINST FORMER CHIEF MI-
NISTER OF PUNJAB**

THE DEPUTY CHAIRMAN: Mr. Chordia. You will have fifteen minutes.

SHRI V. M. CHORDIA (Madhya Pradesh): Twenty minutes, Madam.

THE DEPUTY CHAIRMAN: Fifteen minutes, and I hope all those who participate in this will focus their comments on the Report of the Commission of Enquiry.

श्री बिमलकुमार मन्नालालजी चौरशिया :
उपसभापति महोदया, मैं प्रस्ताव करता हूँ :

“पंजाब के भूतपूर्व मुख्य मंत्री सरदार प्रताप
सिंह जी के विरुद्ध लगाए गए कनिष्ठ

[श्री विमलकुमार मन्नालालजी चौरडिया] आरोपों की जांच करने तथा उनके सम्बन्ध में प्रतिवेदन देने के लिए गृह-कार्य मंत्रालय की अधिसूचना एस० ओ० नं० ३१०६, दिनांक १ नवम्बर, १९६३ के अधीन, श्री एस० आर० दास की अध्यक्षता में गठित जांच आयोग के प्रतिवेदन पर, जो ७ सितम्बर, १९६४ को राज्य सभा की भेंट पर रखा गया था, विचार किया जाए।”

उपसभापति महोदय, पंजाब के भूत-पूर्व मुख्य मंत्री श्री प्रताप सिंह कैरों के बारे में जो भ्रष्टाचार, कृषिपरस्ती, अव्यवस्था और जितनी भी अवैधानिकता हो सकती थी, उन सब के बारे में उन पर जो आरोप लगाए गए उनकी जांच करने के लिए हमारी सरकार ने एक आयोग की नियुक्ति की। यह कदम एक ऐतिहासिक कदम है क्योंकि कई शिकायतें हमारे मुख्य मंत्रियों के बारे में होती रहीं, होती हैं, ये काफी असें से चल रहा था और इन मुख्य मंत्रियों के बारे में जांच करने के लिए आयोग की नियुक्ति हुई फिर भी वे मुख्य मंत्री बने रहे, तो ऐसी स्थिति में यह एक ऐतिहासिक घटना के रूप में हमारे यहां हमेशा याद रहेगी।

अगर हमारे सरदार प्रताप सिंह कैरों के कारनामों को देखा जाय, तो मुझसे ज्यादा माननीय अब्दुल गनी साहब इसे जानते हैं, जो कि इसमें शुरू से आखीर तक रहे, सारे काम को आगे बढ़ाने में रहे, प्रताप सिंह कैरों को इस दशा में लाने में रहे, मुख्यतः वह और उनके साथी—कई और भी इसमें उनके साथी हैं वे भी, बहुत धन्यवाद के पात्र हैं।

यह हमारे सरदार प्रताप सिंह कैरों कांग्रेस के बहुत पुराने कार्यकर्ता हैं। सन् १९५२ ई० में वह पंजाब के विकास मंत्री बने थे, सम्भवतः उसी समय से उन्होंने सोचा कि सारे राष्ट्र के विकास को करने की अपेक्षा या खाली पंजाब के विकास को करने की अपेक्षा पहले स्वयं अपना विकास

कर लें, फिर अपने कुटुम्बियों के लिए, अपने रिश्तेदारों के लिए विकास कर लें, फिर अपने मित्रों का विकास कर लें और उसी विकास विभाग के पोर्टफोलियो को पूरा करने की दृष्टि से उन्होंने विकास विभाग में काम प्रारम्भ किया और फिर बाद में १९५६ ई० में वे मुख्य मंत्री पद पर आसीन हुए। तो जो पुरानी विकास करने की आदत थी वह बराबर चलती रही और सारा विकास अपने स्वयं की दृष्टि से, अपने कुटुम्बियों की दृष्टि से, अपने पुत्रों की दृष्टि से, अपने मित्रों की दृष्टि से और अपने आसपास की दृष्टि से—जिन्हें कि रिपोर्ट में कैरों ट्राइब कहा गया है—उनसे जितना भी हो सका उतना करने का प्रयत्न किया। उन्होंने अपने पद का दुरुपयोग भी किया और जो कुछ भी करना था वह सब किया, यह सारा इस रिपोर्ट में अच्छी तरह से प्रकाशित है।

उन पर जो आरोप लगाए गए वे आरोप अमृतसर कोऑपरेटिव कोल्ड स्टोरेज के बारे में हैं, कैरों के ईंटों के भट्टे के बारे में हैं—ईंट के भट्टे को भी नहीं छोड़ा—प्रकाश सिनेमा और मुकुट हाउस के बारे में हैं, नेशनल मोटर्स के माध्यम से प्रीमियर ऑटोमोबाइल्स की एजेंसी और उसकी मार्फत अपने यहां जो गवर्नमेंट का ट्रांसपोर्ट था उसमें फार्गो, डाज आदि मोटरों के विक्रय के बारे में हैं, और नीलम सिनेमा, चंडीगढ़ पटियाला कैपिटल सिनेमा, पटियाला के कोल्ड स्टोरेज, लुधियाना के कोल्ड स्टोरेज, हिसार के इलाईट सिनेमा, नन्दन सिनेमा तथा पंजाब कोल्ड स्टोरेज, फरीदाबाद के नीलम सिनेमा के बारे में हैं। यह तो एक व्यापक यादी है ही, इसके अलावा और भी अन्य आरोपों की एक लम्बी चौड़ी फहरिस्त है। जैसे कि २५ हजार रुपया एक ही तारीख को बैंक में जमा करना—जहां कहीं से भी आ गया हो—, संग्रह की जागीरदारी की जायदाद का मामला, हरिजनों को दी जाने वाली जमीन

के बारे में अपने रिश्तेदारों को पहुँचाया गया लाभ, अपने दामाद रजनीत सिंह को मदद करने के लिए सीड फार्म का घोटाला, खराब बीज को खरीदकर एक ही व्यापारी से एक ही कीमत पर ले लेना, वगैरह-वगैरह, ऐसे बहुत सारे आरोप हैं जिसे हमारे ये माननीय सदस्यों ने मेहनत करके, अपना प्रतिवेदन दे कर प्रकाशित किए। इनको बहुत मेहनत करनी पड़ी और इनको सब कुछ करना पड़ा और दास कमिशन ने उनकी जांच कर के जो रिमाकंड दिया है वह तो रपोर्ट में है ही, इन सारी घटनाओं को दुहराकर मैं सदन का समय लेना नहीं चाहता।

तो ये सारी घटनाएं एक रोज में हो गई, ऐसी बात नहीं है। उपाध्यक्ष महोदया, ये क्रमशः हुई, एक प्रासेस था वह क्रमशः चलता गया, एक कदम के बाद दूसरा कदम और दूसरे कदम के बाद तीसरा कदम बढ़ा और इस तरह से वह सारे कदम बढ़ाते गए। इसके बारे में विरोधी दल के लोगों ने कहा, लेकिन उनके अलावा सब से पहले हमारे प्रबोध चन्द्र जी ने, जो कि कांग्रेस के कार्यकर्ता हैं उन्होंने और अन्य लोगों ने कांग्रेस को हाई कमांड को सन् १९५८ में लिख कर भेजा कि आपके प्रताप सिंह कैरों के ये कारनाम हैं। उनकी जांच की गई और फिर हमारे श्री मन्नारायण अग्रवाल ने उसके बारे में जो लिखा वह मैं संक्षेप में पढ़ कर सुना दूँ। उन्होंने लिखा :

"Certain improprieties were committed. While Sardar Pratap Singh may not have been personally aware of these, a person in his position must be deemed to be constructively responsible and there were certain procedural irregularities in administrative matters."

तो उन्होंने थोड़ा सा इशारा किया था। इंसान को इशारा काफी होता है मगर वह इंसान हो तो। मगर इंसान के अलावा सरकार को भी इस इशारे की गम्भीरता समझ में नहीं आई और इस के बाद उनकी गति और

बढ़ती गई, गति इतनी बढ़ गई और उन्होंने पापों का भंडार इतना संगृहीत कर लिया कि इस के बाद फिर १९६० में प्रबोध चन्द्र जी ने हाई कमांड से कहा कि इन श्रीमान का काम सम्भालिए। मगर शायद कांग्रेस दल यह सोच रहा था कि अगर प्रताप सिंह कैरों वह नहीं होगा, तो हमारी कांग्रेस की लुटिया डूब जायगी या और कारण होंगे। तो यहां पर हमारे प्रधान मंत्री जी ने भी और गृह मंत्री जी ने भी कहा कि इन आरोपों में तथ्य नहीं है, आरोपों की जांच हो रही है, तथ्यहीन आरोप हैं। मगर हमारे ही श्री अब्दुल गनी और कई कांग्रेस के सदस्य जो कि उनके साथ थे कहते रहे कि ऐसा नहीं है क्योंकि वे उनसे पीड़ित थे, वे जानते थे कि वहां की क्या स्थिति है और उसी के परिणामस्वरूप उन्होंने सारा प्रतिवेदन किया, सारा मसला उठाया। मगर हमारे प्रताप सिंह कैरों को समझ नहीं आई इतना ही नहीं वहां पर अखबारों में भी खूब खूब प्रकाशन किया, हिन्दुस्तान टाइम्स ने, ट्रिब्यून ने, दाम्बे क्रान्तिकिल ने जनता के मत को प्रकट किया। पर इस सब का असर नहीं हुआ। असर तो उस पर हो जिसके ऊपर कुछ असर हो सके, जैसे कि चिकने घड़े पर पानी डालने का कुछ असर नहीं होता या जिस को शर्म नहीं हो उसको शर्म की बात कही जाय, तो शर्म लग नहीं सकती या कोई बिल्कुल ही, जैसा कि कहा जाता है, "नसर-गट" हो तो उसको कितना ही कहा जाय कुछ असर नहीं होता। तो विधान सभा में सारी चिल्ला पों हुई, संसद् में इसके बारे में आवाज उठाई गई, अखबारों में इस के बारे में आवाज उठाई गई, प्रतिवेदन दिए गए, डेपुटेशन मिले, मगर कुछ असर नहीं हुआ। फिर बाद में एक डेपुटेशन १९६३ ई० की १३ जुलाई को मिला, शनिवार के रोज, तारीख भी और दिन भी ऐसा ढूंढा गया, शनिवार का दिन ढूंढा गया, उन दिन शनि की दशा कुछ सरदार साहब के ठीक न होगी या कुछ ऐसी बात होगी। उसके परिणाम स्वरूप आयोग की नियुक्ति हुई और आयोग

[श्री बिमलकुमार मन्नालाल जां चोरीड़या] आयोग की नियुक्ति के बाद कार्यवाही शुरू हुई ।

अब, जांच आयोग ने ज्युरिसप्रुडेंस के उच्च सिद्धांत का पूरा पालन करते हुए बिल्कुल स्पष्ट कहा कि हम यह मान कर चलेंगे कि हमारे द्वारा कोई ऐसा आदमी नुकसान में न पड़ जाय जो कि सचमुच में इननोसेंट हो, हम यह नहीं चाहते, और जब तक कि पूरे प्रमाणों के साथ यह प्रमाणित न हो जाय कि कोई व्यक्ति दोषी है तब तक हम आपको दोषी नहीं मानेंगे । ऐसे सिद्धांतों को मान कर कर के चला और उसके बाद जांच प्रारम्भ की । अब एक तरफ तो वह चीफ मिनिस्टर के पद पर विद्यमान रहे, दूसरी तरफ श्री अब्दुल गनी और उनके साथी अपनी और से प्रयत्न करते रहे, जब जस्टिस एस० आर० दास का जांच आयोग बैठा हुआ था तब पूरी का पूरा सत्ता सरदार कैरों के हाथ में थी, वहां के चीफ सेक्रेटरी ने काफी एफेडेविट्स दिए इस बात के लिए कि प्रताप सिंह कैरों साहब बच जाय । तो पूरी सत्ता, पूरी शक्ति उन के पास रही, साम दाम दंड भेद इन चारों गुणों से सम्पन्न चीफ मिनिस्टर बने रहे और इन का उपयोग किया । तो एक तरफ वह मुख्य मंत्री पद पर रहे और दूसरी तरफ हम तुलना करते हैं और अगर काश्मीर को देखते हैं, तो बख्शी गुलाम मुहम्मद—जिन पर केवल भ्रष्टाचार के आरोप लगाए गए, अभी वे प्रमाणित नहीं हुए, उसके पीछे ही—उन को तो जेल के सीखच्चों में बन्द कर दिया और यहां पर प्रमाण हो चुका, सारी रिपोर्ट हो चुकी, सब कुछ हो चुका ? तो यह तो हमारे शासन की दुहरी नीति है, वह किन कारणों से क्या है कुछ समझ में नहीं आता कि कहीं, तो बल्लम की जो नोक है वह बड़ी तेज हो जाती है और कहीं पर बिल्कुल काम नहीं करती, एक तरफ तो बख्शी गुलाम मुहम्मद को जेल की सीखच्चों में बन्द कर दिया और दूसरी तरफ प्रताप सिंह कैरों अभी भी मौज से मस्ती से चल रहे हैं,

चाह इस रिपोर्ट में कुछ भी हो । इस दृष्टि से, जांच आयोग ने सारे अपने सिद्धांतों का पालन करते हुए, उनके मुख्य मंत्री पद पर विद्यमान होते हुए भी, यह रिपोर्ट दी । हमारे सदस्यों ने, माननीय गनी साहब ने और उनके साथियों ने, अन्य लोगों ने जो प्रयत्न इस के लिए किया है वह प्रशंसनीय है, ऐसी स्थिति में सचमुच में इतना उद्योग करके, इतना काम किया जाय यह सम्भव नहीं है । इन सारी बातों के बावजूद, जो इस रिपोर्ट में दिया हुआ है, मैं उसके खास हिस्से को पढ़कर सुना देना चाहता हूं जिससे सदन का समय ज्यादा न लिया जाय :

"These notings it is contended clearly indicated how the Government machinery was being misused and how S. Partap Singh Kairon and/or his colleagues or the subordinate employees were functioning in giving undue favours to the sons and relatives of S. Partap Singh Kairon and fixed him with knowledge of what was happening.

The cumulative effect of what transpired at the trial of 3. Har-bhajan Singh, the allegations made in the charge sheets of 1958 and 1960 and the findings of the Congress High Command on that of 1958, the articles in the Press, the Assembly questions and S. Partap Singh Kairon's own orders on files containing the notings by other Ministers, Deputy Ministers or the Government officials is undoubtedly significant and cannot be easily ignored."

"He should have realised that the allegations and insinuations thus made openly and persistently not only reflected on his own character and probity but were also bringing the Government of which he was the head into hatred, ridicule and contempt. Therefore, these allegations, irrespective of their correctness or truth should have put him on guard and should have induced

him to make discreet inquiry as to the truth or falsity of those allegations and whatever might have been the result of such inquiry he should have warned his sons, his colleagues and subordinate officials against the repetition of such misconduct. He failed to give any warning to anybody, for in his affidavit he says that if any misdeed of his sons had been brought to his notice he would have warned his sons which statement clearly means and implies that nothing had been brought to his notice and he had given r.o warning. The Commission is free to concede that a father cannot legally or morally prevent his sons from carrying on business but the exploitation of the influence of the father who happens to be the Chief Minister of the State cannot be permitted to be made a business of. Such exploitation cannot possibly be a legitimate business and the father's influence and powers! cannot be permitted to be traded in."

"Even assuming he personally had not lent a helping hand in relation to them, the least he could do was to give लेकिन उनके लड़कों ने अपने पिता जी के पद का व्यापार करना प्रारम्भ कर दिया। इसी तरह के कुछ और आरोप इसमें दिये गये हैं। आगे इसमें बताया है :

a stern warning, in private and if necessary publicly, to his sons, relatives, colleagues and subordinate officers against their alleged conduct even if such conduct had not been proved to be true."

फिर इसमें कहा गया है :

"But, as Sis own affidavit shows, he made no inquiry, gave no warning to anybody and took no step whatever to prevent its recurrence but let things drift in the way they had been going."

अन्त में इसमें बताया गया है -

"He cannot now plead ignorance of facts. In view of his inaction in the face of the circumstances hereinbefore alluded to he must be held to have connived at the doings of his sons and relatives, his colleagues and the Government officers. This is the true position, as the Commission apprehends it. It will be for the authorities to consider and decide what consequences follow from such connivance."

इस तरह की तमाम बातें सारी रिपोर्ट में दी हुई हैं। जितने भी जघन्य पाप हो सकते हैं जिनकी कि कल्पना की जा सकती है वे समस्त पाप, अपवादस्वरूप कुछ को छोड़कर, वहाँ पर दोहराए गए और उसमें सरदार प्रताप सिंह कैरों कितनी सीमा तक जिम्मेदार हैं, इसकी रिपोर्ट दास कमीशन ने बड़ी मेहनत करके दी। अब उन्होंने यह शासन पर छोड़ दिया कि यह शासन पर निर्भर करता है उसकी नीति कैसी हो, किस तरह से उनको सजा दे, किस तरह से उनके खिलाफ कार्यवाही करें। तो उसके बारे में हमारी सरकार ने अभी तक कोई भी उनके खिलाफ कार्यवाही नहीं की। इतना ही नहीं, कुछ व्यक्ति विशेष ने, जिन्होंने पुलिस थाने में जाकर रिपोर्ट दी कि उनके खिलाफ कार्यवाही की जाय, उस पर भी कोई ऐक्शन नहीं लिया था। हमारे होम मिनिस्टर साहब कह देते हैं हमने तो कृष्णस्वामी साहब को इन सब बातों की जांच पड़ताल के लिये अपाइन्ट कर दिया। हमारे होम मिनिस्टर यह भी कहते हैं पंजाब सरकार उनके खिलाफ कार्यवाही करेगी। पंजाब सरकार कहती है हमने इधर होम मिनिस्ट्री को रिपोर्ट दी है। फिर यहाँ ये कहते हैं हम कार्यवाही करने वाले हैं। न वहाँ पंजाब सरकार कुछ करती है और न यहाँ सेन्ट्रल गवर्नमेंट कुछ करती है। इन दोनों के झगड़े में हमारे सरदार प्रताप सिंह कैरों एण्ड कम्पनी ने जो धन संग्रह किया था उसका वह दुरुपयोग कर रहे थे, सदुपयोग नहीं कर रहे हैं। इस दृष्टि से मैं निवेदन करना कि क्या वह प्रिवेन्शन आफ करप्शन ऐक्ट जो हमारी सरकार द्वारा संसद से पास कराया गया, क्या वह इस

[श्री विमलकुमार मन्नालालजी चौरड़िया]

मामले में लागू नहीं होता क्या उनकी किसी भी कार्यवाही के खिलाफ यह लागू नहीं किया गया है या उनके खिलाफ कोई कार्यवाही की ही नहीं जा सकती? इसके बारे में सरकार जवाब दे।

आफिसरों की स्थिति के बारे में निवेदन करना चाहता हूँ कि हमारी सरकार के सामने कुछ आफिसर तो ऐसे आयेंगे जिन्होंने सचमुच में स्वयं उसका लाभ भी उठाया और उनकी मदद भी की। ऐसे लोगों के खिलाफ कार्यवाही होनी चाहिये। मगर जिन आफिसरों ने केवल दबाव में आने के कारण, सरदार प्रताप सिंह कैरों के चीफ मिनिस्टर होने के परिणामस्वरूप मदद की और जो मदद देने के लिये बाध्य किये गये थे क्योंकि अगर मदद नहीं देते, तो नौकरी से संभवतः बरखास्त कर दिये जाते, तो ऐसे लोगों के मामले के बारे में विचार किया जाना अत्यंत आवश्यक है। इस दृष्टि से हमें ऐसी भी व्यवस्था करनी चाहिये कि जिससे अन्य स्थानों में चीफ मिनिस्टर्स ऐसा काम नहीं करें कि उनके प्रभाव में आकर अधिकारी लोग दबाव में पड़ जायें और अनुचित कार्यवाही कर दें। जैसा कि सुना जाता है, फ्रान्स में एक व्यवस्था है कि वहां पर एक आयोग नियुक्त है और वहां जिन अधिकारियों को इस तरह की स्थिति का सामना करना पड़ा है उनको उस आयोग के समक्ष लाकर कहने सुनने का मौका देते हैं। तो इस दृष्टि से ऐसा कदम उठाने के लिये सरकार को कुछ न कुछ करना चाहिये जिससे कि चीफ मिनिस्टर्स अपने पद का इस तरह से दुरुपयोग न करें कि उसका अधिक-कारियों पर नाजायज प्रभाव पड़े।

प्रधान मंत्री जी और गृह मंत्री जी को भी कम से कम इतना तो बंधन अपने ऊपर रखना चाहिये कि जब तक आरोप प्रमाणित नहीं हो जाते या अप्रमाणित नहीं हो जाते तब तक, उनके बारे में, चाहे वे सही हों या गलत हों कोई स्टेटमेंट नहीं देना चाहिये। ऐसा कहा

गया कि कांग्रेस दल के अन्दर दो पार्टियां हो गई एक ग्रुप के लोग दूसरे पर आरोप लगाते हैं जिससे प्रधान मंत्री एवं गृह मंत्री को बचना चाहिये। तो होना यह चाहिये कि जैसा संथानम कमेटी ने रिपोर्ट दी कि दस एम०एल०ए० या दस एम०पीज० सिगनेचर्स करके कोई रिपोर्ट दें तो अटार्नीजनरल के पास भेज दीजिए कि अगर प्राइमा फेसी केस भी मिल जाय, तो उसके बारे में कार्यवाही करें, तो अच्छा होगा। इसके लिये हमें जल्दी से निर्णय करना पड़ेगा। हमारे यहां एक पंजाब का ही मसला नहीं है। उड़ीसा के पटनायक साहब के बारे में यहां भी चर्चा चली, बिहार के बारे में भी चर्चा चलती है और अखबारों में भी उसके बारे में खूब निकलता है। मैसूर के निजलिंगप्पा साहब भी उससे अछूते नहीं हैं। माह अगस्त में चीफ मिनिस्टर आफ मैसूर के बारे में होम मिनिस्टर साहब को एक प्रार्थना पत्र दिया गया है, उसमें कई मेम्बरों ने सिगनेचर किये और राष्ट्रपति महोदय को एक मेमोरेन्डम १७-१२-६४ को दिया गया और एक डेपुटेशन मिला जिसमें तीस एम० एल०एज० और २ एम०पीज० हैं। अगर इस पर भी विश्वास नहीं किया गया, तो क्या आप सोचते हैं कि ऐसे बचाव करने से वहां की लुटिया डूबने से बच जायेगी? ऐसा करने से उनकी ही लुटिया नहीं डूबेगी आपकी भी डूब जायेगी। (Time bells rings.) इस दृष्टि से यह अत्यंत आवश्यक है कि हमारी सरकार इस बारे में शीघ्र निर्णय ले।

अन्त में मैं यह निवेदन करना चाहता हूँ कि आप यह जो कानूनी आधार ले कर काम करते हैं उसको पक्षपात के आधार पर मत करिये। हमारा वित्त विभाग जो इतना धन इकट्ठा करता है, सिनेमा एक्टर्स के घरों में जाकर, स्टोर्स में जाकर छापा मारकर पैसा वसूल करता है, अगर यह दास कमीशन की रिपोर्ट कहती है कि करोड़ों रुपये उन लोगों ने इकट्ठे किये, तो फिर वित्त विभाग के अधिकारी क्यों नहीं जाकर देखते हैं? क्या

दल के दलदल में फंसे रहने के कारण आप यह समझते हैं कि उनके खिलाफ कार्यवाही की गई, तो कांग्रेस की बदनामी होगी। जब तक आप ऐसा पुण्य का काम नहीं करेंगे, उनके खिलाफ कार्यवाही नहीं करेंगे, छाप नहीं मारेंगे, डाक्युमेन्ट जक्ट नहीं करेंगे, जब तक यह मरुत कार्यवाही नहीं करेंगे, तब तक इसको बजाय कांग्रेस की प्रतिष्ठा का प्रश्न कहने के आप उसकी प्रतिष्ठा को भंग करेंगे और आप जैसे लोग उसको नष्ट करने का कारण बनेंगे और अगर आप ईमानदारी से न्याय के आधार पर ऐसे लोगों के खिलाफ कार्यवाही करेंगे तो कांग्रेस की प्रतिष्ठा भी बढ़ेगी और आप भी बदस्तूर कायम रहेंगे नहीं तो ये तो डूबेंगे ही, साथ में आपको भी ले डूबेंगे।

The question was proposed. |

THE DEPUTY CHAIRMAN: Each Member who participates in this discussion will have ten minutes.

DR. GOPAL SINGH (Nominated): Madam Deputy Chairman, in considering the Report of the Das Commission, Chordia has been carried away by emotion, not led by reason. ; He has let the cat out of the bag when at the end of his speech he said that not only Sardar Partap Singh Kairon, but the entire Congress organisation and all the Congress Governments perhaps were corrupt.

SHRI A. B. VAJPAYEE (U tar Pradesh) : No, it is not so.

श्री विमलकुमार मन्नालालजी चौरडिया:
आप मुझे गलत कोट कर रहे हैं, मैंने प्रोडक्शन की बात कभी नहीं कही।

DR. GOPAL SINGH: He particularly named a few Chief Ministers other than the ex-Chief Minister of Punjab . . .

AN HON. MEMBER: Who were under a cloud.

DR. GOPAL SINGH: Many of you are also under a cloud. I am coming to that.

SHRI AWADESHWAR PRASAD SINHA (Bihar): Madam, we listened to Mr. Chordia silently. Let the other gentlemen also show certain decorum and decency to the House and listen silently.

DR. GOPAL SINGH: I do not think . . .

SHRI LOKANATH MISRA (Orissa): The Rules of the House also admit that there can be interruptions.

THE DEPUTY CHAIRMAN: Not when each Member is given only ten minutes.

SHRI AWADESHWAR PRASAD SINHA: Then, others can also interrupt.

(Interruptions.)

THE DEPUTY CHAIRMAN: Order, order. Dr. Gopal Singh, please continue.

DR. GOPAL SINGH: Mr. Chordia let the cat out of the bag when he said that he wanted to destroy the Congress and not merely Sardar Par-tap Singh Kairon, but to his chagrin I may inform him that only just now we have learnt that both the bye-elections in the Punjab have been won by the Congress.

SHRI A. B. VAJPAYEE: After the removal of Mr. Kairon, yes.

AN HON. MEMBER: Mr. Kairon supported the Congress in these elections.

(Interruptions.)

SHRI AWADESHWAR PRASAD SINHA: He is one of us and we will certainly support him.

(Interruptions.)

DR. GOPAL SINGH: Now, are here discussing only the Das Commission

[Dr. Gopal Singh.] Report and nothing frivolous or extraneous should be brought into the debate. Mr. Chordia has talked of all sorts of things about Punjab going down in production and Mr. Pratap Singh Kairon flourishing at the expense of the State.

श्री विमलकुमार मुन्नालालजी चौरङ्ग्या :
यह आपकी समझ का फेर है। अगर आप हिन्दी
नहीं समझ सकते तो मैं अंग्रेजी में बोल देता।

DR. GOPAL SINGH: You have said that since Mr. Kairon became the Development Minister, it was only his family that developed and not Punjab and I am going to repudiate it.

AN HON. MEMBER: Is that not true?

DR. GOPAL SINGH: It is a lie. It is a malicious lie because if you only go into the report of the Planning Commission or even any non-official reports during the last ten years, you will find that Punjab has progressed more than any other State in the subcontinent of India.

AN HON. MEMBER: Including corruption.

DR. GOPAL SINGH: Today our *per capita* income is the highest. Punjab, which was a deficit province before partition today is a surplus State . . .

(Interruptions.)

THE DEPUTY CHAIRMAN: I think, Dr. Gopal Singh, you must get used to address the Chair.

DR. GOPAL SINGH: The progress in industry has also been spectacular. While discussing this Report, the Member opposite said that Mr. Pratap Singh Kairon had been painted in this Report in the blackest of colours, but unfortunately the Das Commission Report itself says that the memorialists levelled against Mr. Pratap Singh Kairon 29 charges, out of which 26 were frivolous and some of the re-

marks that the hon. Judge had been pleased to make against the memorialists are that they have concocted complete myths, indulged in forgery and fabrication, and baseless, reckless, fantastic, false, preposterous, grotesque and clumsy fabrications were invented with an ulterior motive. Again, the anxiety of the memorialists to discredit their political opponents seemed to have gained ascendancy over their regard for the prestige and dignity of their State.

SOME HON. MEMBERS: Shame, shame.

SHRI LOKANATH MISRA: What about the three items that have been established?

DR. GOPAL SINGH: I am coming to that. (Interruption.) This is indicative of a loss of sense of proportion. All these remarks have been made by Mr. Justice Das, but no notice seems to have been taken by the memorialists or their apologists here in this Parliament or outside and they have only pinned down on Sardar Pratap Singh Kairon almost all the conceivable charges that they could lay their hold on under the sun.

Sardar Pratap Singh Kairon has been held guilty by the Das Commission on three particular, specific counts. These are (1) that he kept for 45 days a doctor irregularly while he was on tour and the doctor had not taken leave as he ought to have. Now, this is an irregularity which is not sufficient to hang the Chief Minister, nor to paint him as a corrupt official, because of the fact that the Chief Minister of a State is a high dignitary, his health is as much the concern of the State as the health of the Prime Minister of this country or the President of this country. Therefore, *even if irregularly he had kept with himself for 45 days a doctor—I say irregularly—even "then you cannot paint him as a corrupt officer, merely on this count. And this is the only charge that has been levelled against Sardar Pratap Singh Kairon personally. That

is what the Das Commission Repo:*t says.

SHRI P. N. SAPRU (Uttar Pradesh):
The Prime Minister had very rightly said
....

DR. GOPAL SINGH: Now, in the summary of findings, Mr. Justice Das has divided all these charges into three categories. The first category is of the case where the Chief Minister himself abused his influence and power for his own benefit and under this only a single case is quoted against him, that is the case of Dr. H. S. Dhillon, whom he kept for 45 days on tour irregularly. But on this count only, you cannot say that Sardar Pratap Singh Kairon was the most corrupt person, a person who built Punjab, a person who crushed communalism in Punjab, a person who brought prosperity to Punjab, a person who was an asset not only to his State but also to the whole of the country when the defence of India was in jeopardy. It was only Punjab under Sardar Pratap Singh Kairon that stood up to the Chinese aggression as no other State in this country did. Therefore, when you paint him in the blackest of colours, please keep a sense of proportion. 'Please give even the devil his due. Do not be led away by your emotions or by your Party interests. The interests of the country are dearer to me as they should be dearer to you. Even if Sardar Pratap Singh Kairon has committed any irregularity, has gone, he has been missed. Therefore, keep a sense of balance. Do not be misled by slogans. Do not build up your Party's prestige on this, because anybody who builds on wrong foundations will be demolished, as much as Sardar Pratap Singh Kairon was.

Then, I come to the other two charges that have been levelled against him, not against him but against some of the Ministers of his Government, who, it is alleged, in order to please him tried to help his sons. These two cases are the case of the Neelam Cinema in Chandigarh and the case of

Nandan Cinema and the Punjab Cold Storage in Amritsar. The third case is about the sale of land in the village of Ramgarh Dhani, etc. Now, I will analyse in two minutes briefly all these three cases.

The case of the Neelam Cinema, Chandigarh, was that while his son had not come forward to bid or tender initially, he was allowed after six months to participate in the lease of the cinema plot with another person, that he was allowed the concession to pay the instalments due from him at a later date than these were originally due. Now, Mr. Talib, the Deputy Minister in charge, has been condemned, I should say unnecessarily in this Report. He has given in his affidavit to the Commission that he had allowed in about a hundred other similar cases the concession to pay their instalments later than they were originally due. I am a refugee myself and I know that lakhs and lakhs of refugees were allowed such concessions. When the instalments fell due and the refugees could not pay in time they had been given further time. I concede that it is irregular, as the Das Commission Report itself points out, but even if it is irregular, is it such a thing as to condemn the man as a murderer, a killer and a criminal? And Mr. Talib has been condemned for the reason that he also signed all those papers allowing these concessions to his sons. Now, I do not see any reason why the hon. Judge should have adjudged on persons who were not concerned with this enquiry directly, because on the initial pages of this Report the learned Judge himself says that he was going to enquire only into the specific charges against Sardar Pratap Singh Kairon and against nobody else. But then he framed other charges against other people also and condemned, unheard, Mr. Talib, Mr. Mohan Lai and Mr. Brij Bhan and some other people also.

Now, the third case was about Nandan Cinema and the Punjab Cold Storage in Amritsar. There is a land,

[Dr. Gopal Singh.] privately owned, which the son of Sardar Pratap Singh Kairon acquired for Rs. 80,000. He pays the money and the Judge says that the money was paid legally, that he had legal money on him and that the payment was regular. Now, he buys it, but the Judge says that he ought not to have bought it because this land was meant for something else, because the town plan did not envisage the putting up of a cold storage there or a cinema there and there should have been some kind of a housing colony built on this property according to the plan. This land was lying vacant for ten years. Nobody had built anything on it. Suddenly this gentleman, the son of Sardar Pratap Singh Kairon, the unfortunate son, comes forward and pays Rs. 80,000 out of his own hard-earned money or from his mother-in-law who is a rich person. He pays Rs. 80,010 and buys this private property from a private person and then goes to the Municipal Committee. The Municipal Committee unanimously decides—including members of the Jan Sangh, including members of the opposition—that the licence should be granted to him. The D.C. also signs the papers. It then goes to the Legal Remembrancer. The Legal Remembrancer says that there is no objection to it, and the Industries Minister, Mr. Mohanlal, also signs the paper. I do not see any reason why Sardar Pratap Singh Kairon or Mr. Mohanlal should be hanged for this, and why should they be painted in the blackest of colours.

Thirdly, there is the sale of some surplus land in village Ramgarh Dhani, etc. This land was acquired for the Harijans. Sardar Pratap Singh Kairon on the file of the case notes down that because this land belongs to the mother-in-law of his son, therefore it should not be acquired. He says so in so many words that it belongs to his relations and therefore this land should not be acquired. Giani Kartar Singh Revenue Minister, writes to the Governor, Shri Gadgil.

¹ Mr. Gadgil writes to Sardar Pratap Singh Kairon that he should not stand in the way, that it is quite all right that it should be taken over for Harijans for whom the Revenue Minister needs it. So this land was acquired on the specific approval of the Governor. So I do not see any reason why Giani Kartar Singh should be condemned on this count. These are all the charges that have been levelled against Sardar Pratap Singh Kairon and his colleagues, three or four Ministers.

About the rest, if his sons have done anything wrong, if they have done anything illegal, you can do whatever you can to them, under the law. If they have not paid taxes, realise those taxes. If they have built up property illegally, seize that property. But do not for heaven's sake raid and search his village-home; do not for heaven's sake call him a criminal or a murderer; do not for heaven's sake paint him in the blackest of colours as if he is the person who has destroyed everything, and built nothing.

In finishing I would like to quote from the inscription on the birthday cake which was presented to Mr. Churchill on his 90th birthday recently, and this was the inscription given on it;

"In war, determination; in defeat, defiance; in victory, magnanimity."

Thank you, Madam.

SHRI DAHYABHAI V. PATEL (Gujarat): Madam, after hearing the last speaker and his last remarks, I would suggest that we go with a cake to Sardar Pratap Singh Kairon for all that he has done. Madam, I have been associated with some of the happenings in the Punjab and the voice of the Opposition against the reign of terror that reigned in the Punjab under Sardar Pratap Singh Kairon. I am surprised that there are people here in this House who still can advocate it so boldly and defend the reign of a person which was nothing but a reign of terror. Mr. Ram Paiara

is still a member of the Punjab Assembly. He was beaten up when he came here to the Prime Minister and made his complaint. But how can I blame smaller people?

DR. GOPAL SINGH: Is it in the Report of the Das Commission?

SHRI DAHYABHAI V. PATEL: When this House discussed the Report, discussed the doings of Sardar Pratap Singh Kairon, several Member* of the Opposition pointed out the acts < of omission and commission of Sardar Pratap Singh Kairon, pointed out how corrupt he was.

SHRI JOSEPH MATHEN (Kerala): We are not discussing that. We are discussing the Report.

THE DEPUTY CHAIRMAN: We are discussing the Report now.

SHRI DAHYABHAI V. PATEL: I am entitled to quote the background of the events and I want to point out that when this House . . .

SHRI JOSEPH MATHEN: It is the Report we are discussing.

(Interruption)

THE DEPUTY CHAIRMAN: Order, order.

SHRI SYED AHMAD (Madhya Pradesh) : We cannot go berserk.

شری عبدالغنی : میں یہ پوچھتا
چاہتا ہوں کہ یہ کلمہ پہاڑ دھم دھم
کیا ہم بھی کلا پہاڑیں - ہم آپ کے
لئے ناممکن کر دیں گے مافوس کی
کاروائی کرنا اگر یہ ایسا گریہ ہے -

†[श्री अब्दुल गनी : मैं यह पूछना
चाहता हूँ कि यह गला फाड़ रहे हैं, क्या हम
भी गला फाड़ें ? हम आपके लिये नामुमकिन
कर देंगे हाउस की कार्रवाई करना, अगर यह
ऐसा करेंगे ।]

It is not fair. It is a matter of shame.

SHRI P. N. SAPRU: Madam, may I in all humility point out that Mr. Abdul Ghani has not been described in very favourable terms by the report. He has not been believed . . .

(Interruption.) THE DEPUTY

CHAIRMAN: Order, order

SHRI LOKANATH MISRA: What is the occasion?

THE DEPUTY CHAIRMAN: Mr. Patel, you come to the Report.

SHRI SYED AHMAD: He should speak about the Report and nothing more than the Report.

SHRI DAHYABHAI V. PATEL: I would like to submit that in coming to the Report I am entitled to remind the House of the background of the events. I am particularly wanting to quote the letter that the Prime Minister wrote to the Das Commission because that is very important. Why did the Prime Minister write that letter? That was what I was trying to point out. In this House several charges were made. The only thing I said was, there sits the protector of all the corrupt persons. That evening I think it was that the enquiry was announced, and in the letter that we have seen printed the Prime Minister says:

"The Government had thus to deal with very difficult situations. Sardar Pratap Singh Kairon emerged from this long trial of strength with credit and with enhanced reputation so far as the administration was concerned". The Committee further said that "Sardar Pratap Singh Kairon's reputation, during his long career of public service, has been of a man of personal integrity and of complete freedom from communal bias. He is a man of the people simple in his life and devoting his great energy to the work for which he was responsible. His great virtues partly became his defects. His

[Shri Dahyabhai V. Patel.] constant tours, more especially in the rural areas, led to a lesser degree of time and interest being given to the normal work of administration, and his anxiety to deal with problems on the spot and with speed led sometimes to his bypassing normal administrative procedures."

This is one certificate by the Prime Minister. In the same letter, paragraph 13, the Prime Minister pays another tribute:

"An even more important consideration to keep before me is the public effect of such advice. For me, as for others, public interest must be the dominant consideration. The Punjab is a border province especially affected by developments with our neighbouring countries. While this has been so ever since Independence, it is very much more so since the emergency that has arisen because of the Chinese invasion. The conditions in the Punjab are therefore of very special importance and nothing should be done which adversely affects the situation there and weakens India's position in this emergency. Fortunately the Punjab, under Sardar Pratap Singh Kairon's leadership, has played a very important part in this emergency and has provided both men and resources in a very considerable degree", etc.

One full page. He is a popular figure in the Punjab both in the civil and the army circles, and to remove him would greatly disturb the people of the Punjab. This is the letter that the Prime Minister wrote to the Das Commission.

AN. HON. MEMBER: Every word of that letter is true.

SHRI DAHYABHAI V. PATEL: Then too last but one paragraph;

"The inquiry should be limited to the charges made in the memorandum to the President on July 13, 1963. Some of the charges made are vague and some others appear to be repetitions.' The exact issues to be inquired into should therefore be cleared up on the basis of these charges before the inquiry begins. Also, it would be necessary for those who make the charges to make themselves fully responsible for them. Indeed, in their memorandum, they themselves state that 'the deputationists wish to submit that they are sponsoring the charges with a public sense of responsibility and gravity and hold themselves responsible for the veracity of the same.'"

Madam, on reading this letter, promptly Mr. Abdul Ghani, Member of this House, and Mr. Devi Lai, Leader of the Opposition United Front, said that they took full responsibility of the charges that they made. Madam, I thought that for any person like the Prime Minister, particularly for a person like Prime Minister Jawaharlal Nehru to have given this certificate to a Commission, that was going to enquire into the charges against a certain person was already loading the dice too much in favour of Sardar Pratap Singh Kairon and putting too much of burden on the Judge who was going to look into those cases.

SHRI AWADHESWAR PRASAD SINHA: That is reflection on the Das Commission. He should withdraw it.

SHRI DAHYABHAI V. PATEL: I do not make any reflection. I am very clear.

SHRI P. N. SAPRU: On a point of order. Is it proper to say such a thing against an ex-Chief Justice, that he was influenced by any consideration other than justice?

SHRI DAHYABHAI V. PATEL. Madam, this happened before the enquiry. And after the enquiry what is being done?

THE DEPUTY CHAIRMAN: You have very little time.

SHRI DAHYABHAI V. PATEL: Will you not consider the time taken up by interruptions that these people are making? If, Madam, that is your pleasure I will sit down.

THE DEPUTY CHAIRMAN: No, no. You still have time.

SHRI SYED AHMAD: If it is his pleasure, he might sit down.

SHRI DAHYABHAI V. PATEL: You are not in charge of the House. I wish to say that it was very wrong of the Prime Minister to give a certificate of this type before the enquiry or while the enquiry was being ordered. And you can imagine how difficult it is for any one to give any judgment under these circumstances. And having got the judgement, what has the Government done?

(interruption by *Shri P. N. Sapifu*)

SHRI A. B. VAJPAYEE: Is it a point of order or anything 'else'?

SHRI V. M. CHORDIA: It is disorder.

SHRI DAHYABHAI V. PATEL: And what is Mr. Krishnaswamy's report? I believe the main charges have been proved. But why is it so uncomfortable to the friends opposite? Why do they go on interrupting like this? After all, Madam, you are giving me only ten minutes and I am wanting to confine myself within those ten minutes if I am allowed to.

SHRI LOKANATH MISRA: Fear of exposure.

SHRI DAHYABHAI V. PATEL: My friend, Mr. Chordia, made a very able speech to which there was absolutely no reply. I am waiting for the Home Minister or whosoever is going to answer to see what reply he makes.

Madam, apart from what appeared in this Commission's Report, we know *just* the persecutions. We know what

happened to Mr. Kapoor. So many other things have happened during this administration. Is there going to be any end to it? You may stop me from speaking but you cannot suppress the verdict of the people, you cannot suppress facts. You cannot suppress what happened to Mr. Ram Piara. Facts are facts. In the enquiry there is a clear condemnation of the then Punjab administration. You can say that condemnation is wrong. And now to deny an enquiry into serious allegations of similar bed-fellows, partners and colleagues, I do not know what to call it. What is happening in Orissa today? I have received a big bundle about what is happening in Mysore. I should like to know what the Home Minister proposes to do about it. They have taken so much fright after the Das Commission Report that they are going to hush up everything; they are going to eat their own words. They promised enquiry into the Orissa affair. Are they going to order it or not? That I should like to know from the Home Minister.

DR. ANUP SINGH (Punjab): Madam Deputy Chairman, we are expected to confine our remarks to the Das Commission and restrain ourselves, from wandering all over the universe. I propose to follow that example. I have personally witnessed the unfolding of the carefully organised and conceived plan to discredit not only Sardar Pratap Singh Kairon who has been discredited according to the Das Commission Report, but to utilise that opportunity to discredit the Congress. I am personally convinced that it has been an organised, vicious, venomous campaign carried to the utmost limit. Sardar Pratap Singh Kairon has been dislodged and dismissed but the memorialists having tasted the blood are out to satisfy their lust.

SHRI A. D. MANI (Madhya Pradesh) : No lust.

DR. ANUP SINGH: Madam Deputy Chairman, the picture that has been painted by the memorialists and unfortunately by a section of the press, particularly the vernacular press in

[Dr. Anup Singh.] Punjab, presents Sardar Pratap Singh Kairon as the devil incarnate. Now that picture, unfortunately for the Opposition, does not tally with what is reflected in the Commission's Report itself. My friend, Dr. Gopal Singh, has quoted extensively to establish the fact that only on one single isolated case he has been held personally responsible. He has also shown what is the magnitude of that so-called political crime. In five other charges, in which his colleagues are supposed to have helped his family and in eighteen charges he has been completely vindicated, not only vindicated but very serious aspersion on the integrity of the memorialists has been cast by the Das Commission. I would just refer to one or two remarks that he has made about one of the distinguished Members here, the crusader in this campaign. He says:

"... Maulvi Abdul Ghani Dar has filed an affidavit in reply (R-35) which adds no fresh information but only reiterates that everything was being done under the influence of S. Pratap Singh Kairon."

". . . . Maulvi Abdul Ghani evidently believes in repetition of assertions to establish his point of view. There is no tangible evidence in support of his insinuation in this behalf."

Furthermore, he goes on to remark about some other memorialists. Here is one more sample about the integrity of the crusader of this campaign of vilification:

"... and all these reckless allegations have been verified by him as 'true according to the sources indicated in the verification of corresponding paragraphs of M-6' . . . i.e., the affidavit of Maulvi Abdul Ghani Dar who, himself, has no personal knowledge . . . In short the allegation comes to this that this deponent states* on information based on the records of the Allahaban Bank Ltd., that the pass

books issued by them are false. Recklessness could hardly go further."

SHRI SYED AHMAD: He should be prosecuted for perjury.

DR. ANUP SINGH: These are the remarks made by the distinguished jurist. Madam Deputy Chairman, I have no desire whatsoever to make any controversial remarks about the Das Commission Report itself. But I am tempted to make one observation as a layman. There was a specific instruction:

"The Commission has no jurisdiction or power to enquire into or report on any allegations made against any person other than Sardar Pratap Singh Kairon by any person other than Shri Devi Lai and the signatories in any chargesheet other than the memorandum referred to in the Notification. Rule 4 of the Central Commission of Enquiry Act also says that these provisions are mandatory in character and provide for giving them a right of hearing in the following terms . . ."

Dr. Gopal Singh has referred to these three cases in which the ex.Minis-ters—I would not say they have been dismissed but they—have not been included in the new Cabinet because there is a shadow on their integrity. They were never given any hearing. They never submitted any affidavit. The memorialists never even made any reference to them by implication and yet these people had to suffer. May I also remind the Home Minister that these Ministers—I am not holding any brief for them personally—submitted a memorandum in their defence and it has been with the Ministry for the last five months? It has been acknowledged but no action has been taken.

Now much has been said about the background by Mr. Patel. He was trying to give the background of this

controversy. He quoted the late Prime Minister. I might add for his information that not very long ago, only a few months ago, in the Congress Party meeting the late Prime Minister said; "More than 100 M.L.As. came to me today imploring me not to take away Sardar Kairon from them", and jokingly he said: "I asserted them that he is not going to Madhya Pradesh. He will be in Punjab because he is very useful". Then the Prime Minister said the following—"I am speaking from memory but I think it was exactly like this—and he said:

पैट्रियटिज्म के लिहाज से, इनिशियेटिव के लिहाज से, सरदार प्रताप सिंह कैरों के पाये का इन्डिया भर में दूसरा आदमी नहीं है।

"In terms of patriotism, dynamism and initiative there is not a second person who will come anywhere near Pratap Singh Kairon". This was a compliment . . .

SHRI LOKANATH MISRA: That was as a result of mutual compliments.

DR. ANUP SINGH: . . . from the Prime Minister of India, a distinguished Prime Minister. As for the sins of omission and commission of his sons, I think we must recall the Biblical adage that the sins of the father should not be visited upon the sons. This is taking place in the reverse and their sins of omission and commission—real and imaginary—are being visited upon Mr. Kairon. In due deference to the verdict of the Commission, the Congress Party, the Congress Government has dislodged Mr. Kairon. I think that is more than enough. I might say here for the information of the House that there is a growing number of people in Punjab who feel that the punishment has been far in excess of the established guilt of Mr. Kairon.

SHRI A. B. VAJPAYEE: What punishment are you referring to?

DR. ANUP SINGH: Dismissing him from the Chief Ministership is a pun-

ishment. Further I might say that there is further persecution and harassment. I am not referring to any particular person but the taking away of his posters and his pictures—in the emergency there were certain posters where Mr. Kairon was trying to mobilise public opinion—and eliminating them from the public scene. We do not follow the example of some of the dictatorial regimes. This will set a bad precedent. Today it is Mr. Kairon, tomorrow it will be somebody else—X, Y or Z. I would request the Home Ministry to see to it that nobody is permitted to indulge in activities which are not very dignified.

One more word and I am through. It might appear that I am trying to exonerate Mr. Kairon. He has been punished and as I said, according to some people, the punishment has been not only sufficient but is in excess but we must seriously remember and not forget Mr. Kairon's past record. I have had the privilege of knowing him for forty years and I can testify, for whatever it is worth, that I have not come across anybody who is endowed both with burning patriotism . . .

SHRI A. D. MANI: All of us are.

(Interruptions.)

DR. ANUP SINGH: . . . and energy. Whatever he saw abroad, his great desire was to come back to India and try to do something here to the prosperity of the people, the people of Punjab and the people of India. He is a man who has suffered long imprisonments in the freedom fight. He was Secretary of the Congress, President of the Congress, Member of the Working Committee, Member of all the Ministries and Chief Minister for ten or eleven years. That is certainly a very commendable record. I may say that we do not want to minimise the importance of the Das Commission report but I do ask the Members to have a sense of proportion, to assess the man properly—his good points and bad points. I thank you.

PROF. M. B. LAL (Uttar Pradesh): Madam, I am sure the House will agree with me that we are much obliged to Dr. Gopal Singh and Dr. Anup Singh for their speeches because their speeches have provided reality to our discussions. They have proved that in this House even a person who for some reason is disgraced can find defenders and that the defence would receive sufficiently careful attention in the House. Dr. Gopal Singh** appealed for magnanimity.

Though Sardar Kairon is in wilderness, still he is too big to have any treatment of magnanimity from a small man like myself . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): You are a leader of a party.

PROF. M. B. LAL: So I do not claim to extend any magnanimity to him. But I do assure Dr. Gopal Singh and this House that I wish to consider this question absolutely as a student of political science forgetting that I belong to any particular party because I feel that this particular question and allied questions deserve to be carefully studied by those of us who are entrusted with the task of running the administration and entrusted with the task of promoting healthy growth of democracy and democratic traditions in this country. Dr. Gopal Singh invited our attention to the contribution of Punjab when India was faced with the Chinese aggression. He invited our attention to the economic development of Punjab. We are grateful to the people of Punjab. They stood in the hour of crisis as was expected of them. We are proud of the heroes of Punjab and we do realise that the people of Punjab are very efficient, very hard-working and can stand many difficulties which cannot easily be stood by people of other parts of the country. But I very much doubt whether for all these the credit is due to Sardar Kairon and not to the patriotism, the capacity and efficiency of the people of Punjab.

AN HON. MEMBER: Both.

PROF. M. B. LAL: I am told that he crushed communalism in Punjab.

SHRI AKBAR ALI KHAN: That is a fact.

PROF. M. B. LAL: Many a friend told me that instead of crushing communalism in Punjab he fomented communalism in Punjab so that he may be considered as indispensable by the Congress Party. Some friends of mine do not seem to agree with me. I would be very glad if events prove that I was incorrect but as matters stand today, I feel unconvinced that I am untrue. That Sardar Kairon is a man of energy, is a man of great capacity, that he learnt something in the U.S.A. and tried to utilise that knowledge for the benefit of the people of Punjab and for the people of

India cannot be denied. All 5 P.M. the same, all that happened in

Punjab does not permit me to regard Sardar Pratap Singh Kairon's patriotism as an example for the rest of the country.

Madam, Dr. Gopal Singh had invited our attention to certain remarks of Justice S. R. Das against the memorialists. If we are prepared to accept Justice S. R. Das's judgment against Sardar Pratap Singh Kairon, his sons and relatives, we have no option but to accept his remarks against certain allegations made by the memorialists. But I do feel, Madam, that for that also we cannot absolve Congress leadership of responsibility to the nation. These allegations were being circulated by the memorialists for more than half a dozen years. If proper notice thereof had been taken and if enquiries had been instituted much before, there would have been a judgment against these unfounded charges by a judicial authority. I beg to submit, Madam, that the charges against Sardar Pratap Singh Kairon, his sons and relatives were very old. In 1958 a representative of the Congress high command

made certain remarks which must have opened the eyes of the high-ups in the Congress Party and the high-ups amongst those responsible for the good administration of the country. If due notice thereof had then been taken, I am perfectly sure the country would have been saved from a lot of propaganda, the people of Punjab would have been saved from the agony of living under the shadow of an alleged or real terrorism.

THE DEPUTY CHAIRMAN: Your time is over. You have spoken for 17 minutes.

PROF. M. B. LAL: I thought you allowed me fifteen minutes. Anyway please give two or three minutes more.

I think we will not be serving the country if we are not prepared to deal with cases of alleged corruption at the proper moment. I am glad that soon after the Das Commission Report was published, Mr. Kairon and his friends in the Cabinet were required to leave the Punjab Council of Ministers, and a new Cabinet was set up, and I was told by members of the opposition that this action raised the reputation of Shri Lai Bahadur Shastri and Shri Gulzarilal Nanda, and the people of Punjab began to feel that there were amongst the Congress leaders persons who were prepared to see that real or alleged corruption did not creep into politics and that they stood for a healthy democracy. Perhaps it was due to this reputation that the Congress was able to win both the by-elections recently held.

SHRI JOSEPH MATHEN: People's verdict.

PROF. M. B. LAL: But I do feel, Madam, that that reputation is being corroded by the delay in action. The follow-up is not as it should be. Many important affairs are being kept pending and if I mistake not, if I am not wrongly informed, the Chief Minister has begun to be called the pending Minister. I further beg to submit, Madam, that if Sardar Pratap Singh Kairon had been asked to quit the

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Punjab ministry member, the Kamaraj Plan would have had greater impact on the people of India than it did have.

DR. ANUP SINGH: He offered to resign.

PROF. M. B. LAL: Well, he offered to resign, but his resignation was not accepted, and that was our misfortune. I again beg to submit, Madam, that there are many charges of corruption against a number of Ministries. I hope the Government and the leadership of the country would not allow themselves to suffer from the hesitation, vacillation and complacency from which they suffered in the past, and they will take due steps, so that either the charges are proved false or the person concerned quits office. You may cry, I may cry, but these cries do not convince the people. For convincing the people proper action at the proper time is needed. In August certain charges were levelled against the Mysore Ministry. The memorandum was placed before the Union Home Minister, but no action is taken against him. Shri Kumbharam Arya, while he was suffering from charges of corruption, was appointed the Minister for Home Affairs, and the Orissa case is pending for such a long time.

SHRI LOKANATH MISRA: The name of "Kairon" looks respectable compared to Orissa.

PROF. M. B. LAL: All the same I beg to submit, Madam . . .

SHRI ARJUN ARORA (Uttar Pradesh): But you will remember that Mr. Kumbharam Arya gave the combined opposition a crushing defeat in the by-election.

PROF. M. B. LAL: I agree with Dr. Gopal Singh that it was very regrettable that the village house of Sardar Pratap Singh Kairon was raided in an unauthorised manner by some minor officials of the police.

[Prof. M. B. Lai.]

In the end, Madam, I appeal in the name of democracy that all of us, forgetting to which party we belong, should work for the promotion of a healthy democracy and give no shelter to any corrupt Minister or to any corrupt person to whichever party he belongs.

شبى عبدالغنى : مرحبم قېتى

چيرسمن- مھن مسٽر نندا اور راشٽريتي جى كا شڪرگزار هون ڪه انهنون نه يه ڪميشن بٽهايا اور اس ڪميشن كا فيصله هائس ڪه سامنه آيا - منجه اس بات كا ڏڪه ه ڪه آفيسهل پارٽي آج پته نهين ڪيون آپ سے باهر هو رهى ه -

حقيقت اتنى ه ڪه ۱۹۵۷ع ڪه

آخر مهن ڀنت جى وهان ڪئنه اور ڪجه ڪانگريس ڪه ايم - ايل - ايز - نه ان سے شڪايت ڪي - انهنون نه ڪانگريس پريزيڊنٽ شري يو - ايل - ايل - قهر ڪو وهان بهيجا - انهنون نه ڪها لکهر ڏو - ان ڪو ايڪ چارج شيٽ لکهر ڏيا ڪيا جس پر ڪانگريس هائي ڪمانڊ نه - ڪسى اپوزيشن ڪه ليدر نه نهين - يه ذمه دار قرار ڏيا ڪه جو سردار پرتاپ سنگه ڪيرون ڪي دهرم پتلي چلتى ڳچ مهن بهٽهر ڊبلڪ فلٽ سے پيسه لپيتي رهين وه ان ڪو سمجهتا نهين نهيا - انهنون نه يه ڪها ڪه انهنون نه جو ڪوآپريٽو ڳولڻ اسٽوريج ڪي بڻائي ه - يه مهن نه نهين ڪها ڪانگريس هائي ڪمانڊ نه ڪها - وه ايڪ فيملر آفيسر هه اور ڪوآپريٽو نهين هه - اور پهر يه ڪها ڪه پرتاپ سنگه ڪيرون ايڊمنسٽريشن

مهن بهي ايسى باتهن ڪوت هين جو ان ڪو سچتي نهين - اس لئے هم اڪر ان ڪو زياده نهين ڪهته ڪه ان ڪي ڊائريڪٽ ڪوئي ريسپنسيبليٽي هه لهن وه ڪنسٽرڪٽيولي ريسپنسيبيل هين - اس پر انهنون نه اپنا استعفى بهيجا - ڀلقت جى ڪو يه قبول نهين هوا اور انهنون نه استعفى قبول نهين ڪيا - اس نه فيل ڪيا اور اس ڪو شوم آئي ڪه مگر خلاف هائي ڪمانڊ نه فتوى ڏيا ه ڪيون ڪه ايڪ، ڊانا آدمي ڪه لئے اشاره ڪافي هوتا هه لهن ڀلقت جى نه ريزولوشن نهين ڏيئه ڏيا -

Dr. ANUP SINGH: All the files were made available.

شبى عبدالغنى : جى هان - اب

بهى وه تو آوٽ آف ڪلفيڊينس هه جو ڪه آپ ڪر ره هين اور اس مهن ڪوئي ڪلام هه ڪها - ڊاس ڪميشن ڪه فيصله پر سردار گوپال سنگه جتفا چاهين ڪميٽي ڪري اور تم اس ڪو انجوائن ڪرو - اس مهن ڪوئي عرج ڪي بات تهوڙا هه -

تو مهن يه ڪهه رها ته مهتم - ڪه اس ڪه بعد انهنون نه پهر زياده ايٽي پار ڪو ابھوز ڪرنا شروع ڪيا اور اس مهن ان ڪي جائيداد جو پهله ايڪ پيسه تهى وه ايڪ پيسه سه ايڪ روپيه هو ڪئى - پهر ڪجه ڪانگريس ايم - ايل - ايز - نه چارج شيٽ ڏيا - ڏون

وقت میں بھی تھا - میں نے پہلی بار بھی چارج شیٹ دیا تھا اور دوسری بار بھی میں نے ہی تیار کیا تھا اور ہمارے لہڈر شری پر بودھ چڈر نے اسے پیش کیا تھا - اس کی جائیداد بڑھ گئی تو پھر ہم نے دوبارہ ۱۹۶۰ء میں کہا کہ آپ نے تو اشارہ کیا تھا لیکن اب تو وہ بالکل کھل کر کھیلنے لگا - پندرہ جی نے اس کو کولڈ اسٹوریج میں ڈال دیا - مسٹر داس یہ کہتے ہیں کہ پھر اس کے بعد اور جائیداد بڑھ گئی اور اس میں انہوں نے حصار سلیم اور نیلم سلیم فرید آباد کی لاکھوں کروڑوں روپے کی جائیداد بدالی - مسٹر داس کہتے ہیں کہ اس کے بعد جائیداد اور بڑھی اور پھر میمورینسٹ جن میں کانگریس کے نہیں بلکہ اپوزیشن پارٹیوں کے سب سے ذمہ دار بھائی تھے انہوں نے چارج شیٹ دیا - آپ سے میں عرض کروں کہ جب یہ چارج شیٹ انہوں نے دیا تو اس کا سردار پرتاب سنگھ کیوں نے جواب بھیجا کانگریس ہائی کمانڈ کو اور ہمارے بزرگ پرائم منسٹر کو جب یہ کمیشن بیٹھ گیا تو پندرہ جی نے پہلے بھی دھمکی دی تھی کہ ان کو خوب زور سے مضبوط ہاتھوں سے تابر کیا جائے جو الزام لگاتے ہیں - کیوں کہ وہ بالکل آنسٹ ہے اور اس نے کوئی برائی نہیں کی - اور وہ بوا

ہر دل عزیز ہے جیسا کہ دیا بھائی
پتھل نے پوما -

श्री अकबर अली खान : मान ए व्हाइन्ट
आफ आर्डर ? पंजाब का यह दस्तूर रहा कि
जब दो पहलवान लड़ते हैं और जब कोई गिर
जाता है तो उसको सम्भालते हैं न कि गिरे
हुए को और मारा जाता है ।

شری عبدالغنی : میں بھائی اکبر
علی خاں سے پھر کبھی نہیں لوں گا -
میرا وقت چھوٹا ہے اور مجھے آپ کہنے
دیجئے اس کے بعد جو آپ کے من
میں آئے یا آپ کی گورنمنٹ کے من
میں آئے اس پر وہ عمل کرے -

مقدم - اس ۱۹۶۰ء کی چارج
شیٹ کے بعد جب یہ جائیداد بڑھی
تو ہم نے کیا کہا -؟ ہمارا چارج کیا
تھا - ہمارا الزام یہ تھا کہ سردار پرتاب
سنگھ کیوں نے ایبوز آف پاور کی ہے -
اور اس کی ایبوز آف پاور سے اس کی
فہمی نے جائیداد بڑھائی ہے - میں
ڈاکٹر انوپ سنگھ اور ڈاکٹر گوپال سنگھ
پر چوتھ نہیں کروں گا - وہ خوشی سے
جو چاہے کریں - میں انہیں معاف کر
دیتا ہوں - تو میں یہ عرض کر رہا تھا
کہ یہ ہم نے جو چارج لگایا وہ یہ تھا
کہ سردار پرتاب سنگھ کیوں نے ایبوز
آف پاور کیا ہے اور اس ایبوز آف پاور
سے انہوں نے کروڑوں روپے کی جائیداد
بدالی ہے - مقدم وہ دوسرا حقائق نہ
ہوں جن کو ہمیں قصہ آتا ہے کہیں کہ
پرتاب سنگھ کیوں کو بھی ساڈا پورا

[شری عبدالغنی]

اس کے بیٹوں کو بھی ماندا پڑا اور نہ
مانتے ہوئے بھی ان سب کو ماندا پڑے
گا جو یہاں ہیں شرم شرم کہتے ہیں -
شرم، شرم انہیں خود آنی چاہئے -

श्री लोकनाथ मिश्र : काँग्रेस वाले शर्म की
परवाह नहीं करते ।

شری عبدالغنی : جو ایک کرپٹ

چیف منسٹر کو آٹھ برس تک پٹا
دیتے رہے - آٹھ برس تک پٹت جواہر
لال نہرو اور یہ بھائی جو آفیشل پارٹی
میں بیٹھے ہیں یہ اس کرپٹ چیف
منسٹر کو پٹا دیتے رہے - اس لئے یہ
خود کرپٹ بن گئے کہوں کہ انہوں نے
ملک کو دھوکا دیا - داس کمیشن کا
یہ فتویٰ آج موجود ہے - کہ سردار
پرناپ سنگھ کی کنٹریبلز سے یہ ساری
جائیداد ملی اور اس کو کوئی انکار
نہیں کر سکتا ہے - باوجود اس کے کہ
سینٹرل گورنمنٹ نے قائمہ کے کہس
میں بڑی قوت کر مدد دی اس باغ
کو ثابت کرنے کے لئے کہ یہ کرپٹ ہے
اور اس کو قہد بھی لیا لیکن یہاں
اس کو بلی سونگھائی - اور پٹت جی
نے اس کو چلنے دیا کہوں کہ وہ یہ
سمجھتے تھے کہ وہ می ار انسٹ
دعبدالغنی از قس انسٹ
داس کمیشن ایک انکوائری
کمیشن تھا اور اس کو یہ حق نہیں دیا
تھا سینٹرل سرکار نے کہ وہ ایک ایک
الزام پر تمام گواہیاں لے اور گواہیاں
لےنے کے بعد فیصلہ کرے - اس کو

جو کچھ میسر آیا اس پر قضاوت کی -
شاید یہ کہتے ہوئے کسی بھائی کو
رحم نہیں آیا کہ گورنمنٹ آئے دن
اپنے آفیسرس کو پچاس پچاس چارج
لگا کر دیتی ہے اور اس میں ایک بھی
ثابت نہیں ہوتا اس کے باوجود
گورنمنٹ کو ایمانداری سمجھتے ہوئے اس
نے ایمانداری سے اس کو یہ الزام دیا
کہ ان پر کوئی مقدمہ نہیں ہاندا -
آپ ہمیں وہ درجہ نہ دیں جو اپنی
سرکار کو دیتے ہیں کیونکہ ان کے چارجز
تمام غلط ثابت ہو جاتے ہیں - اور
آفیسرس آٹھ سال کے لئے معطل
کئے جاتے ہیں - آج بھی منسٹر کھور
معطل کئے ہوئے ہیں باوجود اس کے
کہ سہریم کورٹ اور ہائی کورٹ کے
فیصلے موجود ہیں - باوجود اس کے کہ
وہاں کے جو ہائسٹ آفیسر بیٹھے تھے
انہوں نے یہ فتویٰ دیا تھا کہ ان کو
ریسٹیت کرنا چاہئے پھر بھی ان کو
ریسٹیت نہیں کیا گیا - اب پبلک
فلڈ سے لاکھوں روپیہ ان کو دیا جائے گا
جب کہ ان کو ریسٹیت کریں گے -
اور پہلے بھی لاکھوں روپیہ دیا - تب
میں یہ سمجھتا ہوں کہ باوجود ان
سب باتوں کے پروویج کلیم کیا گیا -
داس صاحب چوں کہ اس موقع میں
نہیں تھے کہ وہ زیادہ وقت لگائیں اور
وہ سمجھتے تھے کہ چارج کیا ہے - چارج
ہے ایوز آف پاور - باقی تو مثالیں
تھیں جن پر یہ کہتے ہیں کہ یہ

پروف نہیں دے سکے۔ پروف دینا کوئی آسان بات نہیں ہے۔ جب کہ فائلیں سرکار کے قبضہ میں ہوں اور سرٹز کو پریولہج کلیم کرنے کا حق ہو۔ یہ پریولہج کلیم کرنے کے باوجود اس صاحب یہ کہنے پر مجبور ہوئے کہ اس نے اپنے آفیسرس کو کرپٹ کیا اس نے اپنے ایم-ایلیز کو کرپٹ کیا۔ ساری پارٹی کو قہرور لائز کیا اور انہیں بند کر کے اس نے اپنے بیٹوں کو اجازت دے دی۔

لوقت پوری سو لوت - جو نہ لوٹے سہ لوت یہ حالت ہوتے ہوئے آپ کیوں خفا ہوتے ہیں - سپرو صاحب کو میں اپنا باپ مانتا ہوں اس لئے جب وہ گالی دیتے ہیں تو مجھے ماں باپ کی گالیاں کہی کھانڈ کی ناہیاں معلوم ہونی ہوں اور مجھے کوئی صدمہ نہیں ہوتا ہے۔ میں سمجھتا ہوں کہ وہ بزرگ ہیں لیکن باقی جو بولتے ہیں ان سے پوچھنا چاہئے کہ اتنے بڑے دیس کے تم اگوا ہو - مہاتما گاندھی کے تم فالور ہو - اس لئے بجائے اس کے کہ تم اپریشیت کرو ہمارے باتوں کو کہ آٹھ برس تک چیف منسٹر کی تمام سہیاں سہلے کے باوجود پرائم منسٹر کی تمام سختیاں سہلے کے باوجود اپنے لیگل ریسورسز نہ ہونے کے باوجود ارد اپنے پاس کوئی ڈکومینٹ نہ ہونے کے باوجود ہم یہ ثابت کر پائے کہ اس نے ابھوز آف

پاور کیا ہے - تم ہمیں برا بھلا کہتے ہو - ہم نے کب یہ کہا کہ اس نے دس روپیئے لے لئے - ہم نے یہ کب کہا کہ اس نے زبردستی کسی کی چھب گات لی - تو جو ہم نے کہا تھا وہ ہوا -

(Interruption.)

ہاں ہوگا اور وہ ہوکر رہے گا - جب کبھی میں یہاں یہ سوال اٹھاتا تھا تو آپ کہتے تھے کہ مجھے فوبیا ہوا ہے - لیکن وہ فوبیا کہاں گیا - اس کا نتیجہ یہ ہوا کہ اس کمیشن نے یہ مان لیا کہ اس نے ابھوز آف یاور کیا ہے اور اس کی کنڈاویلمس سے یہ ساری دولت جمع ہوئی ہے - آج وہ چودہ کروڑ روپیئے اپنے پاس رکھتا ہے اور جو انکم ٹیکس پر آپ اس وقت چھکی سادھے ہوئے تھے اور سیل ٹیکس پر جو چھکی سادھے ہوئے تھے آج وہ لاکھوں روپیئے اگل رہا ہے - اس نے بے ایمانی سے دولت اکٹھی کی ہے - اس نے فرور میں آج وہ نڈا صاحب اور شامتری صاحب کو چھلنج کرنا ہے - اور ایک ایک مذمت پر استیمنت کرتا ہے - اور وہ اس لئے کرتا ہے کہ ہماری سرکار نے جو قائمہاں کے معاملہ میں جو متوا نے معاملہ میں روپیہ اختیار کیا وہ پرتاپ سنگھ کیروں کے معاملہ میں روپیہ اختیار نہیں کیا۔ سردار پرتاپ سنگھ کہتے ہیں ۔

श्री राम सहोय (मध्य प्रदेश) : आन ए प्वाइंट आफ आर्डर । मैं प्वाइंट आफ आर्डर के तहत आपकी यह तबज्जी दिलाना चाहता हूँ कि जो साहब अभी बोल रहे हैं उनको क्या यह अधिकार है कि जो बातें दास कमिशन की रिपोर्ट में नहीं कही गई हैं उनके अलावा कहें ? उनसे ज्यादा इलजाम वह लगा रहे हैं ।

THE DEPUTY CHAIRMAN: Mr. Ghani, your time is up.

श्री عبدالغनी : میں چاہتا ہوں

کہ مجھے پانچ منٹ اور دیں -

उपसभापति : और पांच मिनट नहीं मिल सकते ।

श्री عبدالغनी : اس لئے کہ مسئلہ تو یہی ہے کہ عبدالغنی ایک طرف اور دوسری طرف تمام آفیشیل پارٹی ہے اور پھر دیکھ لیجئے کہ میں خوش رہتا ہوں -

میرا گویا سالکھ جی سے کہنا صرف اتنا ہی تھا کہ پنجاب نے جو پھداوار میں ترقی کی وہ ۵۴ - ۵۵ - ۱۹۵۶ء میں کی اور ۵۴ - ۵۵ - ۱۹۵۶ء میں شری بیہم سین سچر چیف منسٹر تھے پورٹاپ سنگھ کےروں نہیں تھے -

دوسری بات جو میں کہنا چاہتا ہوں کہ رام کشن آج جیتے . . .

उपसभापति : मिस्टर गनी, दूसरी बात कहने के लिए और मौका मिलेगा ।

श्री عبدالغनी : میرا داس رپورٹ پر ہی آنا ہوں - میں عرض یہ کر رہا تھا . .

SHRI N. PATRA (Orissa): We have to assess your say in view of the references made against you in the Das Commission's Report itself—isn't it?

شری عبدالغنی : پاتراجی - آپ اس لئے خفا ہوتے ہیں کہ آپ کے بیچو پٹانک پر بھی حملہ ہے آپ کے بیہرین منتر پر بھی حملہ ہے اور آپ کو اس کی پیڑ ہوتی ہے -

THE DEPUTY CHAIRMAN: Mr. Ghani, please wind up.

شری عبدالغنی : میں اپنے روم منسٹر سے صرف یہ عرض کرنا چاہتا ہوں کہ یہ رپورٹ سامنے آئی اور آپ نے اپنے قابل اعتماد آفیسر منسٹر کرشنا سوامی کو وہاں بھیجا اور انہوں نے جو رپورٹ بھیجی ہے اگر وہ رپورٹ ہمارے خلاف ہے - یہ ہے کہ اس نے ایڈورز آف پارور نہیں کیا اور اس کی وجہ سے کروڑوں روپیہ نہیں بگایا تو بے شک اس پر مقدمہ تہ چلائے اور اگر رپورٹ ہمارے حق میں ہے تو چلائیے - آپ ہمیں موقعہ دیجئے ہم مقدمہ چلائیں گے - اور جیسا کہ یہ صاحبان کہتے ہیں ہم خود وہ مقدمہ برداشت کریں گے - پلڈت جواہر لال نہرو نے دھمکی دی تو میں نے کہا کہ یا تو وہ جیل میں جائے گا یا میں جیل میں جاؤں گا - اس وقت میں نے یہ قبول کیا تھا اور آج بھی یہ قبول کرتا ہوں - آپ جتنا چاہیں میرے خلاف کریں مجھے کو پھانسی دیے لیکن آپ قیموکریسی کو قتل نہ کیجئے آپ انسٹی کو قتل

نہ کیجئے صرف اس لئے کہ وہ آپ کا
ساتھی تھا وہ ہمارا ساتھی تھا - ایک
ساتھی تھا بھی نیک کہوں نہ ہو
لیکن اگر اس سے بھول ہو جائے وہ
چوری کر لے تو اسے معاف نہیں کہا
جائے - اس کو معاف نہ کیجئے اس
لئے کہ پہلے بڑا ایمان دار تھا اور اب
چوری کی ہے - تو مہربی نڈا
صاحب سے درخواست تھی کہ اس
کے اوپر مقدمہ چلے اور مقدمہ چلا کر
موقوفہ دیں کہ سپریم کورٹ تک جائے۔
یہ وہ بچتا ہے یا بچتا نہیں ہے یہ
دیکھا جائے - اگر وہ بیچ جائے گا تو
میں اپنے کو قتل کر دوں گا ہراکری
کر لوں گا - کم سے کم جو گالی آپ
مجھے دیتے تھے وہ گالی تو نہ ہو -

میں اور کچھ نہیں کہتا - انہی
ہی درخواست ہے کہ وہ کرپٹ تھا
داس کمیشن نے اس کو کرپٹ قرار
دیا اور اس کے کرپشن پر دبانے سے
میسور میں ایسے میں راجستھان
میں کشمیر میں کرپشن ہوا - تو
جہاں اس کے خلاف مقدمہ چلانا
چاہیئے اس کو ایلمنٹ کرنا چاہیئے
وہاں سر کے ساتھ باقی جو
اور چیف جسٹس ہیں ان پر بھی
مقدمہ ہو - اگر ہم ثابت نہ کریں
کہ انہوں نے ابھڑ آف پاؤر کیا تو ہم
اپنے کو چھل بھجوانے کے لئے ہر مدت
تیار ہیں اور اگر آپ ایسا نہیں کرتے
تو اس کے معنی یہ ہیں کہ آپ

قر کرتے ہیں کہ کانگریس اس سے کمزور
ہو جائے گی -

میں نڈا صاحب کو یقین دلانا
ہوں کہ آپ آنسو ہوم منسٹر ہوں آپ
دل سے چاہتے ہوں کہ کرپشن دور ہو
تو اس سے کبھی کمزوری نہیں ہوتی -
سرجن کی طرح جو حصہ گڈا ہے اس
کو کٹ دیجئے - کالنے سے آفیشیل
پارٹی کو کچھ نقصان نہیں ہوگا بلکہ
آفیشیل پارٹی کو طاقت ملے گی -
جو خون گڈا ہے اس کو نکال دیں
بچائے اس کے کہ اس کا زہر سارے جسم
میں پھیلایا جائے - اس سے کانگریس
بیچ جائے گی - پورٹاپ سنگھ کہروں
کے نہ ہوتے ہوئے بھی یہی آپ
چیتے ہیں - تو آپ کو خیال کرنا
چاہیئے - کیا رام کشن شراب کی وجہ
سے یا روپیہ دے کر جیتا ہے - مگر وہ
ویسے جیتا ہے - تو اس
نے معنی میں کہ وہ پورٹاپ سنگھ
کہروں سے زیادہ ہے - کبھی کرنی
پارٹی ایک آدمی کے بدروسہ پر نہیں
چلتی ہے -

THE DEPUTY CHAIRMAN: Mr.
Ghani, will you please wind up?

شری عبدالغنی: تو آپ اس کے
خلاف مقدمہ چلائے - مگر آپ مقدمہ
نہیں چلاتے - صرف انڈا ہی کہتا ہے
اپنے ان ساتھوں سے جو کہ کٹے پھاڑے
ہیں - ان سے ایک ایک سے کچھ
نہیں کہوں گا - ان کو ادھکار ہے
وہ جو جی مہ - آئے کہیں - آپ نے

[شری عبدالغالی]

ایمان داری سے چھٹا کہ اس وقت
 ہمت دلائی پلڈت جی کے مخالفت
 کے باوجود یہ کمیشن بٹھانے کی
 جرات کی ویسے ہی آپ اس رپورٹ
 کو امپلمنٹ کر کے ملک کی مدد
 کیجئے - مہربی مدد نہ کیجئے
 کوئی دکھ نہیں -

†[श्री अब्दुल गनी (पंजाब) : मैडम डिप्टी चेयरमैन, मैं मिस्टर नन्दा और राष्ट्रपति जी का शुक्रगुजार हूँ कि उन्होंने यह कमीशन बिठाया और इस कमीशन का फैसला हाउस के सामने आया। मुझे इस बात का दुःख है कि आफिशियल पार्टी आज पता नहीं क्यों आप से बाहर हो रही है।

हकीकत इतनी है कि १९५७ ई० के आखिर में पंत जी वहां गये और कुछ कांग्रेस के एम०एल०एज० ने उन से शिकायत की। उन्होंने कांग्रेस प्रेजिडेंट श्री यू० एन० धेवर को उसे भेजा। उन्होंने कहा लिख कर दो। उनको एक चार्ज शीट लिखकर दिया गया जिस पर कांग्रेस हाई कमांड ने—किसी अपोजीशन के लीडर ने नहीं—यह जिम्मेदार करार दिया कि जो सरदार प्रताप सिंह कैरों की धर्मपत्नी चंडीगढ़ में बैठकर पब्लिक फण्ड से पैसा लेती रही वह उन को सजना नहीं था। उन्होंने यह कहा कि उन्होंने जो को-ऑपरेटिव कोलड स्टोरेज बनाई है। यह मैंने नहीं कहा कांग्रेस हाई कमांड ने कहा—वह एक फेमिली अफेयर है और को-ऑपरेटिव नहीं है। और फिर यह कहा कि प्रताप सिंह कैरों एडमिनिस्ट्रेशन में भी ऐसी बातें करते हैं जो उनकी सजनी नहीं। इसलिये हम अगर उनको ज्यादा नहीं कहते कि उन की डायरेक्ट कोई रेस्पॉसिबिलिटी है, लेकिन वह कंस्ट्रक्टिवली रेस्पॉसिबिल है।

† [] Hindi transliteration.

इस पर उन्होंने अपना इस्तीफा भेजा। पंडित जी को यह कबूल नहीं हुआ और उन्होंने इस्तीफा कबूल नहीं किया। उस ने फॉल किया और उसको शर्म आई कि मेरे खिलाफ हाई कमांड ने फतवा दिया है क्योंकि एक दाना आदमी के लिये इशारा काफी होता है लेकिन पण्डित जी ने रेजिगनेशन नहीं देने दिया।

Dr. ANUP SINGH: All the files were made available.

श्री अब्दुल गनी : जी हां, अब भी वह तो आउट ऑफ कॉन्फिडेंस है जो कि आप कर रहे हैं और इस में कोई कलाम है क्या? दास कमीशन के फैसले पर सरदार गोपाल सिंह जितना चाहें कमेंट करें और तुम इसको एन्जाए करो इस में कोई हर्ज की बात थोड़ी ही है।

तो मैं यह कह रहा था, मैडम, कि इस के बाद उन्होंने फिर ज्यादा अपनी पावर को एब्यूज करना शुरू किया और इस में उनकी जायदाद जो पहले एक पैसा थी वह एक पैसा से एक रुपया हो गई। फिर कुछ कांग्रेस एम० एल० एज० ने चार्जशीट दिया। दोनों वक्त मैं भी था। मैं ने पहली बार भी चार्जशीट दिया था और दूसरी बार भी मैं ने ही तैयार किया था और हमारे लीडर श्री प्रबोध चन्द्र ने उसे पेश किया था। उसकी जायदाद बढ़ गई तो फिर हम ने दोबारा १९६० ई० में कहा कि आपने तो इशारा किया था लेकिन अब तो वह बिल्कुल खुल कर खेलने लगा। पंडित जी ने उसको कोलड स्टोरेज में डाल दिया। मिस्टर दास यह कहते हैं कि फिर इसके बाद और जायदाद बढ़ गई और इस में उन्होंने हिसार सिनेमा और नीलम सिनेमा फरीदाबाद की लाखों-करोड़ों रुपये की जायदाद बना ली। मिस्टर दास कहते हैं कि इसके बाद जायदाद और बढ़ी और फिर मेमोरियलिस्ट जिन में कांग्रेस के नहीं बल्कि अपोजीशन पार्टियों के सब से जिम्मेदार भाई

थे उन्होंने चार्जशीट दिया। आप से मैं अर्ज करूँ कि जब यह चार्जशीट उन्होंने दिया तो उसका सरदार प्रताप सिंह कैरों ने जवाब भेजा कांग्रेस हाई कमान्ड को और हमारे बुजुर्ग प्राइम मिनिस्टर को। जब यह कमीशन बैठ गया तो पंडित जी ने पहले भी धमकी दी थी कि उनको खूब जोर से मंजबूत हाथों से काबू किया जाये जो इलजाम लगाते हैं, क्योंकि वह बिल्कुल आनेस्ट है और उसने कोई बुराई नहीं की, और वह बड़ा हरादिल अजीज है जैसा कि डाह्या भाई पटेल ने पढ़ा।

श्री अकबर अली खान : आन ए प्वाइंट आफ ऑर्डर। पंजाब का यह दस्तूर रहा कि जब दो पहलवान लड़ते हैं और जब कोई गिर जाता है तो उसको संभालते हैं न कि गिरे हुए को और मारा जाता है।

श्री अब्दुल सनी : मैं भाई अकबर अली खान से फिर कभी निवट लूंगा मेरा बक्त छोटा है और मुझे आप कहने दीजिए। इसके बाद जो आप के मन में आए या आप की गवर्नमेंट के मन में आए उस पर वह अमल करे।

मैडम, इस 1960 ई० की चार्जशीट के बाद जब यह जायदाद बढ़ी तो हम ने क्या कहा? हमारा चार्ज क्या था? हमारा इलजाम यह था कि सरकार प्रताप सिंह कैरों ने एब्यूज आफ पावर की है। और उस की एब्यूज आफ पावर से उस की फैमिली ने जायदाद बढ़ाई है। मैं डाक्टर अनूप सिंह और डाक्टर गोपाल सिंह पर चोट नहीं करूंगा। वे खुशी से जो चाहें करे। मैं उन्हें भाफ कर देता हूँ। तो मैं यह अर्ज कर रहा था कि यह हम ने जो चार्ज लगाया वह यह था कि सरदार प्रताप सिंह कैरों ने एब्यूज आफ पावर किया है और इस एब्यूज आफ पावर से इन्होंने करोड़ों रुपये की जायदाद बना ली है मैडम, व दोस्त खफान हों जिन को बहुत गुस्सा आता है, क्योंकि प्रताप सिंह कैरों को भी मानना पड़ा, उसके बेटों को भी मानना पड़ा, और न मानते हुए भी उन सब को मानना

पड़ेगा। जो यहां हैं शेम शेम कहते हैं। शर्म, शर्म उन्हें खुद आनी चाहिए।

श्री लोक नाथ मिश्र : कांग्रेस वाले शर्म की परवहा नहीं करते।

श्री अब्दुल सनी : जो एक करप्ट चीफ मिनिस्टर को आठ बरस तक पनाह देते रहे। आठ बरस तक पण्डित जवाहरलाल नेहरू और ये भाई जो आफिशियल पार्टी में बैठे हैं ये इस करप्ट चीफ मिनिस्टर को पनाह देते रहे। इस लिए ये खुद करप्ट बन गये क्योंकि इन्होंने मुल्क को धोका दिया। दास कमीशन का यह फतवा आज मौजूद है कि सरदार प्रताप सिंह की कनाइवेन्स से यह सारी जायदाद बनी और इसको कोई इनकार नहीं कर सकता। बावजूद इसके कि सेन्ट्रल गवर्नमेंट ने डालमिया के केस में बड़ी डट कर मदद दी इस बात को साबित करने के लिए कि यह करप्ट है; उस को कैद भी किया; लेकिन यहां इसको बिल्ली सुंघ गई। और पण्डित जी ने इसको चलने दिया क्योंकि वह यह समझते थे कि "ही इज आनेस्ट, अब्दुल सनी इज डिसआनेस्ट"।

दास कमीशन एक इन्वायरी कमीशन था और उसको यह हक नहीं दिया था सेन्ट्रल सरकार ने कि वह एक एक इलजाम पर तमाम गवाहियां ले और गवाहियां लेने के बाद फैसला करे। उसको जो कुछ मयस्सर आया उसी पर कनायत की। शायद यह कहते हुए किसी भाई को रहम नहीं आया कि गवर्नमेंट आये दिन अपने आफिसर्स को पचास पचास चार्ज लगाकर देती है और इसमें एक भी साबित नहीं होता। इसके बावजूद गवर्नमेंट को ईमानदार समझते हुए उस ने ईमानदारी से इस को यह इलजाम दिया कि इन पर कोई मुकदमा नहीं बांधा। आप हमें वह दर्जा न दें जो अपनी सरकार को देते हैं क्योंकि उनके चाबिज तमाम गलत साबित हो जाते हैं और आफिसर्स आठ आठ साल के लिये मुश्तल किये जाते हैं। आज भी मिस्टर कपूर मुश्तल किये हुए हैं। बावजूद

[श्री: अब्दुल ग़ा:]

इसके कि सुप्रीम कोर्ट और हाई कोर्ट के फैसले मौजूद हैं, बावजूद इसके कि वहां के जो हाइएस्ट आफिसर बैठे थे उन्होंने यह फतवी दिया था कि इनको रिस्टेट करना चाहिए, फिर भी इनको रिस्टेट नहीं किया गया। अब पब्लिक फंड से लाखों रुपये इनको दिया जायेगा जबकि इनको रिस्टेट करेंगे। और पहले भी लाखों रुपया दिया। तब मैं यह समझता हूं कि बावजूद इन सब बातों के प्रिविलेज क्लेम किया गया। दास साहब चूंकि इस मूड में नहीं थे कि वह ज्यादा वक्त लगायें और वह समझते थे कि चार्ज क्या है। चार्ज है एव्यूज आफ पावर। बाकी तो मिसालें थीं जिन पर यह कहते हैं कि यह प्रूफ नहीं देस के। प्रूफ देना कोई आसान बात नहीं है जबकि फाइलें सरकार के कब्जे में हों और सरकार को प्रिविलेज क्लेम करने का हक हो। यह प्रिविलेज क्लेम करने के बावजूद दास साहब यह कहने पर मजबूर हुए कि इसने अपने आफिसर्स को करप्ट किया इसने अपने एम० एल० एज० को करप्ट किया, सारी पार्टी को डिमारे-लाइज किया और आखें बन्द करके इसने अपने बेटों को इजाजत दे दी।

लूट पड़ी सो लूट, जो न लूटे सो लूट।

यह हालत होते हुए आप क्यों खफा होते हैं। सप्रू साहब को मैं अपना बाप मानता हूं। इसलिये जब वह गाली देते हैं तो मुझे मां बाप की गालियां घी खांड की तालियां मालूम होती हैं, और मुझे कोई सदमा नहीं होता है। मैं समझता हूं कि वह बुजुर्ग हैं लेकिन बाकी जो बोलते हैं इनसे पूछना चाहिए कि इतने बड़े देश के तुम अगुआ हो, महात्मा गांधी के तुम फालो-अर हो। इसलिये बजाए इसके कि तुम एप्रिशियेट करो हमारी बातों को कि आठ बरस तक चीफ मिनिस्टर की तमाम

संस्थियां सहने के बावजूद, प्राइम मिनिस्टर की तमाम संस्थियां सहने के बावजूद अपने लीगल रिसोर्सज न होने के बावजूद और अपने पास कोई डॉक्यूमेंट न होने के बावजूद हम यह साबित कर पाये कि उसने एव्यूज आफ पावर किया है, तुम हमें बुरा भला कहते हो। हमने कब यह कहा कि इसने दस रुपये ले लिये, हमने यह कब कहा कि इसने जबरदस्ती किसी की जेब काट ली। तो जो हमने कहा था वह हुआ।

(Interruption)

हां होगा और वह होकर रहेगा। जब कभी मैं यहां यह सवाल उठाता था तो आप कहते थे कि मुझ फोबिया हुआ है। लेकिन वह फोबिया कहां गया? इसका नतीजा यह हुआ कि दास कमीशन ने यह मान लिया कि इसने एव्यूज आफ पावर किया है और इसके कनाइवेंस से यह सारी दौलत जमा हुई है। आज वह चौदह करोड़ रुपये अपने पास रखता है और जो इंकम टैक्स पर आप इस वक्त चुपकी साधे हुए थे और सेल टैक्स पर जो चुपकी साधे हुए थे आज वह लाखों रुपया उगल रहा है। इसने बेईमानों से दौलत इकट्ठी की है। इसके गुरूर में आज वह नन्दा साहब और शास्त्री साहब को चेलेंज करता है और एक एक मिनट पर स्टेटमेंट करता है और वह इस लिये करता है कि हमारी सरकार ने जो डालमियां के मामले में, जो मित्रा के मामले में रवट्या अख्तियार किया, वह रेवट्या प्रताप सिंह कैरो के मामले में अख्तियार नहीं किया। सरदार प्रताप सिंह कहते हैं ...

श्री राम सहाय (मध्य प्रदेश): आन ए प्वाइंट आफ आर्डर मैं प्वाइंट आफ आर्डर के तहत आपकी यह तबज्जो दिलाना चाहता हूं कि जो साहब अभी बोल रहे हैं उनको क्या यह अधिकार है कि जो बातें दास कमीशन की रिपोर्ट में

नहीं कहीं गयी है उनके इलावा कहे ?
उनसे ज्यादा इल्जाम बढ़ लगा रहे हैं।

THE DEPUTY CHAIRMAN: Mr. Ghani, your time is up.

श्री अब्दुल गनी : मैं चाहता हूँ कि मुझे पांच मिनट और दें।

उपसभापति : और पांच मिनट नहीं मिल सकते।

श्री अब्दुल गनी : इसलिए कि मसला तो यही है कि अब्दुल गनी एक तरफ, और दूसरी तरफ तमाम आफीमियल पार्टी है और फिर देख लीजिए कि मैं खुश रहता हूँ।

मेरा गोपाल सिंह जी से कहना सिर्फ इतना ही था कि पंजाब ने जो पैदावार में तरक्की की वह १९५४-५५-५६ ई० में की और १९५४-५५-५६ ई० में श्री भीम सैन सचचर चीफ मिनस्टर थे, प्रताप सिंह कैरों नहीं थे।

दूसरी बात जो मैं कहना चाहता हूँ कि राम किशन आज जीते...

उपसभापति : मि० गनी दूसरी बात कहने के लिए और मौका मिलेगा।

श्री अब्दुल गनी : मैं दास रिपोर्ट पर ही आता हूँ, मैं अर्ज यह कर रहा था...

SHRI N. PATRA (Orissa): '■ We have to assess you say in view of the references made against you in the Das Commission's Report itself—isn't it?

श्री अब्दुल गनी : पात्र जी, आप इसलिए खफा होते हैं कि आपके बीजू पटनायक पर भी हमला है, आपके बीरेन मित्र पर भी हमला है और आपको इसकी पीड़ होती है।

THE DEPUTY CHAIRMAN: Mr. Ghani, please wind up.

श्री अब्दुल गनी : मैं अपने होम मिनस्टर से सिर्फ यह अर्ज करना चाहता हूँ कि यह रिपोर्ट सामने आई और आपने अपने काबिलेइतमाद आफिसर मि० कृष्णास्वामी को वहाँ भेजा और उन्होंने जो रिपोर्ट भेजी है, अगर वह रिपोर्ट हमारे खिलाफ है, यह है कि उसने एव्यूज आफ पावर नहीं किया और इसकी वजह से करोड़ों रुपया नहीं बनाया, तो बेशक उस पर मुकदमा न चलाइए और अगर रिपोर्ट हमारे हक में है, तो चलाइए। आप हमें मौका दीजिए हम मुकदमा चलाएंगे। और जैसा कि ये साहेबान कहते हैं हम खुद वह मुकदमा बर्दाश्त करेंगे। पं० जवाहरलाल नेहरू ने धमकी दी तो मैंने कहा कि या तो वह जेल में जाएगा या मैं जेल में जाऊंगा। उस वक्त मैंने यह कबूल किया था और आज भी यह कबूल करता हूँ। आप जितना चाहें मेरे खिलाफ करें, मुझको फांसी दीजिए, लेकिन आप डेमोक्रेसी को क़त्ल न कीजिए, आप आनेस्टी को क़त्ल न कीजिए। सिर्फ इसलिए कि वह आपका साथी था, वह हमारा साथी था—एक साथी कितना ही नेक क्यों न हो लेकिन अगर उससे भूल हो जाए वह चोरी कर ले तो इसे माफ नहीं किया जाता—उसको माफ न कीजिए इसलिए कि पहले बड़ा ईमानदार था और अब चोरी की है। तो मेरी नन्दा साहब से यह दरखवास्त थी कि उसके ऊपर मुकदमा चले और मुकदमा चलाकर मौका दें कि सुप्रीम कोर्ट तक जाए। फिर वह बचता है या बचता नहीं है—यह देखा जाय। अगर वह बच जायेगा तो मैं अपने को क़त्ल कर दूंगा, हाराकिरी कर लूंगा, कम ने कम जो आप गाली मुझे देते थे वह गाली तो न हो।

मैं और कुछ नहीं कहता इतनी ही दरखवास्त है कि वह करप्ट था। दास कमिशन ने उसको करप्ट करार दिया। और उसके करप्शन को दबाने से मैसूर में, उड़ीसा में

[श्री अब्दुल ग़ानि]

राजस्थान में, कश्मीर में करप्शन हुआ। तो जहाँ इसके खिलाफ मुकदमा चलाना चाहिए इसके इम्प्लीमेंट करना चाहिए वहाँ इसके साथ बाकी जो और चीफ़ मिनिस्टर्स हैं उन पर भी मुकदमा हो। अगर हम साबित न करें कि इन्होंने एव्यूज आफ पावर किया तो हम अपने को जेल भिजवाने के लिए हर मिनट तैयार हैं, और अगर आप ऐसा नहीं करते हैं तो इसके माने यह हैं कि आप डर गये हैं कि कांग्रेस इससे कमजोर हो जाएगी।

मैं नन्दा साहब को यकीन दिलाता हूँ कि आप आनेस्ट होम मिनिस्टर हों, आप दिल से चाहते हों कि करप्शन दूर हो तो इससे कभी कमजोरी नहीं होती। सर्जन की तरह जो हिस्सा गन्दा है उसको काट दीजिए। काटने से आफिशियल पार्टी को कुछ नुकसान नहीं होगा बल्कि आफिशियल पार्टी को ताकत मिलेगी। जो खून गन्दा है उसको निकाल दें, बजाय इसके कि इसका जहर सारे जिस्म में फैलाया जाए। इससे कांग्रेस बच जाएगी। प्रताप सिंह कैरों के न होते हुए भी फिर भी आप जीते हैं, तो आपको खयाल करना चाहिए कि क्या रामकिशन शराब की बजह से या रुपए देकर जीता है। मगर वह कैसे जीता है, तो इसके माने हैं कि वह प्रताप सिंह कैरों से ज्यादा है। कभी कोई पार्टी एक आदमी के भरोसे पर नहीं चलती है।

THE DEPUTY CHAIRMAN: Mr. Ghani, will you please wind up?

श्री अब्दुल ग़ानि : तो आप इसके खिलाफ़ मुकदमा चलाइए, मगर आप मुकदमा नहीं चलाते। सिर्फ़ इतना ही कहना है अपने इन साथियों से जो कि गला फाड़ते हैं। इनसे एक एक से कुछ नहीं कहूँगा। इनको अधिकार है कि वह जो जी में आए कहें। आपने ईमानदारी से

जैसा कि इस वक्त हिम्मत दिलायी, पंडित जी की मुखालिफ़त के बावजूद यह कमीशन बिठाने की जुरायत की वैसे ही आप इस रिपोर्ट को इम्प्लीमेंट करके मुल्क की मदद कीजिए। मेरी मदद न कीजिए मुझे कोई दुःख नहीं है।]

SHRI P. N. SAPRU: Madam Deputy Chairman, in the comparatively balanced speech which Mr. Mukut Behari Lai made this afternoon, he posed 3 very relevant question. He asked why action had not been taken earlier against Mr. Kairon, why a Commission of Inquiry had not been appointed earlier than the date on which it was actually appointed. Madam Deputy Chairman, we are working in this country a quasi-Federal Constitution. Chief Ministers of States are responsible to their legislatures; they are responsible to their electorate through their legislatures. They have no responsibility to this House. The Prime Minister has no special power over the Chief Ministers of States. I have not been able to find any provision in the Constitution which empowers the President to appoint a Commission of Inquiry such as was appointed for this purpose. I know that action was taken under section 3 of the Commission of Inquiry Act. Mr. Justice Das, the ex-Chief Justice of India, did not raise this point but it is permissible to doubt whether a Commission could have been at all appointed by the Federal Government. That, I think is the reason which explains the delay and the resitation which the late Prime Minister must have felt in appointing this Commission which might make the working of a Federal Constitution in this country well nigh impossible. I say "well nigh impossible" because fortunately or unfortunately we have one Party in all the States running the Governments. We cannot imagine the state of affairs in which we shall have a dozen or half a dozen parties, other than the Congress, in the States. We do not know what the position then will be.

Madam Deputy Chairman, concluding his Report, Mr. Das has quoted

from the pregnant remarks of one of the great builders of English law,

Lord Mansfield. He says:

"I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels; all that falsehood and malice can invent or the credulity of a deluded people can swallow."

Mr. Das is one of our great legal giants and he has written this Report with that carefulness, with that ability which one associates with his age but I am surprised to find that men who are seeking equity went to Mr. Das's tribunal with unclean hands. It is one of the principles which are embedded in our system of jurisprudence that a man who seeks equity must do equity himself, must go to a court with clean hands. I regret to have to say, on the basis of the various remarks in the body of the Report that ex-Chief Justice Das had a very poor opinion of the veracity of my hon. friend, Mr. Abdul Ghani Jaisar. He had a very poor opinion of the veracity of the memorialists before him. True, he came to the conclusion that there were three charges of which Mr. Kairon was guilty. Now to some of those charges our family system is responsible. We have got in this country a little too much regard for our nephews and nieces and our sons and grandsons and it often happens that a powerful man finds himself powerless to deal with a strong wife or a strong children. That, I think, has been the tragedy of Mr. Kairon.

When we had this Akali trouble and Master Tara Singh was assassinated, I happened to be dining with a very distinguished Punjabi who is not a politician but who is a very honourable man and I asked him what he thought of Mr. Kairon. He said, "Look, do not attack Mr. Kairon: support him. The administration of the Punjab will be impossible without Kairon. He is completely hundred per cent non-communal." That I think is a great tribute to Mr. Kairon.

considering that that tribute came from a man who himself had been associated at one time of his life with communal politics. There is no doubt that Mr. Kairon rendered signal service to Punjab during the time that he was Chief Minister. Educationally it made rapid advances so much so, that today we find our Education Minister highly praising the work that has been done in Punjab and telling the country that Punjab is prepared for education being made a concurrent subject. He was fair and balanced between Hindus and Muslims in that border State; he helped the war effort of the country; he put dynamism into the Administration. Possibly he had his own weaknesses but may I just in all humility suggest to the Home Minister who is very strong about corruption that England was corrupt in the days of Walpole but yet it made very great progress? Clive was corrupt and yet he built the British Empire in India. Therefore I think it is important that we who believe in the democratic process should have a balanced outlook on this matter of corruption. We should not rush to the conclusion that everything that is happening in this country is corrupt.

Very severe strictures—I do not want to repeat all those strictures—have been passed by Mr. Justice Das against Mr. Abdul Ghani. Now I think as a man of honour he should endeavour somehow, in some shape or other, to vindicate himself and show them those charges which Mr. Justice Das has levelled are not true. May I also say that in law the construction of 'fraud' is a very wide one? The House of Lords felt that reckless statements made without regard to their truth or untruth is 'fraud'. Now that is the authoritative definition given by the highest court in Britain and that is the definition which is accepted by our courts in this country. May I say that some of our friends who are responsible for memorialising the President were guilty of fraud at all events in that sense of the term. They did not have any regard for truth. It did

[Shri P. N. Sapru.] not matter to them whether the charge was true or whether the charge was false provided the charge was one which would hit Mr. Kairon. That was the object, that was the outlook with which they went to Mr. Justice Das. May I also say that so far as the Kairon chapter is concerned, it is closed now? May I remind the House that against Mr. J. H. Thomas who was one of the builders of the labour movement in England—he was a leader of front rank and he might have become the Prime Minister of Britain—there were some charges, not of a very very serious character but of a fairly serious character? He resigned and the people forgave him for all that he had done. They only remembered the good that was associated with his name, they did not remember the evil for which he was responsible.

PROF. M. B. LAL: Hope our public men will follow the example of Mr. Thomas.

SHRI P. N. SAPRU: That I think is the spirit in which, Madam Deputy-Chairman, we, whether of the Government Benches or of the Opposition Benches, should work. The Opposition cannot make itself strong by just attacking in season and out of season the Government in power. They must have a constructive approach to problems. What is distressing for lovers of democracy—and I believe in a two-party system of Government—is that our Opposition parties are yet to learn what responsibility is. With these words I would like to congratulate the Government on the action that they have taken and I would say that by-gones should be by-gones.

SHRI A. D. MANI: Madam Deputy Chairman, my hon. friend, Dr. Gopal Singh, asked us not to call Sardar Partap Singh Kairon a criminal or a murderer. Nobody on this side of the House has ever said that he is a criminal or a murderer. What the Opposition and the memorialists have said in the past and would repeat now is that his conduct was of such a cha-

racter that he is unfit to be the Chief Minister of Punjab. This was the allegation made against Sardar Partap Singh Kairon.

Now, my hon. friend, Dr. Anup Singh, said that eighteen charges were proved to be without foundation out of twenty-six. Madam, when the Opposition in the country tries to bring such charge-sheets against a formidable person like Sardar Partap Singh Kairon who not only had a legislative majority in the Punjab but who had the confidence of the late Prime Minister at that time, it is not possible for them to get all the facts in respect of all the charges. If eighteen charges were proved to be false, eight were proved to be correct. That itself justifies the memorial that was submitted to the President.

My hon. friend, Mr. Sapru, quoted the case of Mr. Thomas and said that after he retired from public life there was a good deal of sympathy for him. I do not believe in carrying on a vendetta against Sardar Partap Singh Kairon; if Sardar Partap Singh Kairon retires from public life today we would have no objection whatever to keeping his name out of all controversy but he is trying to stage a comeback and he has got supporters in the Congress Party also who seem to look upon the great achievements of his as offsetting completely his misdeeds. It is for that reason I have to say that this Report has to be discussed in this House and we have to express our opinion.

Madam, I would like to say that I have not been satisfied with the procedure of this inquiry. I feel that whenever Chief Ministers Or Ministers are charged with misconduct, the trial should take place under the Public Servants (Inquiries) Act, 1850. There was only one trial under the Public Servants (Inquiries) Act and that was many years ago when Mr. S. A. Venkataraman who was a "member of the Civil Service and who was the Secretary of the Industries Department was publicly tried. Witnesses were put on the witness stand and they were exa-

mined and cross-examined. I would have been very happy if Sardar Parj-tap Singh Kairon and the memorialists including Mr. Abdul Ghani had taken the witness stand and allowed their motives and their attitudes to be examined and cross-examined by the counsels. It would have done a lot of good to the public.

SHRI M. P. BHARGAVA (Uttar Pradesh): The truth would have come out in that case.

SHRI A. D. MANI: We have now got only a medium of the truth, a fraction of the truth. I would have liked the whole truth to come out as a result of such cross-examination and I am sure my hon. friend, Mr. Abfiul Ghani, and his friends would have gladly faced cross-examination by the counsel of Sardar Partap Singh Kairon.

I would like to say further that I am not happy also at the demand being made by the Government of the Punjab to have the officials dealt with departmentally. The fact remains—and this fact cannot be gainsaid by anybody—that these officials were responsible for their actions because they were afraid to displease Sardar Partap Singh Kairon. We are developing a new pattern of State Autonomy where officials are in mortal fear of the Ministers and Chief Ministers. How do we expect the officials not to toe the line of the Ministers who are in power, particularly when they know that if they refused to do so they must be visited with punishment? I would like Mr. Sapru's sympathies to be extended to the officials and not to Mr. Partap Singh Kairon and I personally would be happy if the officials concerned are censured and the prosecution against them dropped, because they were (acting more or less as the tools of) Sardar Partap Singh Kairon or his son, Sardar Surinder Singh Kairon.

The third point I would like to make is if it decided that these officials should be prosecuted, then

there is no alternative left but to prosecute Sardar Partap Singh Kairon himself. It would be unfair to the officials of Punjab to have them prosecuted or dealt with departmentally and to allow Sardar Partap Singh Kairon to go scot-free even with his liberty to write offensive articles in the weekly journal that he has started and trying to stage a come-back to power. I would like to say this that if it is decided that the curtain should be rung on the Kairon episode, the Congress High Command should ask Sardar Partap Singh Kairon to resign from the Vidhan Sabha of Punjab. This has not been done. I would like also all those who have been adversely commented upon by the Das Commission also to resign and I would like at some stage the Government to come forward with legislation to amend the Representation of the People's Act to make it obligatory for any Minister who has been the subject of adverse findings of a Commission of Enquiry to forthwith vacate his seat, because unless the Minister resigns his seat, the offence is not condoned.

There is one other point I would like to make and that is so many charge-sheets are being submitted. There is a charge-sheet against the Chief Minister of Mysore. There is a charge-sheet against the Chief Minister of Orissa and the ex-Chief Minister of Orissa. These charge-sheets have been there before the public for months. We have been told that action is going to be taken, but no action has been taken and this delay itself is causing a good deal of demoralisation to the public life of this country as it is. I would like to repeat that the Santhanam Committee was on very firm foundations when it said that if ten MLAs subscribed to a charge-sheet, that matter should be properly enquired into. I would like also the present practice of charge-sheets being scrutinised by the Congress High Command to be given up. I have great respect for the members of the Congress High Command, but

LShri A. D. Mam. J they are a party organisation. If a complaint is made against a Chief Minister or a charge-sheet is brought forward against a Chief Minister and submitted to the President, that charge-sheet should be sent to the Attorney-General for his opinion. It is on the basis of the findings of the Attorney-General that Government should decide to institute a Commission of Enquiry or take action under the Public Servants Enquiry Act. (Time bell rings). I want to finish. Thank you very much for giving me this opportunity. I would like to say this. The war against corruption must go on. It cannot end only because Sardar Partap Singh Kairon has been removed from power, but such people must have no place in the public life. If the Congress is able to ensure by their deeds a decent public life, they would have done a great service to the country.

श्री जगत नारायण (पंजाब) : मैडम डिप्टी चेयरमैन, मैंने बड़े और से डा० गोपाल सिंह, डा० अनूप सिंह और श्री सप्रू साहब की तकरीर को सुना। मैं बड़े अदब के साथ अपने ट्रेजरी बैचेंज के भाइयों की खिदमत में अर्ज करना चाहता हूँ कि उन्होंने इन लोगों की तकरीर पर औसतन अपनी सम्मति दी है और कहा है कि अच्छी तकरीर है। मैं बड़े अदब से कहना चाहता हूँ इन तीनों भाइयों ने अपनी तकरीर से प्राइम मिनिस्टर, होम मिनिस्टर और चीफ मिनिस्टर पंजाब के मुंह पर चपत रसीद की है। शायद आप कहेंगे कि मैं यह बात क्यों कहता हूँ? मैं यह बात इसलिए कहता हूँ कि जब दास कमीशन की रिपोर्ट हमारे प्राइम मिनिस्टर के पास पहुंची तो उन्होंने इसे होम मिनिस्टर के पास भेजी। होम मिनिस्टर साहब ने एक एलची के जरिये यह रिपोर्ट चंडीगढ़ भेजी। सरदार प्रताप सिंह कैरों ने पहला काम इस रिपोर्ट के पढ़ने के बाद जो किया वह यह था कि उन्होंने अपना इस्तोफा दे दिया। मगर इसके साथ ही उन्होंने अपने आदमियों को इकट्ठा करके

कहा कि कांग्रेस हाई कमान को बतला दिया जाना चाहिये कि ताकत हमारे साथ है। पंजाब प्रदेश के प्रेजीडेण्ट ने भी कहा कि हमें दास कमीशन की रिपोर्ट की परवाह नहीं है और हमारी पार्टी ही पावर में रहेगी।

श्रीमती शारदा भार्गव (राजस्थान) : क्या आपने ये बातें कैरो साहब के मुंह से सुनीं ?

श्री जगत नारायण : हमने ये बातें अखबारों के जरिये मालूम कीं। तो मैं पंजाब के कांग्रेस प्रेजीडेण्ट की बात कह रहा था। तो मैं अर्ज कर रहा था कि वहां पर कुछ इस तरह की बातें कही गईं जिसकी वजह से होम मिनिस्टर को इस तरह का स्टेप लेना पड़ा। उन्होंने दास कमीशन की रिपोर्ट को प्रेस के लिए रिलीज कर दी। रिपोर्ट रिलीज करने के बाद सरदार प्रताप सिंह कैरों न सिर्फ केयर टेकर गवर्नमेंट से गये बल्कि उन्हें वहां से बिल्कुल ही हटाना पड़ा। लेकिन आज जो तकरीरें यहां पर की गई हैं वे उनके हक में जाती हैं। मैं आपकी खिदमत में यह अर्ज करना चाहता हूँ कि कांग्रेस हाई कमान ने और इन लोगों ने एक करप्ट चीफ मिनिस्टर की मदद की और ऐसा करके हमारे प्राइम मिनिस्टर, होम मिनिस्टर ने जो कदम उठाया था उसकी निन्दा की है और दुनिया के सामने एक मजाक बनाया है।

DR. GOPAL SINGH: It is not correct.

श्री जगत नारायण : आपने अपने बयान में कहा है। मैं बिल्कुल ठीक कह रहा हूँ और आपने सारी बातें कहीं।

DR. GOPAL SINGH: That is not correct. Why are you putting into my mouth what I have not said.

श्री जगत नारायण : मैं आपसे लड़ना नहीं चाहता हूँ। मैं आपकी खिदमत में यह अर्ज करना चाहता हूँ कि मैमोरियलिस्टों के बारे में यह कहा जाता है कि उन्होंने जो 22

इलजाम लगाये थे उनमें से 7 ही साबित कर पाये और 15 साबित नहीं कर पाये। मैडम आपको सारे केस का हाल मालूम है कि यह कैसे और किस ढंग पर लड़ा गया था। मैमोरियलिस्टों ने 20 इलजाम प्रेजिडेंट के सामने पेश किये थे। हमारे पास न कोई रिकार्ड था और न कोई चीज ही थी जिसके जरिये हम अपना केस लड़ सकते थे। सिर्फ अखबारों में जो चीजें छपती थीं उसी को लेकर हमने इलजाम लगाये और दे दिये। लेकिन दूसरी तरफ क्या हाल था? वहां पर चीफ मिनिस्टर को खुली छूट थी और वह कांग्रेस का रुपया लेकर अपना केस डिफेन्ड कर रहा था। उसने अपने वकील को सरकारी फण्ड से एक मिनट का 10 रुपये के हिसाब से अपने केस को लड़ने के लिये दिया और इस तरह से अपने केस को डिफेन्ड किया। इसके बावजूद भी वहां पर बहुत सी फाइलों को टेम्पर किया गया, फाइलों को बिगाड़ा गया। दास कमीशन ने भी अपने रिपोर्ट में यह कहा है कि फाइलों को टेम्पर किया गया। इस तरह की तमाम बातें हुईं लेकिन इसके बावजूद भी हम 20 इलजामों में से 7 इलजामों को साबित करने में कामयाब रहे।

हमारे भाई कह रहे हैं कि 13 इलजाम साबित नहीं हो सके और इस बारे में मेरे भाई श्री अब्दुल गनी जी ने उनको चैलेंज किया है और मैं भी उनको चैलेंज करता हूँ क्योंकि मैमोरियलिस्टों ने जो नेमोरेडम भेजा था उसमें मैंने भी साइन किये थे। मैं भी राष्ट्रपति जी के पास साथ गया था और राष्ट्रपति जी ने हमसे पूछा था कि क्या आप ये इलजाम साबित कर सकते हैं। हमने कहा था कि अगर हम इन इलजामों को साबित नहीं कर सकेंगे तो आपकी मरजी में जो सजा आये वह हमको दीजियेगा। लेकिन हमको इलजामों को साबित करने का मौका दीजिये। मैं अपने भाई जो वहां से बैठ कर कह रहे हैं उनसे मैं कहना चाहता हूँ कि वे क्यों नहीं हमारे ऊपर मुकदमा चलाते हैं? जब से मैंने कांग्रेस छोड़ी है तबसे कैरो की सरकार ने मेरे खिलाफ

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20 मुकदमे चलाये। हिन्दू समाचार पर चलाये और उनमें से 16 मुकदमे लड़ कर मैं बरी हुआ हूँ। बावजूद इसके कि कैरो की सरकार ने सब कुछ किया फिर भी वह मुझ पर मुकदमे साबित नहीं कर सके। इसलिए मैं कहना चाहता हूँ कि जिन 13 इलजामों को हम साबित नहीं कर सके उनके खिलाफ आप हम पर मुकदमा चलाइये और फिर देखिये कि हम एक एक करके इनको साबित करते हैं या नहीं और जो हमने चार्जज लगाये हैं वे दुस्त हैं या नहीं?

मैडम, मैं आपको खिदमत में अर्ज कर रहा था कि डाक्टर गोपाल सिंह मेरे बड़े अजीज दोस्त हैं। यह तो स्कालर आदमी हैं और यह स्कालर होने की वजह से ही नामजद हुये हैं। मुझे हैरानी इस बात की हुई कि वे सियासत में पड़ गये और यहां मेरे अजीज भाई पंजहजारी ने उनको आगे बढ़ा दिया। पंजहजारी साहब मिस्टर कैरो के मुतालिक क्या राय रखते हैं, वह मुझे अच्छी तरह मालूम है और उन्होंने इन बेचारे डाक्टर साहब को आगे कर दिया। डाक्टर साहब, आपको सियासत का पता नहीं है।

मेरी बहन, मैं आपसे बड़े अदब के साथ कहना चाहता हूँ कि आप इस कुर्सी पर विराजमान हैं, इसलिये कि महात्मा गांधी ने हिन्दुस्तान को निजात दिलाई और कांग्रेस पार्टी को मजबूत किया। एक छोटा सा वाक्या मैं आपकी खिदमत में अर्ज करना चाहता हूँ। सरदार सरदूल सिंह कबीश्वर कांग्रेस वकिंग कमेटी में थे। उन्होंने महाराजा नाभा से कुछ रुपये लिये थे और प्रोनोट लिख कर दिया था। फिर क्या हुआ कि तीन साल बाद महाराजा ने उनसे रुपया मांगा। उस पर उन्होंने कहा कि मुझे माफ कर दो। फिर मुकदमा कोर्ट में चला और कोर्ट में जवाब दावा में सरदार सरदूल सिंह कबीश्वर ने कहा कि यह रुपया मैंने नहीं लिया है। फिर यह मामला किसी ने महात्मा गांधी के पास

[श्री जगत नारायण]

पहुँचा दिया। महात्मा गांधी ने सरदार सरदूल सिंह को बुला कर कहा कि आप फौरन वकिंग कमेटी से मुस्तैफी हो जायें, कांग्रेस से मुस्तैफी हो जायें, आप ऐसा जवाब दावा दे करके कांग्रेस में नहीं रह सकते हैं। बड़ी मामूली बात थी और सरदार सरदूल कबीश्वर ने कहा कि यह तो वकीलों के देखने की बात है, लेकिन महात्मा गांधी ने कहा कि नहीं, दस्तखत तुम्हारे ही हैं और तुम को मुस्तैफी होना पड़ेगा। यहाँ दास कमिशन के सामने 22 चार्ज में से 7 चार्ज हमने साबित कर दिया और उसके बाद केन्द्रीय सरकार ने ऐक्शन लिया और मजबूर किया सरदार प्रताप सिंह कैरों को कि वे मुस्तैफी हों। अब इस वक्त जो बहस हो रही है और इसका जो खास मकसद है, उस पर डिटेल् में कहने के लिये मेरे पास वक्त नहीं है। लेकिन इतना मैं अर्ज करूँगा कि हमारी जो चार्जशीट थी वह मुख्य मंत्री के खिलाफ थी और उसमें सिर्फ उनके रेजिगनेशन से काम नहीं चलेगा। उन पर मुकदमा चलाना चाहिये। और सिर्फ जन के खिलाफ ही नहीं, बल्कि और जिन पांच छः आदमियों के खिलाफ चार्जशीट लगाई गई थी, उनके खिलाफ भी मुकदमा चलाना चाहिये। इस मामले को यही नहीं छोड़ देना चाहिये। कृष्णस्वामी जो अपनी क्या रिपोर्ट देंगे, उससे हमारा कोई सरोकार नहीं है। हम तो यह चाहते हैं कि दास कमिशन की रिपोर्ट में जिन के खिलाफ कहा गया है, उनके खिलाफ ऐक्शन ले कर के मामले को आखिर तक पहुँचाना चाहिये।

मैडम, आपने मुझे इतना वक्त दिया, इसके लिये आपका बहुत बहुत शुक्रिया।

THE DEPUTY CHAIRMAN: There are still four Members to participate in the discussion. Then the Minister will speak, and then the Mover will reply. Mr. Vajpayee.

श्री ए० बी० वाजपेयी: महोदया, भ्रष्टाचार का प्रश्न किसी पार्टी का प्रश्न नहीं है। देश के लोकतंत्र का भविष्य इसके साथ जुड़ा हुआ है कि हम शासन को भ्रष्टाचार से मुक्त रख कर चला सकते हैं या नहीं। इस बात को सभी स्वीकार करेंगे कि यदि भ्रष्टाचार का निराकरण करना है तो उसका आरम्भ शिखर से होना चाहिये, चाँटी से होना चाहिये। यदि मंत्रियों के आचरण संदिग्ध रहेंगे, तो सरकारी कर्मचारियों से, सेवानो से इस बात की आशा नहीं की जा सकती कि वे अपने दायित्व के निर्वाह में प्रामाणिकता से काम लेंगे।

दास कमिशन की नियुक्ति से हमारे देश के राजनैतिक जीवन में एक नये अध्याय का श्रीगणेश हुआ है। इससे दोनों बातें साबित हो गई। एक बात तो यह है कि ऊँचे ऊँचे पदों पर बैठे हुये व्यक्ति भी भ्रष्टाचार से मुक्त नहीं हैं और दूसरी बात यह है कि भारतीय लोकतंत्र सजग है, सक्षम है। जनमत जाग्रत है, ज्वलंत है और भ्रष्टाचार कोई भी करे, कितने भी ऊँचे पद पर बैठा हो, जनमत उसे क्षमा नहीं करेगा। जनता की अदालत उसको सजा देगी।

भ्रष्टाचार के आरोप और भी लगाये जा रहे हैं। उनसे किसी को घबराना नहीं चाहिये। उन आरोपों की जांच जरूरी है और जांच का सर्वसम्मत तरीका निकालना होगा। अनेक मुख्य मंत्रियों के विरुद्ध आरोप लग रहे हैं, यद्यपि ऐसे मुख्य मंत्री देश में ज्यादा हैं जिन के विरुद्ध कोई आरोप नहीं है और इसलिये कांग्रेस पार्टी इस प्रश्न को इस तरह से न देखे कि हम आरोप लगा कर के किसी मुख्य मंत्री को गिराना चाहते हैं। यदि आरोपों में दम नहीं है, तो फिर कोई मुख्य मंत्री गिरेगा नहीं। वह निष्कलंक हो कर निकलेगा। उसकी कति बढ़ेगी, और कांग्रेस पार्टी की प्रतिष्ठा में भी बढ़ि होगी। किन्तु यदि आरोपों में सार है, किसी

का आचरण संदिग्ध है, तो उसे सजा मिलनी चाहिये। अगर मुख्य मंत्री आचरण और आदर्श नहीं रख सके, तो देश में लोकतंत्र की जड़ पर कुठाराघात होगा। सीज़र की पत्नी की तरह से मंत्रियों को भी संदेह से परे होना चाहिये। क्या कोई कह सकता है कि सरदार प्रताप सिंह कैरों का आचरण संदेह से परे था? कितने आरोप साबित हुये, कितने आरोप साबित नहीं हुये, यह प्रश्न नहीं है। लोकतंत्र में मंत्रियों के आचरण को केवल संकीर्ण, संकुचित कानून की कसौटी पर नहीं कसा जा सकता। आखिर, नैतिक मूल्य को भी ध्यान में रखना होगा। शासन में लोगों की निष्ठा बढ़ाने के लिये इस बात को भी देखना होगा कि अगर अंगलियां उठती हैं तो योग्य जांच की जाय और अगर जांच में आचरण संदेह से मुक्त हो तो उसे पद से अलग कर दिया जाय।

महोदया, यह भगवान राम का देश है, जिन्होंने एक व्यक्ति के कहने पर सीताजी को छोड़ दिया था। उस व्यक्ति ने कोई स्मरण पत्र भेज नहीं दिया। भगवान राम चाहते तो उस तो आवाज को दबा सकते थे, मगर उन्होंने जो लोग कहा है, मैं चाहूंगा कि हमारे मंत्री महोदय उसे मंडा कर अपने दफतरी में टांगे :

स्नेहं दयांच सोढ्यं च
यवि वा जानहीमपि
आराधनाय लोकानाम्
मुंचतो नास्ति मे व्यथा

मैं स्नेह को छोड़ दूंगा, दया को तिलांजलि दे दंगा, व्यक्तिगत सुख की चिंता नहीं करूंगा, आवश्यकता पड़ी तो सीता को भी छोड़ दूंगा। “आराधनाय लोकानाम्” लोक अपवाद के डर से अग्नि परीक्षा में निष्कलंक हो कर निकलने वाली सीता को भगवान राम ने छोड़ दिया। सवाल कानून का नहीं है। सवाल

इस बात का है कि हम अपने जन जीवन के सामने कौन सा आदर्श रखना चाहते हैं।

कोई इस बात से इन्कार नहीं कर सकता कि सरदार प्रताप सिंह कैरों के मुख्य मंत्री होने का लाभ उठाकर उनके पुत्रों ने जायदादें खड़ी कीं। कमिशन इस बात पर भी स्पष्ट है कि सरदार प्रताप सिंह कैरों को पता था, उनके ध्यान में लाया जा चुका था कि उनके लड़के उनके पद का दुरुपयोग कर के जायदाद खड़ी कर रहे हैं। वे यह कह कर नहीं बच सकते कि मेरा पुत्रों से क्या सम्बन्ध है। शासन की कुर्सी पर बैठ कर व्यक्ति को निर्मम होना होगा, कठोर होना होगा। उसे स्नेह के सम्बन्धों को तोड़ना होगा। उसे पुत्रों के प्रति, रिश्तेदारों के प्रति, नातेदारों के प्रति और प्रकार का व्यवहार करना पड़ेगा। अगर हमारे मंत्री ऐसे आदर्श का पालन नहीं कर सकते, तो देश में लोकतंत्र के विकास के लिए मुझे खतरा दिखाई देता है।

इस रिपोर्ट में चार श्रेणियों के विरुद्ध अभी कार्यवाही बाकी है। एक सरदार प्रताप सिंह कैरों स्वयं, दूसरे उनके परिवार के लोग, तीसरे ऐसे सैरसरकारी लोग जिनका इस रिपोर्ट में उल्लेख है, जिनमें कुछ मंत्री भी आते हैं और जिन की ओर हमारे कुछ मित्रों ने संकेत भी किया है। कुछ सरकारी 6 P.M.

अफसर जिन्होंने पद के दुरुपयोग में हिस्सा बटाया, जिन्होंने कैरों के पुत्रों को लाभ उठाने देने के लिए अनियमितताएं कीं, जो उन्हें फायदा पहुंचाने में हिस्सेदार बने, इन चारों के खिलाफ हम जानना चाहेंगे गृह मंत्रालय क्या कार्यवाही कर रहा है। मैं “विचहण्ट” का हामी नहीं हूं लेकिन अगर अपराधी को पूरी सजा नहीं मिले तो न्याय का तकाजा पूर्ण नहीं होगा। हां, जिनका नाम लिया गया है उन्हें सफाई का मौका दिया जाना चाहिए, उन पर बाकायदा आरोप लगाए जाय, सफाई का मौका दिया जाय, जांच हो और अगर जांच में साबित हो जाय कि जानबूझ कर उन्होंने पद का दुरुपयोग किया तो फिर वे दंड के

[श्री ए० ब० वाजपेयी]

भागीदार हैं। और, जो गलत ढंग से जाय-दाद इकट्ठी की गई है उसका क्या होगा ? जो ब्लैकमनी कमाए हुए हैं उनके खिलाफ बित्त मंत्रालय कार्यवाही करना चाहता है, हम इस कार्यवाही का स्वागत करते हैं, लेकिन सत्ता का दुरुपयोग कर के जिन्होंने पंजाब में जायदादें खड़ी की हैं वे जायदादें किस तरह से कमाई गई हैं इसकी जांच होनी चाहिए। वह अपनी सफाई दें लेकिन अगर वह साबित नहीं कर सकते कि जायदाद जायज तरीकों से आई है तो वह जायदाद जप्त होनी चाहिए। किसी के पीछे डंडा ले कर पड़ने की जरूरत नहीं है। मगर भ्रष्टाचार के मामले में किसी के साथ रियायत भी नहीं होनी चाहिए।

एक बात कह कर मैं समाप्त कर दूंगा। मुख्य मंत्रियों के, मंत्रियों के विरुद्ध जो आरोप लगे हैं उन सब में एक ही तरीका अपनाया जरूरी है। हम पंजाब में कुछ करें, उड़ीसा में दूसरा ढंग अपनाएं और मैसूर के आरोपों के सम्बन्ध में अलग नीति अपनाएं इससे देश में सही वातावरण नहीं बनेगा। संथानम् कमेटी की सिफारिश सरकार स्वीकार करले कि एक "नैशनल पैनल" बनेगा और अगर विधान सभा के, संसद के, १० सदस्य राष्ट्रपति के पास आरोप लगावे तो उसे पैनल के पास भेज दिया जाय। गृह मंत्री जी को या प्रधान मंत्री जी को यह भार अपने ऊपर नहीं लेना चाहिए, वे सत्तारूढ़ दल के हैं, मैं उनकी ईमानदारी पर शक नहीं करता मगर कुछ कांग्रेसी कल उनकी ईमानदारी पर शक करेंगे इसमें मुझे कोई संदेह नहीं है, उन पर आरोप लगाएंगे कि वे गुटबन्दी के आधार पर अलग अलग ढंग का व्यवहार कर रहे हैं, उड़ीसा के सम्बन्ध में ये आरोप लग रहे हैं। मैं चाहता हूँ कि एक समान तरीका अपनाया जाय। मेरे मित्र श्री चौरीड़िया जी और मणि जी ने भी कहा कि आरोप एटार्नी जनरल को भेज दिए जाय और वह देखे कि प्राइमाफेसी केस है या नहीं और अगर है तो फिर कमिशन आफ इन्क्वायरी कायम होनी चाहिए। अगर

सरकार इस प्रस्ताव को स्वीकार नहीं करती तो संथानम् कमेटी की सिफारिश को मान ले कि प्रमुख व्यक्तियों का एक नैशनल पैनल बने और उनमें से दो तीन व्यक्तियों को जो आरोप लगते हैं उनको भेज दिया जाय। कांग्रेस के सदस्यों को इन आरोपों से भयभीत नहीं होना चाहिए। लोकतंत्र और भ्रष्टाचार इनमें बड़ा गहरा सम्बन्ध है और इसलिए भ्रष्टाचार के आरोपों के प्रति अधिक सावधान होना चाहिए। सवाल सत्तारूढ़ दल या विरोधी दल का नहीं है, दल आएंगे चले जाएंगे, सरकारें बनेंगी बदल जायेंगी, मगर भारत में लोकतंत्र रहेगा या नहीं रहेगा यह प्रश्न आज कमीटी पर कसा हुआ है और यदि हम भ्रष्टाचार का उन्मूलन करने के लिए दृढ़ता से काम नहीं करेंगे तो आगे आने वाली संतति हमें कभी क्षमा नहीं करेगी।

SHRI M. P. BHARGAVA: Madam Deputy Chairman, ...

THE DEPUTY CHAIRMAN: It is past six and still there are six speakers. Please be brief.

SHRI M. P. BHARGAVA: ... I am one of those who have always believed that corruption wherever it exists must be eradicated and should be eradicated expeditiously. We have been seeing that the plea that time is the healer of all evils has been responsible for many an awkward situation for the ruling party. Now I have been listening to the debate today and I have failed to understand what purpose the debate is going to serve. The Report of the Das Commission was submitted on the 11th June 1964. It was placed on the Table of the House on the 7th September, 1964. I was the first to give a motion for its discussion on the 8th September, 1964. SHRI A. B. VAJPAYEE: For what purpose?

SHRI M. P. BHARGAVA: There was a purpose at that time. The Report had been submitted and the purpose

at that time would have been to impress upon the Government how action has to be taken in following up the recommendations of the Report. Now if we analyse from that angle, we find that it is too late in the day to discuss the Report from that angle.

There are five sets of people affected by the Report as was rightly pointed out by my friend, Shri Atal Behari Vajpayee. First is the Chief Minister. The Chief Minister has already given up his Chief Ministership . . .

SHRI A. B. VAJPAYEE: Is that all?

SHRI M. P. BHARGAVA: and other action about his Assembly seat being vacated is before the High Command, and I am sure before very long the High Command will give a decision and advise Sardar Partap Singh Kairon accordingly.

The second set of people affected by the Report are the sons and family members of Sardar Partap Singh Kairon. As far as the sons are concerned, action is being taken. Some of the cases are *sub judice* and it will be improper to discuss them here in this House. About tax evasion a special Income-tax Officer has been appointed to go into the returns of the two sons and other family members. As far as action on that count is concerned, it is in progress. The third set of people affected are the officials who are said to have connived at or helped in the activity of Sardar Partap Singh Kairon's sons. Here again action is being taken. A Special Officer, by the name, Mr. Krishna-swamy, was appointed long back. He has gone through the various papers before him. He is going through the Report and action on that count is also in progress. The four sets of people affected are the non-officials or some of the Ministers in Sardar Partap Singh Kairon's Cabinet and some other non-officials. Action against them is also being contemplated. The High Command is fully seized of the matter. On that count there can be no grievance

as far as Mr. Abdul Ghani Dar and others are concerned.

Now I come to one set of people to which Mr. Vajpayee did not refer and which I have to refer very painfully. And that is the memorialists who have submitted their allegations and about whom strictures have been made in the Report. To apprise the House of the correct situation I will draw the attention of the House to some of the strictures and I will leave it to the House to draw their inference whether any action is called for or not. If any fiction is called for, I will implore the Home Minister to move in that matter also because justice should be done to all quarters. We cannot follow a policy of persecution or going against one man who has already been ousted from the high position he occupied and leave the other set of people, who according to the remarks of the Commission itself, are charged with bringing some frivolous charges. I quite agree that some of their charges have been substantiated and for that the people affected are paying the penalty. Now on page 266 of the report it is said:

"On the basis of the evidence furnished by these properly verified counter-affidavits the relevant portions of which have been summarised above and which the Commission accepts as true it will be seen that . . ."

Mark the words—

"... all the major premises of Maulvi Abdul Ghani Dar's affidavit were incorrect."

That is a very sweeping remark of the Das Commission and we must take some recognition of this. Then it goes on to say:

"The Commission is satisfied that the insistence even on this flagrantly untenable charge is indicative of only of the strained relation that exists between the Memorialists and S. Pratap Singh Kairon and which has warped . . ."

[Shri M. P. Bhargava.] Mark
again the word—

"....their vision and vitiated their mind and faculty of reasoning. Their mental state is well explained by the following observations or. Baron Alderson in Reg. Vs. Hodge (1838) 2 Law. 227:

"The mind was apt to take a pleasure in adapting circumstances to one another, and even in straining them a little, if need be, to force them to form parts of one connected whole; and the more ingenious the mind of the individual, the more likely was it, considering such matters, to overreach and mislead itself, to supply some little link that is wanting, to take for granted some fact consistent with its previous theories and necessary to render them complete."

(*Time bell rings.*) Is
my time over?

THE DEPUTY CHAIRMAN: No, but I said you should take a little less than ten minutes because you have to accommodate others. I do not know how long the House is inclined to sit.

SHRI M. P. BHARGAVA: If you want me to stop I will stop here; otherwise I will require a couple of minutes. I have no time; otherwise I would have read out to the House passages after passages where strictures have been passed by the Das Commission on the memorialists. I do not say that justice should not be done against Sardar Kairon. Whatever he deserves must be given to him and I am one of those who always believed that justice should have been given to him a long time past and but for the inaction, if I may say so, of the High Command, things would not have taken all the ugly shape which they took.

Now if we go back a little, if you will allow me two minutes, this story of Das Commission's appointment is not a solitary instance. It takes us

back to 1947. There was a constant fight between the 'haves' and the 'have-nots' in the Punjab Congress and fortunately or unfortunately, I have been connected with Punjab since a long time. I know from my inner knowledge all the activities of my friends Who have spoken from the Opposite Benches. I am referring to Mr. Abdul Ghani and my friend Mr, Jagat Narain. When they found that they could not seize power so long as Sardar Kairon, a strong man as he was, was present on the scene, they started looking for things with which to beat Mr. Kairon, and unfortunately his sons provided them with all the material which they wanted and that is the sad story of Punjab. I am **still** not prepared to believe that Sardar Kairon is all that bad as he is depicted to be. He is a strong man and the whole world knows that strong men create enemies in their sphere of **work** and that is what has been happening and his family members and his son have provided all the gun-powder to the memorialists.

Then we have been talking about *so* many officials. What are the officials to do? A certain regime is in power. Certain orders are given orally. Certain orders are written. They have to execute them and be in 'pulling on' terms, if I may say so, with the authorities that are in position.

SHRI A. B. VAJPAYEE: They should have refused to submit affidavits.

SHRI M. P. BHARGAVA: Please bear with me. Everybody is not Mr. Vajpayee or Bhargava who will resist all kinds of things. Human material is human material and there are people who take every opportunity which is offered to them. I need not disclose certain other, things which I know about the Opposition because it is not the time to do so. On some other occasion I shall do that also.

SHRI A. B. VAJPAYEE: Let us come to power first.

SHRI M. P. BHARGAVA: You speak about that. In the end I will only implore upon the Home Minister to make the whole thing balanced and let it not appear to the world that the High Command or the Government of India go with a prejudice against anybody and they do not take action where it is called for, they go too far where it is not required. That is all that I have to say in this regard. Thank you.

THE DEPUTY CHAIRMAN: Mr Panj hazari. Only five minutes please.

सरदार रघुबीर सिंह पंजहजारी (पंजाब): डिपुटी चैयरमैन साहिब, मुझे खुशी होती कि जिस प्रजातंत्रवाद का तारा हमारी अपोजिशन पार्टी के मेम्बर लगाते हैं उसको सही मानों में जानते होते। अगर वे दास कमीशन की रिपोर्ट पर कांग्रेस सरकार की तारीफ करते और जिस तरह दास कमीशन की रिपोर्ट पर कांग्रेस हाई कमान्ड ने स्ट्रांग ऐक्शन पंजाब के मुतालिक लिया उसकी भी तारीफ करते तो मैं समझता कि सही मानों में उन्होंने प्रजातंत्रवाद को मजबूत करने की कोशिश की। मुझे पटेल साहब के यह कहने से अफसोस हुआ कि हमारे पिछले प्रधान मंत्री जी ने एक राय दी थी कि सरदार प्रताप सिंह कैरों बहुत स्ट्रांग आदमी है, अच्छा काम करने वाला है। लेकिन वह राय बनाने वालों में कितना ज्यादा हाथ था? उस राय को बनाने वालों में अगर सबसे पहला हिस्सा किसी ने लिया तो हमारे लाला जगत नारायण थे जो पंजाब पी० सी० सी० के जेनरल सेक्रेटरी थे और जो ७० एम० एल० एज० का डेपुटेशन लेकर यहां आये थे तो हमारे स्वर्गीय प्रधान मंत्री जी से कहा था कि अगर पंजाब को बचाना है तो आप को सरदार प्रताप सिंह कैरों को ही मुख्य मंत्री बनाना होगा।

श्री जगत नारायण : नहीं, मैंने नहीं कहा। आप गलत बात कह रहे हैं।

सरदार रघुबीर सिंह पंजहजारी : उसके बाद आप उनके साथ एजुकेशन मिनिस्टर भी रहे लेकिन जब . . .

हम आह भी करते हैं, हो जाते हैं बदनाम वह कत्ल भी करते हैं, चर्चा नहीं होती।

(Interruptions.)

सचचर साहब के मुकाबले में सरदार प्रताप सिंह कैरों को चीफ मिनिस्टर बनाने वाले आप हैं, इसको आप डिनाई नहीं कर सकते।

श्री जगत नारायण : मैं सचचर साहब को लेकर आया था और मैंने कहा था कि उनको चीफ मिनिस्टर रहने दीजिये, उनको नहीं हटाइए और सरदार प्रताप सिंह कैरों को चीफ मिनिस्टर न बनाइये।

सरदार रघुबीर सिंह पंजहजारी : उसके बाद आप पंजाब में चीफ मिनिस्टर श्री कैरों के साथ एजुकेशन मिनिस्टर भी रहे और वह जमाना इतना बर्स्ट रहा जो कि पंजाब के इतिहास में अब तक नहीं रहा। और दोनों सज्जनों के होते हुए वहां पर हिन्दी और पंजाबी का झगड़ा चला। इसके बावजूद भी सरदार प्रताप सिंह कैरों ने बहुत अच्छे काम किये लेकिन जब अपोजिशन वालों ने उनके खिलाफ आरोप लगाये तो हमारे प्रधान मंत्री जी ने प्रजातंत्र को मजबूत करने के लिए, हिन्दुस्तान की जनता और कांग्रेस के वकार को ऊंचा करने के लिए उन्होंने दास कमीशन को मुकर्रर किया। जिस रोज दास कमीशन की रिपोर्ट निकली उसी रोज कांग्रेस हाई कमान्ड ने न सिर्फ सरदार प्रताप सिंह कैरों को चीफ मिनिस्टर से अलग किया बल्कि उन मिनिस्टर्स को भी अलग कर दिया जिनके मुतालिक दास कमीशन ने स्लाइटली रिमार्क किये थे। मैं समझता हूं कि दुनिया के अन्दर इस किस्म की मिसाल कांग्रेस सरकार के अलावा और कोई दूसरा नहीं दे सकता। कांग्रेस ने इस तरह की