

[Sardar Swaran Singh.]
India by causing threat to our territory is, to say the least, something we should never entertain and we should never countenance it.

SHRI NIREN GHOSH (West Bengal): There were reports in the American Press that they want to close their ring of bases. The hon. Minister referred to the bases at Okinawa and Singapore, but in the Indian Ocean there was no base and there are reports in the press that they are going to close them and set up bases here and that they are going to do it secretly in view of the adverse reaction of the Indian public opinion and then inform the Indian Government about the full details and take the consent of the Indian Government for granted. That is the press report. There are also reports that it is not going to be merely a telecommunication centre but a forward training base also. In view of those things and in view of the fact that the Government of Ceylon have protested against this whereas we have not made any formal official protest, will the Government assure this House that they are going to take up the matter seriously with the Governments of U.K. and U.S.A. and see that no such military telecommunication centre or post will be set up in the Indian Ocean?

SARDAR SWARAN SINGH: It is amazing that such a question should be repeated notwithstanding a very clear statement that I have made, and I take particular exception to the suggestion that the Government of India had ever given their consent. I have made my position clear and I have stated that we are opposed to the establishment of any bases in foreign lands by any power whatsoever. I have also clarified the position that we look with grave concern at the establishment of either any nuclear or the other type of deadly weapon bases anywhere in the Indian Ocean. I have further said that it will be our objective to see that this Ocean is kept nuclear-free. Fourthly, I have added as a practical

step that whereas it is easy to establish nuclear-free areas where land mass is concerned because of the territorial writ that runs over the land mass, the position is more complicated in the case of an Ocean, but we have decided to take further steps to tackle this problem in a practical manner and I would request the Member not to say things which have never been said by us.

MR. CHAIRMAN: That is enough. Papers to be laid on the Table.

REFERENCE TO ENQUIRY AGAINST CHARGES INVOLVING THE CHIEF MINISTER OF ORISSA

SHRI LOKANATH MISRA (Orissa): Before that, Sir, I have to say something. I have given notice of a calling-attention motion and I had taken permission. It is a matter of great urgent public importance. I saw a news item in the "Statesman" of the 11th instant which says:

"According to a Bhubaneshwar report Mr. Mitra has replied to the Home Minister protesting against the proposal".

11—of a C.I.B. probe into matters concerning him.

Sir, after that there was the news in the papers that he was going to resign, and he applied to the Central Parliamentary Board, which also allowed him to resign. Therefore I did not think of raising this matter then. But subsequently, Sir, he has been re-elected and the news item I referred to now has been reiterated by Mr. Atulya Ghosh, who went as the A.I.C.C. observer to supervise the election. Mr. Atulya Ghosh's statement says:

"Mr. Ghosh also said that there was widespread resentment over the sending of police officers of the Central Investigation Bureau to inquire into charges against Orissa Ministers. Some members said that senior party members and not police

officers should have been sent to inquire into charges made by members to party leaders."

Sir, it is not only that party members have made representation to the party leaders. Sixty-three persons from Orissa, including 22 M.L.As. and 4 M.Ps., of whom I am also a signatory, have submitted a memorandum to the President of India. The other day the Prime Minister laid down certain norms and standards for the Chief Ministers, and even though there are serious charges and allegations pending against Shri Biren Mitra as Chief Minister, he again sought re-election and got re-elected. If he would have resented or objected to the C.I.B. probe as Mr. Biren Mitra I would have no complaint, because anybody in his individual capacity could do it, but as the Chief Minister of a State, as the head of a Government, if he is resenting to the C.I.B. probe, I think, Sir, this deserves a statement from the hon. Prime Minister who is present in the House.

Mr. CHAIRMAN: Mr. Mani would like to reinforce his remarks. Yes, Mr. Mani.

SHRI A. D. MANI (Madhya Pradesh): I have also given a calling-attention motion almost on similar lines on an allied subject. I should like to mention to the Prime Minister who is here that there is public apprehension that no proper C.I.B. investigation can be conducted into the charges against Mr. Biren Mitra as long as he continues to be the Chief Minister. We are all heartened by the statement that the Prime Minister made the other day in the other House, that he was of opinion that a Minister against whom there was a *prima facie* case of corruption should resign. May I ask the Prime Minister whether he stands by that statement and whether he would ask Mr. Biren Mitra to resign his office as Chief Minister and face a commission of inquiry into the charges brought against him?

SHRI BHUPESH GUPTA (West Bengal): The position in this matter is this. The C.I.B. authorities had been sent there by the Central Government and they would not have sent two or three of their officers were it not for the fact that they were satisfied that there was a *prima facie* case to look into. Now having done that, the Government should follow logically the next step. And in the meanwhile we find that the person, who had been complained against and who is going to be the Chief Minister if the decision is not altered will be in charge of the Orissa Government. Therefore, the investigation is likely to be hindered. Secondly, Mr. Bijoy Patnaik, a member of the Congress Working Committee and an influential man, had also made a public statement against the announcement of a C.I.B. investigation. Another member of the Congress Working Committee, Mr. Atulya Ghosh, has also denounced it. Under the circumstances is there any assurance at all that the C.I.B. officials or others who may be assigned the task of investigation will be in a position to carry out the investigation? Therefore, in view of all this complicated situation. I should like the Prime Minister to tell the House as to the manner in which, in view of this open opposition to the investigation, the Central Government will pursue the matter and carry out a thorough investigation. I think Sir, the situation is such that nothing short of an inquiry under the Commissions of Inquiry Act would satisfy us, in view of the attitude of the Orissa leaders, some of the Orissa leaders, and the former Chief Minister who is likely to be taken back as the Chief Minister again. The position should be made clear by the Prime Minister, and he should explain as to how his policy, publicly announced only the other day, is going to be implemented in regard to the Orissa case.

Mr. CHAIRMAN: Mr. Kureel has something important to say. Yes, Mr.

شری بھارے لال کوہیل دہ طالبہ ۴۴

(اثر پردیہ) - بڑی مہربانی ہے آپ کی - جذبہ والا - ابھی حال ہی میں ان کے خلاف اوربلی بہت سے چارجز لگائے گئے - جو چارجز ان کے خلاف لگائے گئے وہ پہلک میں بھی آئے اور پریس میں بھی آئے اور اس بنا پر انہوں نے استعفیٰ دینا منظور کیا اور یہاں تک کہ ان کا استعفیٰ منظور کرنے کی بھی بات ہو گئی - اب اس طرح کی مثال قائم کر دینا کہ اس شخص کو دوبارہ چیف منسٹر بنایا جائے یا وہ گورنمنٹ نے یا تحقیقات کے معاملات میں پھر دخل دے سکیں یہ مناسب نہیں معلوم ہوتا اب تک ہم یہ سمجھتے تھے کہ ان کے خلاف انکوائری ہو رہی ہے لیکن ان کو پھر اس طرح کا موقعہ دے کر ہم ایک بڑی مثال پیش کریں گے - مجھے امید ہے کہ وزیر اعظم صاحب اس پر غور کریں گے اور چندا کے جذبات کا احترام کرتے ہوئے ان کا ایسا موقعہ نہیں دیں گے -

†श्री प्यारलाल कुरील 'तालिब'

(उत्तर प्रदेश): बड़ी मेहरबानी है आपकी। जनाबवाला, अभी हाल ही में उनके खिलाफ ओपिनली बहुत से चार्जज लगाये गये। जो चार्जज उन के खिलाफ लगाये गये वह पब्लिक में भी आये और प्रेस में भी आये और इस बिना पर उन्होंने इस्तीफा देना मंजूर किया और यहाँ तक कि उनका इस्तीफा मंजूर करने की भी बात हो गई। अब इस तरह की मिसाल कायम कर देना कि उस शर्श को द्वारा चीफ मिनिस्टर बनाया जाये या वह गवर्नमेंट के या तहकीकात के मामलात में फिर देखल दे

मन्के यह मुनासिब नहीं मालूम होता । अब तक हम यह समझते थे कि उन के खिल'फ इन्कवायरी हो रही है । लेकिन उनको फिर इस तरह का मौका देकर हम एक बुरी मिसाल पेश करेंगे । मुझ'आमीद है कि बज्जारे आज़म साहब इस पर गौर करेंगे और जनता के ज़जवात का प्रहल'गम करते हुये उनका ऐसा मौका नहीं देगे ।]

SHRI B. K. P. SINHA (Bihar): I want to say something in view of the frequency with which charges are levelled against the State Chief Ministers and Ministers and an issue made thereof in this House. May I request you, Sir, and request the Prime Minister that the constitutional implications of the position of a State Government *vis-a-vis* the Government of India should be studied.

(Interruptions).

SHRI BHUPESH GUPTA: On a point of order, Sir. Is the hon Member entitled to raise frivolous issues which are patently obstructive under the Constitution? We are entitled to go into this question and it had been done in the past, and after the discussion took place, the late Prime Minister appointed a commission with regard to the Chief Minister of a State. Now why are you embarrassing our new Prime Minister in such matters like that?

MR. CHAIRMAN: I find there is no point of order.

SHRI B. K. P. SINHA: I want to have my say. Now, the Constitution contemplates that the State Governments which are vested with certain rights will have plenary powers so far as those matters are concerned. On the other hand, the Union Government will have plenary powers so far as matters entrusted to their care are concerned. The Constitution nowhere contemplates that the State Governments shall be subordinate bodies. However, on the other hand, the Constitution contemplates that if there is a breakdown of the constitutional

machinery, or if there is a financial breakdown, then, in those contingencies, the State Government concerned can be taken over by the President, which means the Union Government or orders may be issued to a State Government. But it is only in two specific contingencies, when there is a breakdown of the constitutional machinery, or a financial breakdown. (*Interruptions*). I would like a study to be made whether it is competent or proper for the Government of India to order an inquiry whenever a charge is made even though that charge does not indicate that there is a breakdown of the financial machinery, or a breakdown of the constitutional machinery. My hon. friend on that side has referred to a previous inquiry. That inquiry was ordered in a circumstance when the charges *prima facie* indicated that the constitutional machinery had broken down in Punjab.

(*Interruptions*).

SHRI BHUPESH GUPTA: Under the emergency there is no State List. (*Interruptions*).

MR. CHAIRMAN: You need not say anything please.

شری عبدالغنی (پنجاب) : سر-

اس مرض کا اصلی ڈاکٹر تو میں
ہوں اس لئے مجھے بھی کچھ موقعہ
دیجئے -

†[श्री अब्दुल गनी (पंजाब) : सर, इस
मर्ज का असली डाक्टर तो मैं हूँ। इसलिये मुझे
भी कुछ मौका दीजिये।]

श्री सभापति : आप तो बहुत बड़े हीरो
है इस मामले के Will the Prime Minister
like to say something?

THE PRIME MINISTER (SHRI LAL
BAHADUR): Sir, mainly three points
have been raised. One, it has been

said that Shri Biren Mitra has been re-elected. And the second point raised was that there is some kind of public apprehension that the inquiry might not be continued, and one or two other matters about the statements of Mr. Patnaik and Mr. Atulya Ghosh, etc.

Sir, I would like firstly to make it clear that there has been no re-election at all. Hon. Members must know the fact that Shri Biren Mitra did not send in his resignation to the Governor of Orissa. It is the Governor of Orissa to whom technically and legally, the resignation of the Chief Minister should go or should be submitted, and I would like to tell the House that Shri Biren Mitra did not send in his resignation.

SHRI LOKANATH MISRA: But we thought the Central Parliamentary Board had a stature.

SHRI LAL BAHADUR: The Central Parliamentary Board is different. It is the organisation and the matter may be dealt with at the organisational level. But the hon. Member referred to re-election and I thought I should make it clear that there has been no re-election at all. Secondly, he did, of course, send in a letter indicating his desire to tender his resignation, because certain incidents took place in the Legislative Assembly. He wrote to me also and he wrote also to the Congress President. But when the resignation was placed, or his desire to resign was considered by the Party, the Party did not agree with his approach, and the Party said he must continue. Therefore, under the direction of the Party, Shri Biren Mitra felt that he could not defy it and he should continue as Chief Minister. So the question of re-election, as I said, does not arise at all. He is continuing. He has been continuing as Chief Minister and he continues as Chief Minister.

With regard to the other matter, whether any enquiry will be held or will be continued or not, well, as far

as I know—of course, the Home Ministry is dealing with the matter—because we have received a number of letters and a few representations and also memoranda to the President, the Rashtrapati, all these have been looked into here in the Department. But the Government is yet to come to the conclusion that there is a *prima facie* case against Shri Biren Mitra, and for that it is necessary that those people, who are technically qualified, might go into the matter. Therefore, one or two officers of the Special Police Establishment have been deputed to the spot as well as to look into the records. I have no doubt that this enquiry will continue and only when a *prima facie* case has been established, will it be advisable to consider about the next step.

The point which Shri B. K. P. Sinha has raised is a valid one.

SHRI BHUPESH GUPTA: How?

SHRI LAL BAHADUR: I only wanted to say this. I cannot exactly quote the law, but to my mind, the law in connection with an enquiry with regard to certain charges provides for the Centre, or at least entitles or authorises the Centre to take direct action or to make certain direct enquiries into cases concerning the State Governments also. Still, because we have decided to deal with this matter in future effectively, we have fixed some norms, and I think it would be worth while to get the constitutional aspects also examined. However, this is a general question. But so far as the Orissa matter is concerned, this enquiry will continue and what should be done next, as I said, can be decided only after the report of the S.P.E. has been received.

SHRI BHUPESH GUPTA: Another point, Sir, not in this connection.

MR. CHAIRMAN: No more on this matter. The Prime Minister has made a very comprehensive statement and

I do not want any further discussion now. If it is anything new, you can say.

SHRI LAL BAHADUR: Also, under the Commissions of Enquiry Act certain powers are there, I mean the Central Government has certain powers to deal with such things.

شری عبدالغلی : کہا یرائے منسٹر

صاحب اپوزیشن کو موقع دیں گے کہ وہ پورے ثبوت مہیا کرے تاکہ آپ کو پرائیویسی کا پتہ چلے کہ وہاں پرائیویسی ہے کہ نہیں اور آپ کچھ نتیجے پہنچ سکیں۔

†[شری عبدالغلی : کیا پرائیم منسٹر صاحب اپوزیشن کو ہدایت دیں گے کہ وہ پورے ثبوت مہیا کرے تاکہ آپ کو پرائیویسی کا پتہ چلے کہ وہاں پرائیویسی ہے کہ نہیں اور آپ کچھ نتیجے پہنچ سکیں ؟]

شری لال بھادور : آپ نے پنجاب میں کافی دے دیا ہے، اسی میں سے کیا آپ کی دلچسپی ہے ؟

شری عبدالغلی : آپ کی مدد

کرنا چاہتا ہوں۔ اپوزیشن میں ہوتے ہوئے بھی آپ کی مدد کرنا چاہتا ہوں۔

†[شری عبدالغلی : آپ کی مدد کرنا چاہتا ہوں۔ اپوزیشن میں ہوتے ہوئے بھی آپ کی مدد کرنا چاہتا ہوں۔]

SHRI LOKANATH MISRA: I have only one point.

MR. CHAIRMAN: There should be some end to it. That will do.

SHRI LOKANATH MISRA: This will be the end, Sir.

†[] Hindi transliteration.

MR. CHAIRMAN: No, no. Mr. Gupta, if you have anything new.

REFERENCE TO CERTAIN ALLEGATIONS BY THE FORMER CHAIRMAN, D.D.A.

SHRI BHUPESH GUPTA (West Bengal): Sir, last week I made a request that the Prime Minister should personally investigate into the allegations made by Shri Saibal Gupta, former Chairman, Dandakaranya Development Authority. I understand that the Prime Minister, when he was in Calcutta the day before yesterday, made certain public statements that he would personally look into the allegations. We did not get any such assurance from the Minister of Rehabilitation. I would like the Prime Minister to clearly state the position here, for that has been the demand, that he should personally look into the serious allegations made not only by Shri Saibal Gupta but also by his predecessor, Shri Sukumar Sen. We would like to know what steps he is taking in the matter so that he can personally look into it.

THE PRIME MINISTER (SHRI LAL BAHADUR): Sir, when I met the press friends in Calcutta, one or two of them put questions about it and as I do not generally wound any friend or hurt the Press, I did tell them that I am not fully acquainted with this case as the Rehabilitation Minister has been dealing with it. But when they said that in certain sections the people rather felt disturbed over the exclusion, I told him or told the press friends who were present there that on my return to Delhi, I shall try to find out the facts and have a talk with the Rehabilitation Minister. I shall do that.

SHRI BHUPESH GUPTA: My request is very simple. Let him enquire and I shall furnish him whatever facts I have got. We demand that there should be a personal enquiry by the Prime Minister.

MR. CHAIRMAN: He will look into it. He said so.

SHRI BHUPESH GUPTA: Certainly he will look into it.

MR. CHAIRMAN: What else?

SHRI BHUPESH GUPTA: Sir, looking into is one thing and enquiry is another. I can give him evidence. He will look into it. But I know my words and I want an enquiry by the Prime Minister and even Mr. Saibal Gupta can come here and say what he has got to say.

SHRI LAL BAHADUR: Let me consult my colleague and, if necessary, look into the papers. The stage of enquiry will come much later.

MR. CHAIRMAN: Mr. Niren Ghosh, you wanted to say something?

SHRI NIREN GHOSH (West Bengal): Yes, Sir, only one thing.

MR. CHAIRMAN: May be one word. You want it after this statement?

SHRI NIREN GHOSH: Yes, Sir.

MR. CHAIRMAN: After the statement he has made? Do you think you can elicit anything more? I am surprised. Go on.

SHRI NIREN GHOSH: I only want to say, Sir, that in the Dandakaranya Development project, several crores of rupees have been sunk and yet only 1,000 acres of land have been irrigated and made available for cultivation. Since the people of Bengal, the refugees, think that Dandakaranya has become the graveyard of the hopes of the refugees, I say that the Prime Minister should himself personally enquire fully into the matter and not just look into it.

MR. CHAIRMAN: I think he has amply covered the ground you mention.