

LOK SABHA

Statement

Wednesday, April 6, 1966/Chaitra 16,
1888 (Saka).

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Allegations against Chief Minister of
Orissa

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*961. Shri M. L. Dwivedi:
Shri P. C. Borooah:
Shri Bhagwat Jha Azad:
Shri Subodh Hansda:
Shri S. C. Samanta:

Will the Minister of Home Affairs
be pleased to state:

(a) the steps being taken by Gov-
ernment consequent upon the findings
of the enquiry made into the allega-
tions against the former Chief Minis-
ter and certain other Ministers of
Orissa;

(b) whether some suggestion has
been made to sue these persons in the
court of law and if so, the action
being taken in this regard; and

(c) the broad outlines of the ir-
regularities and embezzlement dis-
covered as a result of the enquiry
into the allegations?

The Minister of State in the Minis-
try of Home Affairs and Minister of
Defence Supplies in the Ministry of
Defence (Shri Hathi): (a) to (c). A
statement is laid on the Table of the
House.

(a) Action taken in regard to alle-
gations against the former Chief
Minister and certain other Ministers
of Orissa was already explained in the
statement made by the late Prime
Minister in the Lok Sabha on 22nd
February, 1965.

(b) and (c). All demands from
Members of Parliament were dealt
with in the course of the proceedings
in the Lok Sabha during the discus-
sions on the No-confidence Motion on
the 15th and 16th March, 1965. Atten-
tion is invited in particular to the
speeches made by the former Law
Minister and the late Prime Minister
on the 16th March, 1965. Attention
is also invited to the reply given to
Starred Question No. 175 answered in
the Lok Sabha on 23rd February,
1966. Any further action can be con-
sidered after the Public Accounts
Committee of Orissa have considered
the matter. The Report of the Public
Accounts Committee, Orissa, has not
yet been received.

Mr. Speaker: Shri M. L. Dwivedi.

Shri S. M. Banerjee: I would request
you kindly to go through the state-
ment. In the statement it is said:

"All demands from Members of
Parliament were dealt with in the
course of the proceedings in the
Lok Sabha during the discussions
on the No-confidence Motion on
the 15th and 16th March, 1965."

Are we expected to have such a state-
ment, Sir?

Mr. Speaker: I have gone through
it.

Shri Surendranath Dwivedy: They only say that we can see the proceedings of such and such a date. Is it possible for us, within such a short time at our disposal, to get those proceedings and go through them?

Shri Hari Vishnu Kamath: It should have been given one hour earlier.

Shri Kapur Singh: Does it not indicate a flippancy to give such a statement when Members ask serious questions?

Mr. Speaker: I have read the statement. Some more information ought to have been given.

There is also another aspect. The information has been given here to the Members and so, the Members are presumed to know it.

Shri Hari Vishnu Kamath: How are we to know that such a statement will be laid on the Table?

Mr. Speaker: That information has already been given. Shri Dwivedi.

श्री म० ला० द्विवेदी : मैं जानना चाहता हूँ कि जब किसी मंत्री या चीफ मिनिस्टर के खिलाफ कोई जांच या कार्रवाई करने की कोशिश की जाती है, तो मंत्रालय किस आधार पर उसे उठाता है, क्या पहले कोई जांच पड़ताल होती है, या मामला आते ही उस पर कार्रवाई शुरू हो जाती है ?

श्री हाथी : भ्रमण भ्रमण केषों में भ्रमण भ्रमण तरीका अपनाया जाता है, लेकिन प्राइमरी सलाह हो जाती है तब जांच होती है ।

श्री म० ला० द्विवेदी : प्रश्न के भाग ब में पूछा गया है कि क्या इस केस को कोर्ट आफ ला को देने पर गवर्नमेंट ने गौर किया है । स्टेटमेंट में इस का कोई पता नहीं चल रहा है । क्या इस सम्बन्ध में कोई जानकारी दी जायेगी ?

श्री हाथी : इस बारे में प्राइम मिनिस्टर ने 16 मार्च, 1965 को एक बयान दिया था जो कि इस प्रकार है :

“जब यह बात हो गयी, इस्तिफा और त्यागपत्र हो गया, तब कोई और बातें इम्प्रोप्राइटीज वगैरह की है । या मिसएप्रोप्रिएशन की है, जिस की चर्चा उधर से की गयी है, तो मैं कहना चाहता हूँ कि एकाउंटेंट जनरल और ऑडिटर जनरल जो हैं वे उन चीजों को देख रहे हैं । जो उनकी पोजीशन है वह ठीक है । उनकी जांच पड़ताल बड़ी धारो, बहुत पक्की, बड़ी टेकनिकल होगी । उसके आने के बाद फिर अख्तियार होगा कि इस रिपोर्ट के आधार पर और कानूनी कार्रवाई हो सकती है वह हो ।”

After receiving the recommendation of the Public Accounts Committee further action can be taken.

Shri Surendranath Dwivedy: Part (c) of the question has not been replied to. The statement does not contain any reference about embezzlement and irregularities.

Shri Hathi: In the statement it is said:

“All demands from Members of Parliament were dealt with in the course of the proceedings in the Lok Sabha during the discussions on the No-confidence Motion on the 15th and 16th March, 1965. Attention is invited in particular to the speeches made by the former Law Minister and the late Prime Minister on the 16th March, 1965.”

What I read a little while ago was from the speech of the late Prime Minister on the 16th March, 1965.

Shri S. M. Banerjee: Why did he not mention the present Education Minister also?

Mr. Speaker: Order, order.

Would it not be desirable if some gist of it is given? Though the Members are presumed to know everything that has been placed here or the information given here, yet we can just realise the limitations that the Members have. Therefore, simply to say that the answer was given on the last occasion is not sufficient.

Shri Hath: In future, we shall follow that procedure.

Shri Surendranath Dwivedy: In the question there is a specific reference to embezzlement. I do not think that it has been covered by the reply given.

Mr. Speaker: I will see whether it has been covered or not. Shri P. C. Borooah.

Shri P. C. Borooah: I am satisfied with the statement and the answer just given by the hon. Minister.

Shri Bhagwat Jha Azad: After seeing the statements which have been referred to by the hon. Minister, it seems that any action can arise only after the Public Accounts Committee has submitted its report. May I know whether any attempt is being made at that end to have the report earlier so that all sorts of things going on in the air may be dropped?

Shri Hath: The Public Accounts Committee of Orissa has not yet considered the report, and as I understand it, they will do so after the financial year.

Shri Ranga: After the elections are over.

Shri Hath: We are not concerned with it.

Shri S. C. Samanta: This matter was referred to the Public Accounts Committee of Orissa. May I know why the committee has not considered it so far? May I also know whether that committee is going away and

another Public Accounts Committee is going to be formed in its place?

Shri Hath: I do not know that. As I understand, the Chief Minister had requested the chairman of the Public Accounts Committee to expedite it, but there was some difference or there was some delay, and as the chairman has said, they have yet to consider other reports and this could be done only some time later. That is the position which I understand.

Shri Ranga: In view of what the Education Minister had said some time ago—and I am again returning the compliment by asking my hon. friend to remember what he had said—as to the undesirability of allowing such people to hold responsible positions in public life, may I know whether efforts are being made, taking advantage of this delay which is supposed to have been caused by the Public Accounts Committee, by responsible people on the side of the ruling party and the Ministry to rehabilitate this gentleman and to help him to become the Chief Minister there again, in spite of what the CBI has said and what the Education Minister had said.....

Shri Hari Vishnu Kamath: And what the Cabinet Sub-committee had said.

Shri Ranga: ...and what the late Prime Minister was supposed to have taken cognizance of out of the remarks or comments made by various Members of Parliament in this House as to the undesirability of allowing such people to hold important positions in public life and especially in their own Working Committee?

Shri Hath: So far as the action taken on the inquiry and the report of the Cabinet Sub-committee is concerned, the late Prime Minister had made a statement on 22nd February, 1965, which was as follows:

"The Committee carefully examined the comments received from Shri B. Patnaik, Shri Biren

Mitra and the Ministers concerned. The Committee came to the conclusion that their examination of the material available did not reveal that Shri Patnaik or Shri Mitra had personally derived any pecuniary benefit from the various transactions in which they were concerned. The Committee, however, found that in several transactions, improprieties were definitely involved for which responsibility had to be borne by Shri Patnaik and Shri Mitra...."

Then, they had resigned, as we know; the Chief Minister and Shri Patnaik had resigned from other public bodies also.

Shri Ranga: Why?

Shri Surendranath Dwivedy: Is the hon. Minister reading from the Cabinet Sub-committee's Report? Then, that report must be placed on the Table of the House since he has quoted from it.

Shri Hathi: I am reading the statement made by the late Prime Minister on the 22nd February, 1965.

Shri Ranga: They were forced to resign because of the adverse public opinion created against them.

Shri Surendranath Dwivedy: The Public Accounts Committee is concerned only with a few aspects of the allegations made against the Chief Ministers about which the Auditor-General had inquired. May I know whether it is not a fact that recently, in December, after some searches made in Calcutta in a house which is supposed to belong to one of the relations of Shri Patnaik, when the authorities broke a cemented wall, they found a locker with about Rs. 45 lakhs worth of hundis supposed to be black money and with letters written to Shri Patnaik, and these had been seized, and if so, may I know why after the seizure of these, Shri Patnaik has not been detained under the DIR or no legal proceedings have been taken against him?

Shri Hathi: After the Committee's inquiry or later?

Shri Surendranath Dwivedy: Recently.

Shri Hathi: I require notice.

Shri Nath Pai: The reason that Shri T. T. Krishnamachari gave for his resignation was his disagreement with the method of inquiry into the allegations made against him, that matter being that a Judge of the Supreme Court should look into those allegations. May we know from Government, because it adopted a different procedure with regard to the allegations against the ex-Chief Ministers of Orissa in that the inquiry was made by a Cabinet Sub-committee, whether in the end Government has accepted this most crucial recommendation of the Santhanam Committee, that is, that when an allegation is made against a State Minister the inquiry will be by a High Court Judge and when it is a Cabinet Minister of the Union Government who is involved, the inquiry will be by a Supreme Court Judge? Or will the procedure change according to the person involved?

Shri Hathi: So far as the recommendation of the Santhanam Committee is concerned, the House knows that the Home Minister has stated on the floor of the House the procedure that Government is going to follow in such cases. If complaints are made against Chief Ministers or Union Ministers, then the Prime Minister will look into those complaints, whether he does it himself or may require somebody else to help him.

Shri Ranga: That procedure came to be discredited as a result of what has happened.

Shri Hathi: In this case, the Prime Minister entrusted this to his colleagues, a Sub-Committee of the Cabinet. On their report or advice, this action was taken.

Shri Nath Pai: That is not a reply to my question. I asked whether

there is any uniform procedure or in one case it will be the Prime Minister and in another case a Judge looking into it.

Mr. Speaker: He has said...

Shri Nath Pai: If you are clear about it, that is all right. But mine is a befuddled brain. Without casting any reflections, what I understood was.....

Mr. Speaker: I admit my inferiority.

Shri Nath Pai: No, no. I said mine is a befuddled brain.

Mr. Speaker: He has said one thing; the other may be inferred. I am putting this to him. I have not said that I have comprehended it correctly. But from what he said, I understand that the position according to the Santhanam Committee is that the Prime Minister will look into the cases and to assist him, he might consult anybody.

Shri Nath Pai: I was a member of this Committee. Our recommendation is not what he says it is, but what I say. In the case of an allegation signed by MPs. against a Union Minister, the inquiry will have to be by a Judge of the Supreme Court. Shri Shastri rightly applied it in the case of the ex-Finance Minister. May I know whether this is the universal practice or it will depend upon against whom allegations are made?

Shri Hathi: I think the hon. Member is right. But what I said was that we have not accepted that particular recommendation of the Santhanam Committee (*Interruptions*). It is there. What we have accepted is what has been announced by the Home Minister. That procedure is what I stated.

Shri Vasudevan Nair: May I know why Government thought it fit to entrust the whole business of looking into the matter to the PAC, because, without casting any reflec-

tions on it, the PAC in any State in India where the ruling party is the Congress, is packed with a majority of members of the ruling party? How then do Government think that the people at large will be satisfied with the verdict of the PAC? Why did they not go in for an impartial judicial body?

Shri Hathi: It is not a question of Government entrusting any work to the PAC. It is according to the procedure laid down, that when there is an Audit Report, it is laid on the Table of the legislature and discussed by the PAC. It has been laid on the Table. Now the Public Accounts Committee will look into it. As I said earlier, let us await the Report of the Committee. If they find anything, naturally Government will take further action.

INTUC Session

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*982. **Shri P. C. Borooah:**
Shri M. L. Dwivedi:
Shri Bhagwat Jha Azad:
Shri Subodh Hansda:
Shri S. C. Samanta:

Will the Minister of Labour, Employment and Rehabilitation be pleased to state:

(a) whether Government's attention has been drawn to the proceedings of the 16th Annual Session of the INTUC, held at Bhilai;

(b) if so, the resolutions passed at the session falling within the purview of his Ministry; and

(c) Government's reaction thereto?

The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation (Shri Shahmawaz Khan):

(a) Government have seen the resolutions adopted at the Session.

(b) The resolutions regarding the Bombay strike, the Employees Provident Fund Scheme, retrenchment, lay-offs and closures, linking of dearness allowance with consumer price