

been received from Shri Ansaruddin Ahmad:—

"I beg to state that on my return from New Delhi after the last session was over, I had two heart attacks one after another. The attacks though light were warning enough. My doctor advised me to take complete rest and insisted that the long journey to Delhi to attend Parliament should be avoided for some time at least. In the circumstances, may I crave your indulgence and that of my friends in the House, to grant me leave of absence from the whole of the current session, and hope that this leave will be granted."

Is it the pleasure of the House that permission be granted to Shri Ansaruddin Ahmad for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented)

MR. CHAIRMAN: Permission to remain absent is granted.

RESULT OF ELECTION TO THE INDIAN NURSING COUNCIL

MR. CHAIRMAN: Shrimati Jahanara Jaipal Singh being the only candidate nominated for election to the Indian Nursing Council, she is declared duly elected to be a member of the said Council.

STATEMENT RE CERTAIN TRAN- SACTIONS OF MESSRS. SERAJ- UDDIN AND COMPANY, CALCUTTA

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS (SHRI JAWAHARLAL NEHRU): Sir, as I have already informed the House previously, I had arranged for the Attorney-General to see the papers which had been obtained by the Criminal Investigation Department from Messrs. Serajuddin and Com-

pany as well as some connected papers and to advise me as to what, if any, further enquiry or action might be taken. The Attorney-General did not and could not, in the circumstances, carry out any full enquiry. He had to proceed on the limited materials before him. On the basis of these, he has advised that a full enquiry should be made in regard to the entries in Serajuddin's papers relating to Shri Keshava Deva Malaviya. I informed Shri Keshava Deva Malaviya of this advice of the Attorney-General. He welcomed the idea of a fuller enquiry into the facts and papers, many of which were not before the Attorney-General. I have requested the Chief Justice of India to suggest the name of a Judge of the Supreme Court who might be entrusted with this fuller enquiry.

SHRI A. B. VAJPAYEE (Uttar Pradesh): May I know, Sir, whether pending the enquiry, Shri Keshava Deva Malaviya will be asked to resign, to submit his resignation?

SOME HON. MEMBERS: No, no.

SHRI A. B. VAJPAYEE: It is not for the Congress Members to say 'No'.

SOME HON. MEMBERS: Why?

SHRI A. B. VAJPAYEE: The question has been put to the Prime Minister.

HON. MEMBERS: It is not for you to say.

SHRI A. B. VAJPAYEE: No. I am entitled to put a question and the reply should come from the hon. Prime Minister. This is not the Congress Parliamentary Party meeting.

SHRI ARJUN ARORA (Uttar Pradesh): This is not a demonstration of the R.S.S.

(Interruptions)

MR. CHAIRMAN: Order, order.

SHRI A. B. VAJPAYEE: In view of the fact that there are apprehensions in the public mind that no free and impartial . . .

SHRI ARJUN ARORA: There are no apprehensions in the public mind.

SHRI A. B. VAJPAYEE: He is again interrupting me.

MR. CHAIRMAN: Order, order. This is very bad. Let him finish.

SHRI A. B. VAJPAYEE: In view of the fact that no fair and impartial enquiry is possible, unless the Minister of Mines is asked to submit his resignation, may I know whether the hon. Prime Minister will consider the desirability of asking for his resignation?

(Interruptions)

SHRI BHUPESH GUPTA (West Bengal): Sir . . .

MR. CHAIRMAN: Let him give a reply.

SHRI BHUPESH GUPTA: Let the Prime Minister hear me. May I ask a question? Then, both the questions can be dealt with. My question is: Is the Prime Minister aware that this report about Mr. Malaviya taking Rs. 10,000/- from Serajuddin for a particular Congress election in a constituency is being sought to be utilised to carry forward an attack against him? Therefore, may I know whether the Prime Minister has sifted evidence in such a manner as not to allow extraneous political considerations, which is nothing but a continuation of a political witch-hunt coming in the matter of propriety or otherwise of a particular transaction? I want to know from him whether he himself considered the material and if it were a question of merely taking money for the Congress election, then I believe many Congress Ministers do such things. I do not like it, I make it clear. Then, what a precedent is being created in this

particular case? Will I be wrong if I assume from this that due to the campaign in the Press, especially in the Birla and other Press, that Mr. Malaviya should be ousted from the Government, the authorities now should yield to this kind of pressure from Big Business because the oil industry and others are writing?

SARDAR RAGHBIR SINGH PANJHAZARI (Punjab): What is the question.

(Interruptions)

SHRI K. SANTHANAM (Madras): He is insinuating against the Prime Minister.

SHRI BHUPESH GUPTA: Certainly I would not. (Interruptions).

MR. CHAIRMAN: Let him finish. I have allowed him to put the question.

(Interruptions)

SHRI K. SANTHANAM: No insinuating remarks.

SHRI BHUPESH GUPTA: Why should he get angry? Does he want Mr. Malaviya to be ousted? Let him say so, I am not blaming the Prime Minister for it.

MR. CHAIRMAN: You are not blaming anybody. Please put your question.

SHRI BHUPESH GUPTA: I would like the impression not to gain as if the Opposition is united over this what I called political witch-hunting, which is going on over this matter . . .

SHRI A. B. VAJPAYEE: Everybody knows Mr. Bhupesh Gupta. Mr. Bhupesh Gupta is united with Mr. Malaviya.

SHRI JAWAHARLAL NEHRU: I do think it is totally irrelevant, what the hon. Member opposite has said. It has nothing to do with this matter. He is discussing all kinds of questions, political and otherwise, which may be relevant in some other place, but not at this moment.

SHRI BHUPESH GUPTA: Why? I would like to know. (*Interruption*).

SHRI A. B. VAJPAYEE: What about my question?

SHRI LOKANATH MISRA (Orissa): May I know whether there has been an interim report submitted?

SHRI JAWAHARLAL NEHRU: There is no interim or other report. I have had a note—call it a report or whatever it is—from the Attorney-General in which he has given me his advice, as I have stated.

Now, in answer to the hon. Member, Shri Vajpayee, I might state that about five weeks or five and a half weeks ago, when this matter first came up before me and I put it to him—these Serajuddin papers—his immediate reaction even then was: "I am prepared to resign if you wish it." And I told him that the question did not arise at that moment and he should continue. I do not think that the question arises even now. It is up to me as Prime Minister to consider that whenever it arises. I do not think it arises now. This enquiry is very largely an enquiry of looking at papers, files, etc. Maybe, it might be that some person—I cannot think of it, but I am merely saying that it might be conceivable—is examined too. But it is largely an enquiry on papers and records. There is no question, therefore, of the enquiry being affected in the slightest. And as I said, Mr. Malaviya himself had urged right at the beginning to offer his resignation.

Now, as for the matter that the hon. Member, Shri Bhupesh Gupta, has raised, he said many things. But I should like to point out that he has referred to an item which is more or less an agreed item, about Rs. 10,000/-, which was not paid to Mr. Malaviya, which was paid to some candidate in Basti. This was prior to the general election, the 1957 election. Mr. Malaviya had sent someone with a letter to Mr. Serajuddin, which has ap-

peared, suggesting that he might help him. Then subsequently Mr. Serajuddin paid that sum to that man. It did not come to Mr. Malaviya at all. That is not a question for enquiry, I mean the facts are clear. It may be a question for consideration as to its propriety, and that is for me and for us to consider. The propriety we can consider, and lay down rules as to what should be done and what should not be done, but it does not come within the scope of any such enquiry.

SHRI A. D. MANI (Madhya Pradesh): Sir, may I rise on a point of clarification? While I personally welcome the decision of the Government to entrust this enquiry to a Judge of the Supreme Court who will be appointed by the Chief Justice of India, I should like to ask the Prime Minister whether in consonance with British parliamentary practice this will be an open judicial enquiry or the kind of enquiry which was conducted into the Mundhra deal. Secondly, what will be the terms of reference of this enquiry? Thirdly, would the Prime Minister place the report of the Attorney-General, however brief and confidential it may be, on the floor of the House, because it is one of those connected papers on which the public must form its judgment whether an enquiry is justified or not?

SHRI JAWAHARLAL NEHRU: I might point out to the House that the Attorney-General right in the beginning and even lately expressed his strong opinion that if his notes and advices and opinions are placed on the Table of the House, it will be very difficult for him to function properly in the future, he cannot send his frank opinions. In fact in regard to certain other papers not connected with this, when they were placed on the Table of the House, he was not at all happy, and he made it clear in this matter too that he would not like it to be placed. As for the further enquiry, enquiry might take place. The Chief Justice of India has written to me

[Shri Jawaharlal Nehru.]
almost, If I may say so, as a condition that a Judge of the Supreme Court will only take this up if his future advice is not subjected to public discussion in Parliament or elsewhere. He made that almost a condition. It is not normal for a Supreme Court Judge to take up this kind of work, but as a matter of public duty he will do so, but he does not want to have a Supreme Court Judge's opinion, etc., subjected to this kind of discussion.

SHRI M. S. GURUPADA SWAMY (Mysore): Sir, I would like to know from the Prime Minister whether a *prima facie* case has been made out in the note by the Attorney-General in regard to Mr. Malaviya which requires the institution of a further enquiry. Secondly, I would like to know in what way it is considered that the suggestions made by the Chief Justice of India in regard to the enquiry should not be discussed by the Houses of Parliament. Whether this position is acceptable to the Prime Minister or to the House I do not know, but I feel that it has to be made clear to the Chief Justice of the Supreme Court that this matter has to be discussed in both Houses of Parliament. We cannot be denied this right.

MR. CHAIRMAN: The matter can be discussed but not his advice.

SHRI JAWAHARLAL NEHRU: May I point out that I do not quite agree with the hon. Member? I am asking for some help and advice, whether it was from the Attorney-General or from a Judge of the Supreme Court, and it will be his advice to me. It is for me, having regard to all the circumstances, to consider—and the circumstances include the wishes of the person giving that advice—whether that should be published or placed on the Table of the House or not. Of course the conclusion I shall place. Essentially as Prime Minister I am responsible for what should be done in regard to this matter, and these are advices of very eminent people, whose

advices I am supposed to accept; that will be given to me. So, I do not agree to any kind of assurance that I shall place those papers when they come to me on the Table of the House

SHRI B. D. KHOBARAGADE (Maharashtra): Sir, one question I should like to ask.

MR. CHAIRMAN: That should be enough.

MESSAGES FROM THE LOK SABHA

I. THE COMPULSORY DEPOSIT SCHEME BILL, 1963

II. THE GOVERNMENT OF UNION TERRITORIES BILL, 1963

SECRETARY: Sir, I have to report to the House the following Messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha :—

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Compulsory Deposit Scheme Bill, 1963, as passed by Lok Sabha at its sitting held on the 30th April, 1963."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Government of Union Territories Bill, 1963, as passed by Lok Sabha at its sitting held on the 4th May, 1963."

Sir, I beg to lay a copy of each of the Bills on the Table.

THE OFFICIAL LANGUAGES BILL, 1963—continued

MR. CHAIRMAN: We shall now proceed to legislative business. I call upon the Home Minister.