

**Shri Harish Chandra Mathur:** Mr. Speaker, Sir....

**Mr. Speaker:** The House shall now take the Motion of No-Confidence in the Council of Ministers. (*Interruptions*). The Members would now excuse me. I am not going to allow anything more.

**Shri Kapur Singh:** If you will kindly permit me, I may point out that you have misunderstood the position given in the letter. I never challenged your authority.

**Mr. Speaker:** I am sorry I misunderstood it. Then, that closes the matter, **Shri A. K. Sen.**

**Shri Harish Chandra Mathur:** Mr. Speaker, Sir, I rise on a point of order. I consider this....

**Mr. Speaker:** I request the Member not to resume it. That discussion is closed.

**Shri Harish Chandra Mathur:** I am on a point of order. Sir, I would like to understand—I am quoting the rule..

**Mr. Speaker:** I am not allowing him.

**Shri Harish Chandra Mathur:** Am I not permitted to raise a point of order? Is it the privilege only of certain people?

**Mr. Speaker:** How can a point of order arise when the previous business is finished. There is nothing before the House. How can a point of order arise here?

**Shri Harish Chandra Mathur:** The point of order arises—I am quoting the rule....

**Shri Surendranath Dwivedy:** One can raise a point of order at any time. There is nothing before the House now.

**Mr. Speaker:** I request him not to press for it.

**Shri Harish Chandra Mathur:** Then are we to take it that no points of order will be listened to?

**Mr. Speaker:** Not at this stage.

**Shri Harish Chandra Mathur:** At what stage then?

**Mr. Speaker:** Not now.

**Shri Harish Chandra Mathur:** Mr. Speaker, Sir, I walk out of the House under protest. We cannot tolerate this. (*Interruptions*)

(*Shri Harish Chandra Mathur then left the House.*)

**Shrimati Renu Chakravartty** (Barrackpore): The point of order must be allowed, whatever it is, coming from this side or that side.

12.51 hrs.

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS—  
Contd.

The Minister of Law and Social Security (**Shri A. K. Sen**): Mr. Speaker, Sir, we have had a discussion on the motion of No-Confidence moved by Mr. Surendranath Dwivedy since yesterday. It is necessary for the purpose of clarification of the issues involved to appreciate what was before the Cabinet Sub-Committee and the Prime Minister for decision and what was the action contemplated. You will permit me to cover the ground again a little briefly so that we may appreciate what the issues are in this particular case.

Sir, there was a charge preferred by certain Members of the Opposition of the Orissa Assembly and in Parliament here which was put before the President in August, 1964. I venture to say that the memorialists certainly wanted the President to make some inquiry into the matter and to arrive at some conclusions. The President in a constitutional Government functions even in such matters, in his constitutional capacity, that is, on the advice of the Prime Minister and the proper course, therefore was to refer it to the Prime Minister for such advice as he was ready to give. The charge ran into many items, big and small—some were of a rather serious nature and others were of a, more or less, trifling

character. But whether they were serious or not, whether they were trifling or not, when the matter was referred to the Prime Minister, it was his duty to enquire into these charges in the only way in which our laws enjoin him to do, namely, after making the charges known to those who are accused and after giving them reasonable opportunity of meeting the charges. For in this country, as in every civilised country where laws prevail, men are not condemned merely on charges but only when charges are proved to the hilt. Therefore, when these charges were brought before the Sub-Committee of the Cabinet, they had to ascertain the facts, get the replies on the charges from the persons who were arraigned on the charges and then arrive at a conclusion after seeing whether any of the charges were proved beyond reasonable doubt or whether any of the charges had failed or whether any of the charges was proved in a lesser degree or not.

May I say that in this matter we were not without a precedent? We had before us inquiries conducted by great men and great judges in the past who had laid down for us the principles which can never be deviated from. May I read from the latest report of Lord Denning in the inquiry conducted by him in the Profumo affair for the purpose of appreciating what principles were to guide us.

**Shrimati Renu Chakravartty** (Barackpore): We do not know what it is.

**Shri A. K. Sen:** These are the principles which guided us. The principles adopted here will also be cited if the hon. lady Member will bear with me for a little while.

**Shrimati Renu Chakravartty:** Patnaik on one side and Profumo on the other. It is not good.

**Shri A. K. Sen:** Lord Denning said in paragraph 8 as follows:

"Such being the inescapable difficulties inherent in this form of

inquiry, I have come to the conclusion that all I can do is this:

When the facts are clear beyond controversy, I will state them as objectively as I can, irrespective of the consequences to individuals: and I will draw any inference that is manifest from those facts. But when the facts are in issue, I must always remember the cardinal principle of justice—that no man is to be condemned on suspicion. There must be evidence which proves his guilt before he is pronounced to be so. I will, therefore, take the facts in his favour rather than do an injustice which is without remedy. Far from my findings there is no appeal."

Then, he says:

"To those who in consequence will reproach me for "white-washing", I would make this answer: While the public interest demands that the facts should be ascertained as completely as possible, there is a yet higher public interest to be considered, namely, the interest of justice to the individual which overrides all other. At any rate, speaking as a Judge, I put justice first."

**Shri P. K. Deo** (Kalahandi): He never gave any chance to prove it.

**Shrimati Renu Chakravartty:** Where is the evidence? You did not take any evidence.

**Shri A. K. Sen:** Mr. Justice Das dealing with the Kailron case laid down these principles. May I quote from his findings in Chapter XXXIV? He says:

"The Commission has not, for a moment, permitted itself to forget or overlook its supreme duty to render justice to the individual arraigned before it but, nevertheless, it has not shirked its duty to formulate its conclusions drawn from dependable evidence and the compelling circumstances

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of the case, underterred by any consideration of the probable effect of its findings on the fortunes of individuals or parties. The Commission has, throughout this Inquiry, constantly borne in mind the two cardinal principles which have made our laws and administration of justice noble and which bar the way to tyranny and arbitrary Government. These principles are—

(i) that an individual must be presumed to be innocent until the contrary is proved beyond reasonable doubt by dependable evidence freely given and publicly ascertained or by the irresistible probabilities of the case; and...

**Shrimati Renu Chakravarty:** Where is the evidence?

**Shri A. K. Sen:** The hon. Member will wait for the evidence. It cannot come all at once. Even she cannot perform the impossible feat.

"... (ii) that no individual shall be condemned on suspicion, however strong.

When we have these precedents before us, and as was required by our laws evidence had to be read, heard and ascertained and the charges had to be proved beyond doubt. We had no other duty but to do this and, to perform this function. For this purpose, some officers of the CBI were deputed, with the consent of the Orissa Government, to gather facts concerning the charges made.

**Shri Surendranath Dwivedy (Kendrapara):** After the Cabinet Sub-Committee was formed?

13 hrs.

**Shri A. K. Sen:** I shall give all the facts.

**Shrimati Renu Chakravarty:** He should give the facts correctly.

**Shri A. K. Sen:** Shrimati Renu Chakravarty will remember that her laughter will have no influence on us.

**Shrimati Renu Chakravarty:** Nothing will influence him.

**Shri A. K. Sen:** He who laughs last laughs best. Her laughter will have little influence at least on me. (Interruptions.)

**Mr. Speaker:** Order, order. Let us proceed with the debate in an orderly manner...

**Shri A. K. Sen:** There is nothing to laugh about. It is a serious matter. This laughter shows the importance that they attach to these matters.

**Mr. Speaker:** Let there be more emphasis on arguments than on interruptions.

**Shri A. K. Sen:** When these facts were ascertained...

**Shrimati Renu Chakravarty:** I do not know why my hon. friend is so 'Jumpy'?

**Shri A. K. Sen:** I think my hon. friend may better learn that lesson herself about jumping.

When these facts were ascertained as a result of the inquiry made by the CBI, they had to be tested, for, in this country, no police report is the last word. And it would be a bad day for this country—I see my hon. friend Shri N. C. Chatterjee there, in whose chambers I have learnt many things, and before whom I had the honour of appearing in so many cases, and I have no doubt he will agree with me that it will be a bad day for all of us—when we raise the CBI report or any police report to the high pedestal of a gospel.

**Shri N. C. Chatterjee (Burdwan):** All that we want is this. Appoint a judge like Mr. S. R. Das or a Superme

Court judge and have these charges thrashed out before him. That is the whole point.

**Shri P. K. Deo:** Please do that. We want the judicial process.

**Shri Daji (Indore):** We want Lord Denning.

**Shri Vasudevan Nair (Ambalapuzha):** Why do you not appoint Lord Denning here?

**Shri P. K. Deo:** Why do you arrogate the power of a judge?

**Shri A. K. Sen:** When these facts were ascertained, we had to get the replies for the facts collected by the CBI from those who were accused.

Let us take the main charges *seriatim* and see how the actual shape of things came when these facts were collected also from the side of those who were accused. Let us take, first of all, the case of the Kalinga Industries, in which the Government of Orissa themselves hold about 7 per cent of shares as against the holdings of Patnaik family of 10 per cent in 1961 and 5 per cent at the time, and which supplied, according to the charges, tubular structures for the Paradip Port. The total value was about Rs. 18 lakhs. The allegation was that orders were placed without any tenders, because the company happened to be controlled by the Chief Minister, Mr. Patnaik, and, therefore, large profits, undue profits, were made by this company and undue loss was caused to the Government of Orissa. That was the gravamen of the charge. I cannot quote it word for word, but that was the substance of the charge. If it was true, it was a very grave charge, because no Chief Minister can afford to allow such profits to be made unduly by a company in his control and cause undue loss to the exchequer of a State of which he is the Chief Minister.

When the facts were ascertained it appeared that these structures started being supplied to the Government of Orissa from the year 1959. And during the time when the Leader

of the Opposition, Mr. K. N. Singh Deo, was the Finance and Industries Minister—he is the signatory by the way, the first signatory in the memorial of charges—25 orders were placed at prices which were ascertained at any more favourable prices. of Orissa on what they call enquiry basis from the suppliers of these structures, the only two manufacturers being Indian Tubes concerns and Kalinga Industries, and this price structure, once established, was allowed to govern all supplies of tubular structures manufactured by the Kanlinga Industries, indulging these 25 orders placed during the time of Shri R. N. Singh Deo, on which Kanlinga Industries were allowed 90 per cent advance.

**Shri Shinkre (Marmagoa):** Why was the remaining 10 per cent kept back?

**Shri A. K. Sen:** When these tubular structures were required for the Paradip port, orders were placed on the basis of the same prices at which they were sold without tenders. The answer was that since these had been supplied at the same price from 1959, it was not considered necessary to call for fresh tenders, simply because the government had changed. The answer further was that after trouble was raised about these orders being placed with Kalinga Industries without tenders, the Government reverted to the practice of calling for tenders for these structures in 1964 when they found that they had to pay a much higher price on the lowest tender basis.

Nevertheless, the Sub-Committee felt that as there was a change of Government in the meantime, and the new Chief Minister was also connected very closely with the suppliers, though they had been old suppliers—the highest standard of public conduct required that tenders should have been called for, if not for anything else, at least to dispel any suspicion that orders were placed without tenders, with a purpose. When the situation changed, the old procedure should have undergone a

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change. Therefore, a strict and absolute standard was imposed by the Sub-Committee which required that though the prices for these were the same as in 1959, and though the suppliers were the same and the government was the same, yet as there had been a change in government and the Chief Minister happened to be so closely connected with the suppliers, tenders should have been asked for. And the advice of the Sub-Committee to the Prime Minister was, as is now well known, that there was, therefore, administrative impropriety. There was no evidence whatsoever that if tenders were called for, the prices would have been lower or that these goods could have been obtained and fixed by the Government. There was no such evidence whatsoever.

**Shri Surendranath Dwivedy:** Where was the opportunity for producing that evidence?

**Shrimati Renu Chakravartty:** Did you ask for evidence?

**Shri P. K. Deo:** That shows that you never read the CBI report.

**Shri S. M. Banerjee (Kanpur):** Why do you not appoint a commission?

**Shri Surendranath Dwivedy:** Where was the opportunity for us? If that had been there, we would have produced the evidence.

**Shri A. K. Sen:** In fact, contemporaneous records were produced to show....

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of order. I take my stand on rule 368. The House is completely in the dark as to where the hon. Minister is quoting from, and whether he has got any basis to stand upon. Rule 368 says:

"If a Minister quotes in the House.....

**Mr. Speaker:** He is not quoting but giving his own story.

**Shri Hari Vishnu Kamath:** If it is a story, then it is all right. We have nothing to say.

**Mr. Speaker:** He is giving the facts as they are known to him....

**Shri Shinkre:** Yesterday, one of his own colleagues had stated that Shri Biren Mitra and Shri Biju Patnaik..

**Mr. Speaker:** I am not concerned with the question whether the House believes him or not. He is giving his own facts. Whether any credence should be given to them or not is for the House to decide.

**Shri C. K. Bhattacharyya (Raiganj):** I have a submission to make. This point of order was raised by Shri Kamath yesterday, when Shri M. C. Chagla was speaking....

**Shri Hari Vishnu Kamath:** That was under a different rule. That was under rule 370.

**Shri C. K. Bhattacharyya:** And you had disallowed the same. What is the meaning in repeating the same thing today except that it be for the purpose of obstructing a Minister, whenever he stands up?....

**Shri Hari Vishnu Kamath:** My hon. friend is not here to conduct the proceedings. The Speaker is there to conduct the business. My hon. friend may sit down.

**Shri C. K. Bhattacharyya:** What is this attitude of Shri Kamath? I seek your protection. He wants to shut me down. (*Interruptions*).

**Mr. Speaker:** Inside the House, every hon. Member is quite secure and, therefore, he does not need any protection. I assure hon. Members that there is nothing that is going to happen to any hon. Member so long as I am here. Now, Shri A. K. Sen might continue his speech.

**Shri Hari Vishnu Kamath:** Story.

**Shri A. K. Sen:** If I were quoting from any document, Shri Kamath was well within his rights to raise the point of order. But having heard him raise these points of order so meticulously and carefully, I have

always taken the precaution of seeing that he cannot catch me on this.

**Shri Hari Vishnu Kamath:** Let us hear the cock-and-bull story now.

**Shri A. K. Sen:** Shri Kamath had said yesterday that he had also the documents produced by the Government of Orissa and so on. Perhaps, if he has those documents, he may refer to them and see whether it is a story or not.

**Shri Hari Vishnu Kamath:** I did not say that. Shri Surendranath Dwivedy said that.

**Shri Surendranath Dwivedy:** I said that these documents were in the Government file, and I have them with me.

**Shri Hari Vishnu Kamath:** The hon. Minister may better be more attentive.

**Shri Surendranath Dwivedy:** Those documents also can be produced.

**Shri Hem Barua (Gauhati):** The hon. Minister has been so careful that he is always in the wrong.

**Shri Hari Vishnu Kamath:** He has been so absent-minded; he has not been attentive. Let him take proper notes.

**Shri A. K. Sen:** Now, as I said, far from the Sub-Committee glossing over the lapses of the Orissa Government, I make bold to say that they imposed a strict and absolute standard of public conduct. They laid down that these should be a deviation even from old practice where conditions have changed, the old suppliers become connected with members of the Government of the State, and when this occurs even if there was no possibility of long tenders forthcoming, the old practice should not be continued. That was the standard we laid down and that was why the charge of impropriety with regard to this transaction was upheld by the Sub-Committee.

**Shri Ranga (Chittoor):** The country demands a judicial inquiry.

**Shri A. K. Sen:** I can assure Prof. Kanga that I shall deal with that demand; whether he agrees with me or not, I shall certainly not ignore that demand.

**Shri S. M. Banerjee:** Accept it.

**An hon. Member:** He cannot accept it.

**Shri A. K. Sen:** It is for the Prime Minister, not for me.

**Shri Daji:** Will you advise him?

**Shri A. K. Sen:** I hope hon. Members will allow me to place the facts.

The next charge related to the firm of Orissa Agents, of which, admittedly, the sole proprietress was the wife of one of the Ministers then, Shri Birca Mitra, who subsequently became the Chief Minister of Orissa. This firm started business in 1959 when neither Shri Patnaik nor Shri Mitra had become Ministers. I think at that time, there was a coalition government in the State.

**An hon. Member:** Who was the head?

**Shri A. K. Sen:** Whoever may be the head, it does not matter.

श्री बाणजी (हिसार) : कितने पैसे से काम किया था ?

**Shri A. K. Sen:** Now, it appeared that they were the principal distributors of Kalinga Tubes in the state of Orissa. It also further transpired on incontrovertible evidence that Kalinga Tubes sold their GI pipes always through agents in every state. Not merely in Orissa but for every state they had agents. That was the practice which, it appeared, was followed not merely by Kalinga Tubes but also by similar manufacturers. The charges related to a series of orders of the total value—I forget the exact amount—of, I think it was about Rs. 18 lakhs.

**Shri A. P. Jain (Tumkur):** 16.

**An hon. Member:** 20.

**Shri A. K. Sen:** 18 or 20. I can find out the exact amount. But it is not so material.

**Shri Ranga:** Nothing is material!

**Shri A. K. Sen:** It appeared that the charge that these orders were placed without tenders was not substantiated at all. On the contrary, it transpired that the notices calling for tenders appeared in Orissa papers and Calcutta papers, and in one case alone there were about 36 tenders..

**Shri P. K. Deo:** Is it not a fact that they scrapped the Coalition Ministry's order that all purchases are to be made through the Director General of Supplies and Disposals?

**Shri A. K. Sen:** I am only giving the facts now; afterwards, if queries are needed, I shall be only too happy to answer them.

**Shri Hari Vishnu Kamath:** These are all things that should go before a judicial Inquiry Commission, not here in the House.

**Shri A. K. Sen:** When these tenders were brought to light, it further transpired that not only were there tenderers from Calcutta but there were tenderers from Orissa numbering in all about five or six, and the tender of Orissa Agents happened to be the lowest. It also further transpired..

**Shri P. K. Deo:** This is all wrong.

**Shri A. K. Sen:** Whether it is right or wrong. I can only say this that if it is wrong, the court will decide on evidence placed before it.

**Shri Hari Vishnu Kamath:** Come on, and go on. Yes, we accept the challenge. Have a Commission of Inquiry. Come to that point.

**Shri A. K. Sen:** When the tenders came to light, the charge that they were placed without tenders completely failed. The question then was whether the notices calling for tenders were properly circulated and whether proper time was given to the tenderers for this purpose. Since

the orders were placed on the basis of the lowest tender, this appeared to be a pertinent point for examination. The Sub-Committee found that the tenders were invited only from Calcutta and Orissa; in other words, notices calling for tenders appeared only in Calcutta and Orissa papers.

**Shri Surendranath Dwivedy:** How many days before?

**Shri P. K. Deo:** The CBI Report states here referring to the failure to get these goods from the Director General of Supplies and Disposals, that if this procedure had been followed, on 'GI pipes alone, it would have saved the state Rs. 18 lakhs..'

**Mr. Speaker:** Order, order.

**Shri A. K. Sen:** I do not know what the hon. Member is reading, but I have been told that the charge was that they did not go in for the lowest tender.

**Shri Hari Vishnu Kamath:** It is the secret CBI Report!

**Shri A. K. Sen:** The hon. Member can accept my facts or dispute them, but I am entitled to give my facts.

**Shri Hari Vishnu Kamath:** You are not giving facts, you are giving a story, cock and bull story.

**Shri A. K. Sen:** Very well, I am giving my story. I am entitled to give my version of the facts.

Then it appeared to us that if it was any other concern, namely any concern with which the Ministers or their relations were not connected, it might not have been improper to confine notices for tenders only to Calcutta and Orissa papers.

**Shri Ranga:** Even then it would have been improper.

**Shri A. K. Sen:** But if the successful tenderer happened to be a close relation of one of the Ministers, it was felt that the widest circulation should be given to the notice calling for tenders. It was represented to

us on behalf of the Orissa Government, 'you have never laid down such a rule; how was the Government to know that when you call for tenders in Cuttack, you have to circulate it all over the country?' It was suggested that we were laying down a standard which should have been indicated long ago. Whether we did it or not, whether we were laying down too strict a standard or not, whether people agreed with us or not, we came, rightly or wrongly, to the conclusion that having regard to the fact that the successful tenderer was a close relation of an important Minister in the State Government, not merely the widest circulation should have been given and not merely a week but a much longer time might possibly have been necessary in order to exclude completely and irrevocably any possibility of a lower tender—to exclude that possibility....

**Shri Surendranath Dwivedy:** How many days before it was advertised?

**Shri A. K. Sen:** In Cuttack, I think, one week and in Calcutta four or five days.

**Shri Shinkre:** Has the hon. Minister read the Cabinet Sub-Committee's Report. What the Sub-Committee has said is different from what he says.

**Mr. Speaker:** He is not yielding. Members should hear him first.

**Shri P. K. Deo:** He has contradicted Shri Chagla also.

**Shri A. K. Sen:** I know the hon. Members are not very anxious to hear the facts.

**Shri Hari Vishnu Kamath:** Not facts, but an amusing story.

**Shri A. K. Sen:** It was further pointed out from documents produced from purchases made by concerns like Hindustan Steel, the Assam Electricity Board and other public bodies that at or about this time, similar pipes were being sold to these bodies

at a price which was much higher than the lowest tender at which the Orissa Government had purchased.

**An hon. Member:** Please check up the facts.

**Shri A. K. Sen:** I can only cite two cases. The tender's price accepted, was Rs. 18.75 ex-Bhubaneswar; ex-factory, it was a little lower; whereas Hindustan Steel Ltd. and the Assam Electricity Board had purchased similar pipes of the same dimensions at or about the same time at about Rs. 24.

**Shrimati Renu Chakravartty:** Why? We should like to know why.

**Shri A. K. Sen:** When the hon. Member runs the Government, she will answer better I suppose.

This was the state of evidence, and in this state of evidence I make bold to say that no conclusion was possible that there was large-scale misappropriation of Government funds of large losses were caused to the Treasury of Orissa.

**Shri Hari Vishnu Kamath:** Only Rs. 1 crores. Plunder.

**Shri A. K. Sen:** Only one conclusion was possible, and that was arrived at, namely. . . .

**Shri Surendranath Dwivedy:** Misappropriation of funds.

**Shri A. K. Sen:** . . . administrative impropriety. . . .

**Shri Hari Vishnu Kamath:** Dacoity, robbery, plunder.

**Shri A. K. Sen:** . . . in not circulating notice for the tenders more widely.

**Shrimati Renu Chakravartty:** The evidence should be placed here so that we know whether what he says is the truth or not.

**Shri Surendranath Dwivedy:** Let him state from records. He is distorting facts.

**Mr. Speaker:** I cannot compel him. He is giving his own facts. The other Members will have an opportunity. They might contradict that. They might produce documentary evidence. They would have every right to contradict him and say that these are not the facts, but not in this manner.

**Shri Hari Vishnu Kamath:** Before you permitted us to produce a document and quote from it you wanted us to certify that it was true, but he is quoting from God knows where, from a vaccum.

**Mr. Speaker:** There is no quotation just at present. He is only stating his own facts.

**Shri Shinkre:** Certainly you can do one thing. He can read out the findings of the Cabinet Sub-committee, of which he was a member, and you can verify whether what he is stating is true.

**Mr. Speaker:** If he gets an opportunity, he might contradict it.

**श्री हुकम चन्द कछवाय (देवास) :**  
 अध्यक्ष महोदय, इस से तो यह मतलब हुआ कि जो कुछ हम कहते हैं वह झूठ है और सरकार जो भी कहे वह सच है ।

**अध्यक्ष महोदय :** यह मैं कैसे कह सकता हूँ कि कछवाय साहब जो कहते हैं वह गलत है या दुरुस्त है ? जो भी मੈम्बर यहां पर कहता है और उसमें मिनिस्टर्स भी शामिल हैं वह अपनी जिम्मेदारी पर कहता है । बाकी अभी जो स्पीच चल रही है वह चाहे उन्हें अच्छी लगे या बुरी, गलत लगे या सही लेकिन उन्हें उसको सुनना चाहिए ।

**Shri A. K. Sen:** I shall be very happy if I stand corrected. . . .

**Shrimati Renu Chakravartty:**  
 Place the thing here.

**Shri A. K. Sen:** . . . by the hon. Members, and I assure them that I shall not interrupt when they try to correct me.

**Shri Hari Vishnu Kamath:** We do not mind your interruptions.

**Shri A. K. Sen:** Therefore, the Subcommittee's finding that this was tainted with administrative impropriety was communicated to the Prime Minister.

**Shri Ranga:** That is playing it down.

**Shri A. K. Sen:** The next charge was about the transfer of the low shaft furnace of Kalinga Industries to the Orissa Development Board.

**Shrimati Renu Chakravartty:** What about Srinivasan?

**Shri A. K. Sen:** I cannot deal with all the charges at once, unless the hon. Member shows me the way to deal with all the facts together. I have not learnt that art yet.

So far as the low shaft furnace is concerned, it appears it started operating in the year 1961. In the very first year it appears to have made a profit of about Rs. 7 lakhs. After the Government was changed, a Development Board was set up, called the Orissa Development Board.

**Shri Surendranath Dwivedy:** Orissa Industrial Development Corporation, because there are 16 corporations.

**Shri Hari Vishnu Kamath:** B.B.C. Biju Biren Corporation.

**Shri A. K. Sen:** I am very obliged to the hon. Member for correcting me. I will remember that name.

**Shri Joachim Alva (Kanara):** May I submit that we have not been permitted to state out side of the case even for a single minute? Yesterday when Shri Chagla was speaking on behalf of the Government, he was interrupted more than a hundred times. We feel that we are entitled to state our side of the case.

**Shri A. K. Sen:** When there was a change of Government, there was this Development Corporation set up.

**Shri A. V. Raghavan** (Badagara): I would like to know whether the hon. Minister is quoting facts.

**Mr. Speaker:** It is only fair we should hear him.

**Shrimati Renu Chakravartty:** Let him put the facts on the Table.

**Mr. Speaker:** I cannot compel him. The hon. Member should realise that the other side has also a right to state its own version of facts.

**Shrimati Renu Chakravartty:** When in future we make certain statements, I hope that you will not ask us to put anything on the Table, and that we can say whatever we like.

**Mr. Speaker:** As the question arises in a particular instance I will have to decide.

**Shrimati Renu Chakravartty:** Please remember that.

**Shri H. N. Mukerjee** (Calcutta Central): On this question, certain documents have been, after a great deal of assiduous investigation, placed on the Table of the House, and my hon. friend Shri Dwivedy, when he made out his case, confined himself to actual quotations from those documents and certain other documents which he was prepared to lay on the Table of the House. I know that Government is entitled to give its own story, its own version of the facts, but when a Minister speaks, he must have that much respect for the House as to tell the Members what exactly are the sources on the basis of which he is giving those facts. If he is quoting from something included in the report of the Cabinet Sub-committee, he should have the goodness to mention that fact. He should not draw upon his imagination, and from time to time say "Thanks to Mr. Kamath for correcting me". This is not the way of showing respect to the House.

**Mr. Speaker:** If he had quoted from some document,...

**Shrimati Renu Chakravartty:** He is quoting.

**Mr. Speaker:**...I would have asked him to put that document on the Table of the House, and to tell me where from he is quoting.

**Shri S. M. Banerjee:** He is rambling.

**Mr. Speaker:** He has not quoted from any document so far, and he is entitled to come out with his facts. Whether they are right or wrong...

**Shri Surendranath Dwivedy:** Absolutely wrong.

**Mr. Speaker:**...it is for the House to judge, not for me.

**Shrimati Renu Chakravartty:** How can the House judge without facts?

**Mr. Speaker:** Every hon. Member has the responsibility to verify first that what he states in this House really are facts. Every hon. Member has that responsibility, and so has the Law Minister here. But when he takes up the responsibility, how can I prevent him from stating his facts?

**Shrimati Renu Chakravartty:** Did you not note the discrepancies coming from the Minister? He was not quite sure how much of time was given for the submission of the tenders. He said four or five days. And for what amount? He said it may be Rs. 2 crores, it may be Rs. 1 crore, it may be Rs. 60 lakhs or it may be Rs. 80 lakhs. This is the way he has been giving the story before us.

**Shri S. M. Banerjee:** I want your guidance on one matter.

**Shri A. K. Sen:** I am not yielding.

**Shri S. M. Banerjee:** Am I not entitled to your guidance?

**Mr. Speaker:** He says he is not yielding.

**Shri A. K. Sen:** I told you that the company had made a profit of Rs. 7 lakhs in the year 1961.

**Shri P. K. Deo:** It is a wrong statement. Shri Morarka has said that the low shaft furnace has not been running economically, and he is there to bear me out.

**Shri Morarka (Jhunjhunu):** I never said this thing.

**Shri P. K. Deo:** It is here in the record. He said: "Then he found that his plant was not running economically and it must be expanded."

**Mr. Speaker:** Order, order. Even if he contradicts Shri Morarka, can I stop him from giving his facts? That is an argument that the Members on that side can use against him. So far as papers to be laid on the Table of the House by Ministers who make speeches here are concerned, the rule is clear. The provision is:

"Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

He is giving the facts in his own words. I cannot stop him, and the Members ought to listen to him.

**Shri S. M. Banerjee:** I would call your attention to rule 370.

**Mr. Speaker:** I have seen that also.

**Shri S. M. Banerjee:** Rule 370 clearly says:

"If, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, or a summary thereof on the Table."

**Mr. Speaker:** He is not giving that. It does not apply.

**Shri S. M. Banerjee:** You may give me half a minute. Nothing will be lost. The speech will go on. I only request you. I have heard his speech

with rapt attention. He is quoting sometimes. Of course, he must have crammed the whole thing.

**Mr. Speaker:** Order, order.

**Shri S. M. Banerjee:** I say he has referred to the Cabinet Sub-committee Report, without laying it on the Table of the House.

**The Minister of Rehabilitation (Shri Tyagi):** Because he was a member of the Sub-committee.

**Mr. Speaker:** Order, order, this side also.

**Shri S. M. Banerjee:** The second point is about the same point of order. I have in my possession *Facts At a Glance* circulated by Shri Biju Patnaik. It is virtually his speech. I can lay it on the Table.

**Mr. Speaker:** Order, order. I am not concerned with that. Unless he has a chance to speak, he cannot lay it. Naturally, what profits this concern had been making has not got to be quoted from one single document. It was a public limited company. Its audited balance sheets have to be filed with the registrar of joint stock companies. If the hon. Member knows the methods of getting them, he could get them and know whether the company had made losses before the transfer or not.

**Shri Surendranath Dwivedy:** Was any separate account available to you?

**Shri A. K. Sen:** The Orissa Development Corporation was taking over or starting many new industries. The proposal to transfer this also to the Orissa Development Corporation was mooted. It transpired that the assets were audited and evaluation made by no less a firm of auditors than Messrs. G. Basu and Company.

**Shri Surendranath Dwivedy:** They were the auditors of the Kalinga Tubes!

**Shri A. K. Sen:** It may be; it does not matter.

**An hon. Member:** It does matter....  
(Interruptions).

**Shri A. K. Sen:** Respectable auditor is a respectable auditor.

**Shri Hari Vishnu Kamath:** A very fine, a very able Law Minister!

**Mr. Speaker:** We cannot go on in this fashion... (Interruptions).

**Shri Hari Vishnu Kamath:** A devil's advocate.

**Mr. Speaker:** If these interruptions continue in this manner, it is the House that loses the time because I shall have to put the question at the end of the day and Members shall not have any opportunity of saying anything on that. They should realise that the loss is their own.

**Shri Ranga:** When anybody dies in a family, at least we change our clothes. This Government ought to resign. If the Party wants its own Government, let them have another Government. That is exactly the sense, really the temper of this House today. That is exactly the reason why we become so impatient with these cock-and-bull stories.

**Mr. Speaker:** The temper can only be ascertained after the debate has taken place.

**Shri Ranga:** Everybody knows that. It is not a political argument. Why do you go into that? Let it be confined to these people and let them be dismissed. You are our Speaker, standing in between and holding the scales even.

**Mr. Speaker:** How else can I ascertain the wishes of the House? Is there any other method? How shall I say that it is the wish of this House at this moment?

**Shri Ranga:** In England, when McMillan had to go, they had still the majority on their side. Similarly, this Government has got to change itself... (Interruptions).

**Mr. Speaker:** Shall we proceed or not? I am prepared to adjourn the House or to ask the Law Minister to sit down, if we are not prepared to listen. Members are interrupting him continuously. I cannot compel any hon. Member to say a particular thing in a particular manner. It is for him to choose his words, to choose his language and to choose his arguments also... (Interruptions).

**श्री बागड़ी:** लेखिन गलत बात तो नहीं कहने चाहिए।

**अध्यक्ष महोदय:** यह नहीं हो सकता है कि जिस को आप सह समझे, वह वही कहे।

**Shri A. K. Sen:** This matter was examined by the Central Steel Ministry and the Planning Commission and thereupon sanction was given for the transfer of the licence because the company could not be transferred without the transfer of licence for the manufacture of this low shaft furnace. That was examined in the Planning Commission. Mr. Nanda was the Planning Minister. The Planning Commission and the Steel Ministry both gave their approval to this transfer and it was effected. The terms were rather important because what was made out in the charges was that a junk was loaded on the head of the Government of Orissa at a fabulous price....

**Shri Surendranath Dwivedy:** Will you please be fair and read out the charges, the actual terms of the charges?

**Shri A. K. Sen:** The gravamen of the charge and the insinuation was quite clear, that a junk was loaded on the head of the Government at an extraordinarily favourable price. The price was fixed at about Rs. 66 lakhs to be paid not then—but as it transpired from the perusal of the agreement which is filed with the registrar of joint stock companies, and which could be had by the hon. Members who dispute my facts—out

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of the profits of the plant. In the very first year of the working of the transferred undertaking, a profit of about Rs. 19 lakhs was disclosed.

**Shri Surendranath Dwivedy:** Where is the record? Have you got it with you?

**Shri A. K. Sen:** You can get it if you want to dispute it.

**Shri Surendranath Dwivedy:** I am disputing it right now.

**Shri A. K. Sen:** Whether it made a profit or not, whether it was a losing concern or not, all these would no doubt be considered by the Accountant General who will go into this matter because the detailed examination of the authenticity or correctness of the accounts is the job, under the Constitution, of the Comptroller and Auditor General in the Centre and the Accountant General in the States, and the sub-committee had no desire to appropriate this function to itself. From all these facts, it was quite clear that not only was there no malafides loading of a losing concern on the public exchequer but it appeared to the sub-committee that on the whole and in the balance it was a transaction which should be rather welcomed than condemned.

**Shri Ranga:** Question.

**Shri Surendranath Dwivedy:** Will you please permit me, Sir, to read out the charges? He has said 'Junk'.

**Mr. Speaker:** You will have the opportunity of replying.

**Shri Surendranath Dwivedy:** But he must be fair while quoting what I had said. Even our charges are distorted; what we have stated is distorted. It is very strange indeed.

**Shri A. K. Sen:** It is quite true that Mr. Dwivedy did not use the word 'Junk' but I did not quote the

exact words. I said: 'the gravamen of the charge and the insinuation was'.

**Shri Surendranath Dwivedy:** It is nowhere mentioned, not even by inference.

**The Minister of Health (Dr. Sushila Nayyar):** They are losing their case; they do not want to hear.

**Shri Hari Vishnu Kamath:** Let us have some 'healthy' talk from that side.

**Mr. Speaker:** I will ask the leaders of groups to control their followers.

**Shri A. K. Sen:** The next charge was about the fixation of compensation, of price for government land transferred to a company called the Orissa Textiles Limited. It is a public limited company which commenced its working in 1947 and lands near Cuttack were acquired at the instance of the company by the Government of Orissa under the Land Acquisition Act.

**Shri Daji:** What about the land allotted to you opposite to Rajbhavan in Bhubaneswar when the matter was pending before the sub-committee?

**Shri A. K. Sen:** When? Since he has raised it, let me answer it first.

**Mr. Speaker:** That is not relevant have now. (*Interruptions*).

**Shrimati Tarkeshwari Sinha:** Sir, could he not be allowed to make a statement? Surely, Mr. Daji could not make a statement like this.

**Shri Daji:** He applied for a plot when he was a member of the sub-committee; it was allotted before the sub-committee finalised its report—that is, the land opposite to the Rajbhavan in Bhubaneswar. It was not allotted to any other citizen.

**Shri A. K. Sen:** Sir, it is a very serious allegation. If he could substantiate it, I am prepared to resign.

**Shri J. B. Kripalani:** May I submit that it is irrelevant.

**Mr. Speaker:** It is indeed a serious charge and the House must take notice of it. Shri Daji should find out the facts and tell us if he can substantiate it.

**Shri R. S. Pandey (Guna):** Yes; otherwise he should resign. (*Interruption*).

**Mr. Speaker:** Order, order. It would be for the House then to see whether any action is called for or not.

**Shri R. S. Pandey:** Yes, Sir. Otherwise, it has become a practice to make all sorts of irresponsible statements on the floor of this House. Let Shri Daji say that he is going to resign if it is not true. We must get a promise from Shri Daji. (*Interruption*).

**Mr. Speaker:** Order, order.

**Shri Narendra Singh Mahida (Anand):** Sir, on a point of order. The hon. Minister may give a personal explanation, if he wants to, under rule—

**Mr. Speaker:** I know. That is a different thing altogether. I am not allowing the hon. Member.

**Shri A. K. Sen:** When these lands were acquired, the major portion belonged to private owners and, as the House is well aware, the land acquisition proceedings are available only against private owners. So far as the Government land is concerned, it cannot be acquired; the Government can transfer it if it so desires. (*Interruption*). When these lands were acquired in 1948, it appeared that the compensation which was fixed for these private lands was roughly about Rs. 100 per acre. So far as Government land was concerned, there was no legal transfer and only of possession was taken by this company. There were strips of land on the side of the road which were acquired originally when the roads

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were built up until the year 1957. When this question of legal transfer was raised, the district authorities recommended that the same price should be taken by the Government as was paid as compensation to the private owners whose lands were acquired in 1948. The superior authorities took the view that in 1957 the value of those lands had gone up and therefore the price should be fixed on the basis of the value of the land at the time of legal transfer, whether private lands were acquired in 1947 or not. I forget when the decision was made. The appeal against that was not preferred until there was a change in the Ministry. until the old Coalition Ministry went, and the President's rule ended and the new Ministry came in, sometime in 1961. I think after the order 10 months were taken for preferring the appeal.

**Shri Ranga:** After the new Ministry came up.

**Shri A. K. Sen:** Yes. Then, the Revenue Minister decided that the same price should be taken for Government land as was paid as compensation for private property, . . .

**Shri Surendranath Dwivedy:** After the new Ministry came.

**Shri A. K. Sen:** . . . and that order made by the Revenue Minister of the new Ministry was approved by Shri Biju Patnaik as Chief Minister and Finance Minister. (*Interruption*). He was Chief Minister and Finance Minister. It was strongly urged on behalf of the Government of Orissa that it would have been most inequitable to pay Government at a higher rate whereas the original private owners were paid at a much lower rate and they would remain paid at that lower rate without getting advantage of the higher rate now claimed by the Government. As the Government was the acquiring agency it would be highly unfair. If any independent tribunal had decided this point, I do not think anything could

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have been said, but since the matter concerned the Orissa Textiles, of which Shri Biju Patnaik was a shareholder to the extent of 3½ per cent before he became Chief Minister—

**Shri P. K. Deo:** He has a managing agent of that company, Patnaik & Co.

**Shri A. K. Sen:** I cannot say everything together. If the hon. Member had waited, he would have heard it. He was a member of a firm of managing agents which was appointed as managing agents of this company, until he became the Chief Minister. We thought it was most improper that he should have been a party to the making of that final order. We put this principle above everything else; that no man can be a judge in his own cause. Even if the Government had paid only Rs. 100 to the private owner, even assuming that that was the proper price, it was most improper for the Chief Minister and Finance Minister to deal with an appeal in which his interests were indirectly involved. It was stated that the Orissa Government itself owned about 18 per cent of the shares of this company. We felt that that was no answer and that there can be no deviation from this ancient and golden principle of law that nobody can decide. . . .

**Shri Hari Vishnu Kamath:** There is a lot of gold in it!

**Shri A. K. Sen:** . . . a matter as a judge or accepting a position similar to that of a judge, in which his own interests are involved directly or indirectly. That is why the Sub-Committee had recommended to the Prime Minister that this involved administrative impropriety. There was no evidence that at the time the private lands were acquired on the Government lands adjoining the public highways were anything higher in value, but nevertheless we felt that he should have never heard this matter himself. We held that it was

a case of administrative impropriety.

The next question was the question of the circular of 19th November, 1961. The Sub-Committee had found that it was a most unwise, improper and indiscreet circular. The charge was that the circular was issued with a view to benefiting only the firm of Orissa Agents.

**Shri Hari Vishnu Kamath:** Deliberately.

**Shri A. K. Sen:** It was the concern of the wife of Shri Mitra. It appeared in answer that the Orissa sales-tax was about six per cent higher than the Central sales-tax which was payable by the dealers supplying from outside the State of Orissa. As a result, what was happening was, according to the Orissa Government's spokesman, most of the orders used to be executed from outside Orissa paying only the Central sales-tax which was about six per cent less than the Orissa sales-tax, and the Orissa revenue was suffering as a result of that. And that is why, when the new Government came and when they had undertaken large expenditure, they wanted to augment their revenues, and one of the devices employed was to issue this circular, directing that, as far as possible, Orissa dealers, Agents should be given preference in the matter of placing orders.

**Shri P. K. Deo:** His own wife.

**Shri A. K. Sen:** The Chief Secretary pointed out after a few months that the circular as it was worded was liable to be mis-interpreted as meaning that unlimited on preference was permissible, and that there was no limit to preference being granted for Orissa dealers. Supposing the difference in price was 20 per cent, the difference between the sales-tax payable by Orissa and dealers outside could and 20% excess could be accepted, be ignored. So, objection was raised by the Chief Secretary, as a result of which, after, I think,

about six months, the circular was amended in a language so as to limit the preference to the difference in the sales-tax payable by the two sets of dealers. In the meantime, it appeared that orders of the value of about Rs. 75,000 were placed with Orissa Agents for tubes. Of course, during this time evidence was led to show that there were other purchases made from other dealers during this time.

**Shri Ranga:** Is he the only speaker for the Government?

**Shri A. K. Sen:** It seems that one speaker is enough to rouse all this running commentary.

**Shri Hari Vishnu Kamath:** Because of the story. (*Interruption*).

**Shri A. K. Sen:** It was a fact which we found, that before it was amended, and within the course of these few months, substantial orders were placed on the firm of Orissa Agents and we felt that it was liable to be interpreted, and rightly so, in this way: that this circular was originally worded in the form in which it stood before the amendment, with a view to benefitting the concern in which the Ministers or his relations were interested.

**Shri Hem Barua (Gauhati):** What relation? Wife?

**Shri A. K. Sen:** Any relation would be bad enough, whether it is wife or not.

**Shri Ranga:** His sons also would be included.

**Shri A. K. Sen:** Yes; that would also be equally bad. Now, Sir, because of this interpretation which was possible on the wordings of the circular, the Sub-committee held that the circular was unwise, indiscreet and improper. We at the same time made it quite clear that a properly worded circular which equates the position of the State dealers with the dealers outside would not be open to objection, as the subsequent circular was. That we made quite clear. The

Orissa Government showed that after the circular their revenue had increased by nearly Rs. 3 crores on account of sales-tax: But, whatever it was, because this circular happened to coincide with the placing of orders with the firm of which the Deputy Chief Minister's wife was the owner and of the possible interpretation, which I have mentioned.

**Shri Hari Vishnu Kamath:** Sole proprietress.

**Shri A. K. Sen:** I said owner. Because of that we held that it was improper, indiscreet and unwise.

श्री हुकम चन्द कछबाय : कितना समय दिया है मंत्री महोदय को ?

अध्यक्ष महोदय : प्रपोजिशन को क्या ऐतराज है । जितना वह बोलेंगे उनका अपना वक्त जाएगा, उनके दूसरे मँबर नहीं बोल सकेंगे । आप को क्यों ऐतराज है ?

**Shri A. K. Sen:** Having regard to this fact, the findings of the Sub-committee was placed before the Prime Minister and in my submission he was entitled to take this course of action which he chose for himself, and it is for the House to endorse his action or not. But to say that the Prime Minister and the Cabinet Sub-committee sought to cover the guilty persons would be in my submission, a most coloured representation of facts. I do not want to emulate some hon. members who use stronger words in relation to us, because I think our parliamentary etiquette demands that no motives should be ascribed. Now, it has been stated that the Orissa exchequer has lost crores of rupees and that they have got irrefutable evidence. About the public loss caused to the revenues of a State, the statutory duty for examination and report to the State Legislature vests under the Constitution with the Accountant General. If any such discovery is made after scrutiny of accounts, which would be much

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more vigorous and open by the Accountant General, the courts of law would be open to Shri Dwivedy as for anyone else.

**Shri Surendranath Dwivedy:** If you give me legal advice and legal support I will certainly go to a court of law. (*Interruptions*).

**Mr. Speaker:** Order, order.

**Shri A. K. Sen:** Mr. Dwivedy feels that it would be impossible or difficult for him to get a counsel for this purpose. But I promise to him that I shall supply him a good counsel. I hope he will give me the opportunity and the Prime Minister will give me the pleasure of appearing for the Government and for supporting the findings of the Sub-committee of the Cabinet. Then, I shall have the opportunity again to don my robes which I have cast many years ago and support in the court of law, where there will be no such interruptions, the findings of the Cabinet Subcommittee. Then those people who think that their charge is conclusive will see that proof in a court of law is not quite so easy and by merely urging a point again and again they don't carry conviction. I can only speak for myself. I am deeply wedded to the principles which the Government are pursuing and our courts of law clearly forbid the tyrannical method of condemning a man in the pillory.

**An hon. Member:** That is why we want a commission of inquiry.

**Shri A. K. Sen:** Our laws enjoin that those who condemn or those who charge others must come to a court of law to prove their accusation.

**Shri Surendranath Dwivedy:** Let us have a Court of Inquiry.

**Mr. Speaker:** Order, order.

**Shri Kapur Singh (Ludhiana):** What about Kairon's Commission of Inquiry?

**Mr. Speaker:** Now, he should be allowed to conclude. Would he not be allowed to conclude?

**Shri A. K. Sen:** If the hon. Member reads the statute under which we may set up a commission of enquiry, he will see that it is for the purpose of informing the Government, and he cannot force the method of information on the Government, which the Government thinks unnecessary. The Government has confidence in the findings of the Cabinet Subcommittee which it set up.

**Shri Hari Vishnu Kamath:** Read Santhanam Committee's recommendations.

**Shri A. K. Sen:** The Commission of Inquiry need not be appointed just for giving the hon. members opposite the pleasure of fanning the same thing again publicly for a few more months; they will excuse us for not acceding to that request.

**Shri Hem Barua:** What a lame argument?

**Shri A. K. Sen:** According to the rules of Government by which we are governed, the Government acts on its own advice, not on the advice of the opposition. So long as there will be a government and opposition and so long as the opposition cannot throw out the government, they will have to abide by the decision of the Government.

**Shri Hari Vishnu Kamath:** We won't abide; we will defy your decision. We will obey the Speaker here and not you. We will disobey you and defy you.

**Shri Solanki (Kaira):** We are not school children here.

**Mr. Speaker:** Order, order.

**Shri Priya Gupta (Katihar):** I rise on a point of order, Sir.

**Mr. Speaker:** What is the Rule?

**Shri Priya Gupta:** Did you ask Mr. Mathur? You did not ask.

**Mr. Speaker:** Yes, I did. (*Interruptions*). Order, Order. You don't allow me to enforce order. What is the rule?

**Shri Priya Gupta:** Rule 249, or Rule 349 or Rule 121. I want a clarification, Sir. The Minister said something about taking the advice of the opposition.

**Mr. Speaker:** I am not allowing any clarifications. Order, Order. Has the Minister finished?

**Shri A. K. Sen:** How can I finish with this interruption every minute? Every time I start, they stop me and you pull them up. I sit down because you rise. I have still respect for you and I have to sit down. (*Interruption*).

**Mr. Speaker:** There he is correct. If this thing continues and there is want of respect for the Chair from every side, perhaps he might also lose it. There is no wonder. This is what it is coming to.

**Shri A. K. Sen:** What I meant to say was, we still have respect for you. Whether the others have or not, I am not quite sure about that. Now, Sir, some specific points are to be answered, because they remain still to be covered. First of all, concerning the Home Minister, it was suggested that he made a false statement in saying that there was no registered case with the C.B.I. I may only say that he made a correct statement. A registered case is well known and you, Sir, will corroborate me as a judge of experience. This is simply a case in the books of C.B.I. If there is a number given to it, it does not mean that it is a registered case.

14.00 hrs.

**Shri Surendranath Dwivedy:** Does he deny that on 10-9-1964 a case was registered before the Special Police Establishment by the Government of India for a preliminary enquiry? The Special Police Establishment is governed by a statute known as the

Delhi State Special Police Establishment Act.

**Shri A. K. Sen:** There is no registration with the SPE; registration is a different matter. When the SPE are dealing with one case after another and it is a continuous process, they have to give a number to each case referred to them.

**Shri Hari Vishnu Kamath:** Tweedledum and tweedledee. (*Interruption*).

**Shri A. K. Sen:** Therefore, in my submission, it was not quite fair to say that the Home Minister made a false statement.

Then, Sir, it was further said about Shri Atulya Ghosh and the so-called members of the syndicate . . .

**An Hon. Member:** Is he here?

**Shri A. K. Sen:** . . . and the so-called 'little AICC'. (*Interruption*).

**Mr. Speaker:** Order, order.

**Shri A. K. Sen:** This is how, Sir, I am not able to finish. I appeal to you. Hon. Members will at least agree that I have shown great patience.

**Shri Surendranath Dwivedy:** Both sides have shown.

**Shri A. K. Sen:** I hope I shall not falter in the respect which I pay to the other side because, after all, many of them are such good friends outside. As I said, I do not claim infallibility for all that I say, but I certainly can claim attention in the same way as I attend to them when they speak.

What I say is, it was strenuously urged that one of the motives for the Cabinet Sub-Committee Report was to cover up the guilt of these ministers who were supported by a powerful group in the AICC. The name of Shri Atulya Ghosh was specifically mentioned. I think the name of Shri Sanjiva Reddy was also mentioned. Mention was also

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made of the "little AICC". It is my duty to acknowledge—Shri Chagla will agree with me—that Shri Atulya Ghosh had never tried to speak to us on this case so long as it was going on. He could have asked me informally how far the case had proceeded.

**Shri Ranga:** There was no need.

**Shri A. K. Sen:** But I can assure you that he did not even try to ascertain how the case was proceeding.

**Shri Surendranath Dwivedy:** Still he says that their decision is wrong.

**Mr. Speaker:** Order, order.

**Shri Surendranath Dwivedy:** I am very sorry, Sir—kindly excuse me—but the way he speaks creates these interruptions.

**Shri A. K. Sen:** I can only say that there was no pressure put on us. Whether the House will accept it or not or whether the hon. Members opposite will carry more conviction than us is a matter which I cannot speculate upon.

**Shri S. M. Banerjee:** Let us go to a temple and take oath.

**Shri A. K. Sen:** Shri Banerjee's love for temple is very admirable, because I was told that some members of the Communist Party in Kerala went to temples to worship and their pictures were taken (*Interruptions*).

**Shri Indrajit Gupta** (Calcutta South West): Ministers go to astrologers.

**Shri A. K. Sen:** Then, naturally, in a Motion of No-confidence we are not restricted to the grounds shown originally when the motion is admitted. Shri Indrajit Gupta mentioned the names of two of our colleagues and one of our ex-colleagues Shri Morarji Desai. The name of Shri Atulya Ghosh was also mentioned. Mention was made about certain

other matters connected with two relief funds with which Shri Atulya Ghosh is connected.

So far as Shri T. T. Krishnamachari is concerned.....

**Shri Ranga:** The less said the better.

**Shri A. K. Sen:**.....it is not necessary for each Minister to come and speak here—I have now ascertained the facts from him personally. He has said that the four concerns which were mentioned in the list which Shri Indrajit Gupta was referring to existed in the twenties of this century and Shri T. T. Krishnamachari had been enjoying agencies of foreign concerns ever since the twenties of this century.

**Shri Indrajit Gupta:** I mentioned a list of 17 firms and not four firms.

**Shri P. K. Deo:** 17 is the latest one.

**Shri A. K. Sen:** It may be, No doubt, Shri Gupta will go and speak to him. Shri Krishnamachari told me that he would be very glad to meet any hon. Member who has any doubt about the circular which has been published and circularised. It can only be dealt with at that level. We cannot argue it out on the floor of the House. (*Interruption*). He gave up all connections with that firm in 1942.

**Shri S. M. Banerjee:** In the 1942 movement. (*Interruption*).

**Shri P. K. Deo:** He says "In the 1942 movement".

**Shri A. K. Sen:** The hon. Member, Shri P. K. Deo laughs at the 1942 movement.

**Shri Ranga:** He gave away his State. What State did any of our friends give?

**Shri A. K. Sen:** But there was nothing to laugh at the 1942 movement.

**Shri Ranga:** He gave away his State.

**Shri A. K. Sen:** It is an admirable thing for which nobody will taunt him.

**Shri Ranga:** They were building up states.

**Shri A. K. Sen:** As I said, this matter had been agitated in the Press and on the floor of the House so many times even during the life-time of the late Prime Minister and many of the allegations were enquired into by him personally. Many of the licences about which references were made, it appeared on scrutiny, were not dealt with by him at all. When they came up at the time when he was the Minister of Commerce and Industry, he said that since they were involved, the matter should be dealt with by the Prime Minister himself. The Prime Minister dealt with them, and I have no doubt the House will never doubt the *bona fides* of our late Prime Minister.

**Shri Ranga:** The Das Commission came after that; please remember.

**Shri A. K. Sen:** Then, Sir, about Shri Morarji Desai, this matter has also been agitated both inside and outside the House on a number of occasions. Shri Desai is not here. He wanted me to inform you that his son will be ever ready to show all the accounts that he is in possession of to any hon. Member who wants to see.

With regard to Shri Atulya Ghosh it was said that some monies were mis-used—monies raised in the name of two relief funds. The Treasurer of the Assam Relief Committee Shri M. M. Sur, a respected Member of Rajya Sabha, has answered these two charges on the floor of the Rajya Sabha only the other day and he wanted me to tell you . . .

**Shri P. K. Deo:** We should not take notice of what happens in the other House.

**Shri A. K. Sen:** You wanted me to tell you; otherwise I would not have told you this. He wanted me to tell you, Sir, and through you to the House, that after the West Bengal Flood Relief Committee had done its work during the floods of 1959 whatever surplus had been left over was made over to the West Bengal Relief and Welfare Board of which the Chairman is the Chief Minister himself. There are other respectable members including the Speaker of the Assembly. The monies paid over were paid over not to Shri Atulya Ghosh personally but to this Committee of which he was the Joint Secretary. This Committee had spent this amount on the maintenance of the flood affected families, on the education of their children, on buying books, setting up libraries and various other social welfare work. He also wanted me to say that the accounts of this Committee were audited and looked after year by year.

**Shrimati Renu Chakravarty:** Rs. 7 lakhs to Rs. 8 lakhs were spent in an area where there was no flood at all.

**Shri Atulya Ghosh (Asansol):** If it is Rs. 7 lakhs to Rs. 8 lakhs, I will resign; if it is not Rs. 7 lakhs to Rs. 8 lakhs, will Shrimati Renu Chakravarty resign?

**Shri R. S. Pandey:** Why is the hon. Lady Member silent? Accept the challenge. This is a good opportunity. Let her accept the challenge. Let her come forward and accept the challenge.

**Shrimati Renu Chakravarty:** Shri Ashutosh Ghosh is now in jail. He has been put under arrest. His accounts etc., whether they have been audited or not, are all under scrutiny now. Shri Atulya Ghosh also will have to stand up to that charge. Why should I resign?

**Shri Muthyal Rao (Mahbubnagar):** Accept his challenge.

**Shri Atulya Ghosh:** If it is an effort to create confusion, I think it is beneath my dignity to reply. Shri Ashutosh Ghosh was the General Secretary of that institution of which Dr. B. C. Roy was the Chairman. He organised it, he built it, of course, with the help of a committee of which I am not even a member.

The present Chief Minister found some discrepancy in the accounts of the Committee concerned—either with the Assam Relief Committee or West Bengal Relief Committee, I do not know, I have forgotten that. He referred it to the Anti-Corruption Department and the Anti-Corruption Department arrested our ex-Minister who is a Member of the Congress Party and who is also the Secretary of that Committee. We are not afraid to refer to the police, so our own party member was arrested. If in whatever they say here, there is any iota of truth I am prepared to resign—if any of the allegation proved to be true. Let them prove it. Every day either in the Lok Sabha or in the Rajya Sabha. I have been honoured. I would very much like that I do not want to be ignored (*Interruptions*).

I take this opportunity of telling something about the Syndicate. There is no syndicate in the Congress; there is no groupism in the Congress. They are devoted citizens. My name has been mentioned so many times.

**Mr. Speaker:** This should not go on.

**Shri Atulya Ghosh:** My name has been mentioned, and I have been honoured many times. I have never interfered. We have been patiently hearing everybody speaking from that side. But, from the other side 80% of them get up and goes on shouting like this... (*Interruptions*).

**Mr. Speaker:** Order, Order. I have heard him and he has given a brief account—a brief explanation.

**Shri Atulya Ghosh:** This is my personal explanation because my name has been mentioned by Shri Surendranath Dwivedi.

**Mr. Speaker:** That is enough.

**Shri Atulya Ghosh:** About the Syndicate I have got something to say. I have got a house.... (*Interruptions*).

**Mr. Speaker:** Order, Order. It is not that in the midst of a speech a personal explanation can be given. If he requires, I can give him time afterwards but not now. The hon. Law Minister has taken enough time. I think he is now concluding. He has taken some time from the other side also.

**Shri A. K. Sen:** It is necessary to refute the charges which have been bandied about every day in the hope that at least something will be found in these. I can appreciate the anger of the opposition. Mr. Atulya Ghosh has this great misfortune that he has not succeeded in keeping at bay the most vocal faction of the communist party. (*Interruptions*).

**Shri S. M. Banerjee:** May I say..

**Shri K. N. Tiwary (Bagaha):** I would like to submit that if the other side goes on disturbing, we will be forced to adopt the same method.

**Mr. Speaker:** If Mr. Banerjee, everytime, creates disorder, should it tempt the Congress Members too to do the same? At this moment they would certainly agree with me that it is not possible for me or it is not advisable for me to take any strong action.

Therefore, I have many times appealed to the Members, and I am appealing again and again, that they should listen patiently.

**Shri A. K. Sen:** His fault has been that he has won in the three General Elections notwithstanding the combined opposition strength in a State which has suffered so much as a result of partition and which has so many problems. I have no doubt that under his leadership we will win the elections in 1967 also. (*Interruptions*).

That is the reason why he must be finished before 1967. But, fortunately, Sir, the art of finishing is not so easy (*Interruptions*) even if it is frequently practised. Therefore, in my submission, the way in which an allegation is being made—I have great respect for Mr. Gupta because we have been together in so many places and I am sorry, Sir..... (*Interruptions*.)

**Mr. Speaker:** Even if they join together, it ought not to have been disclosed.

**Shri A. K. Sen:** I said that we have been to Mr. Ghosh or to the Chief Minister of West Bengal—this is a fact and I beseech upon the hon. Members to do the same. So far as the Members of Government are concerned, I can assure them that we shall ever be ready to give such assistance in regard to those matters which are brought to us on many occasions by responsible people. I have no doubt that the hon. Members will not encourage such practices and the only way to discourage such practices is that we must ascertain facts from the persons concerned before we accuse them. Before concluding, I want to sound a note of warning for us all....

**Shri Ranga:** Go to Sadachar Samiti.

**Shri Indrajit Gupta:** But what about the charge levelled against Mr. Sanjiva Reddy?

**Mr. Speaker:** I am not concerned with that. Whatever he wants to say let him say.

**Shri A. K. Sen:** You either write to him or go to him.

**Shri Hari Vishnu Kamath:** Let him answer it. It is not a private matter.

**Shri A. K. Sen:** I will write to him. He will certainly give all the facts. Here we cannot deal with all the individual cases together. I have no doubt that no information will be withheld from Mr. Gupta.

Then, Sir, I shall say before concluding, it seems necessary only for ourselves—I do not venture to attempt even to advise to hon. Members on the other side—undoubtedly they are capable of advising themselves—that this practice of indulging in wild allegations merely on suspicion, if unchecked, will lead to converting the State into a Police State.

**Shri Hari Vishnu Kamath:** But there are concrete facts.

**Shri Hem Barua:** Why a police state?

**Shri Hari Vishnu Kamath:** There are so many scandals. One more does not matter.

**Shri A. K. Sen:** If mere suspicion is allowed to poison the atmosphere and if mere allegations are allowed to be taken as proved facts.....

**Shri Indrajit Gupta:** What about Kerala?

**Shri A. K. Sen:** And if insinuations are brought out without proper enquiry or without *bonafide* assessment, the avalanche which we shall let loose will envelope not only us but many others. Those who live in glass houses should remember that this is a game which everyone can play. (*Interruptions*).

**Mr. Speaker:** Order, order.

**Shri Hem Barua:** It might happen if you suppress the truth also.

**Shri A. K. Sen:** I have one point—I do not know how long the Prime Minister will keep me as the Law Minister, I am not going to be there permanently. But so long as I am the Law Minister I have to advise the Prime Minister with faith and dedications. It will be my endeavour always to see that the foul stink of suspicion does not invade our sacred homes. If people have courage to level charges, let them do so openly and publicly.

**Shri Hari Vishnu Kamath:** We have done it openly.

**Shri A. K. Sen:** It is very easy to do it here because of the immunity they enjoy; it is a little difficult to do so outside. As Lord Denning has said, there is a higher duty to the public, namely, the duty to render justice to the individual. I will only quote the concluding words of Chief Justice Das in the inquiry against Shri Pratap Singh Kairon.

**Shri Hari Vishnu Kamath:** Have a commission like that here also.

**Shri A. K. Sen:** I am reading from page 287 of the Report:

"The Commission is aware that its Report may not satisfy all the passion and partisan spirit which a relentless campaign of calumny and vicious mutual recriminations have let loose in the Punjab—in the Legislature and outside—and, in a lesser degree in the rest of the country. The Commission has, therefore, endeavoured to scrupulously avoid the pitfall of the common human weakness for popular approbation and to preserve the perfect poise and the serene composure of its mind. It has constantly reminded itself of the noble sentiments expressed and the solemn words of prudence and high resolution uttered nearly two centuries ago by an eminent and illustrious Lord Chief Justice of England who said—

I wish popularity; but it is that popularity which follows, not that which is run after; it is that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means I will not do that which my conscience tells me is wrong upon this occasion, to gain the huzzas of thousands, or the daily praise of all the papers which come from the press. 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'."

**Shri S. M. Banerjee:** Amen, amen.

**Shri A. K. Sen:** We expect that our Prime Minister, who has been charged with covering or shielding some top members of the Congress in Orissa, will never deviate from this high principle, that he will not come to a decision to earn the huzzas of thousands and that he will not come to his conclusions only on mere suspicion.... (*Interruptions*). It has been said that he is weak and he cannot take a decision. Let him remain weak and let him not take a decision. But he will never take a wrong decision; we know that. The whole country is with him. We, his colleagues, stand by him solidly and we are proud to work under him.

**Mr. Speaker:** I had intended to call the hon. Prime Minister to reply at 4.15. But now I find....

**Shri S. M. Banerjee:** What about the 19th?

**Mr. Speaker:** Whatever might be the occasion, he must interfere. That seems to be his view.

Shri A. K. Sen has taken too long a time and I have to accommodate some members at least. So, firstly, no member shall take more than 20 minutes. Secondly, the time for election to the Animal Welfare Board has been extended up to 4 p.m. Thirdly, I would request the hon. Prime Minister to reply at 5 o'clock.

**Shri Surendranath Dwivedy:** The hon. Minister of Law has spoken for two hours and he has made specific allegations. I only request you that I must be given ample time to rebut the charges. I am saying this particularly because you prevented me from putting questions when he was speaking.

श्री बागड़ी : कोई कोई माननीय सदस्य  
50-50 मिनट बोले हैं और अब दूसरे लीडर्स

के लिए आप कहते हैं कि बीस मिनट से ज्यादा वैन लें। मैं प्रार्थना . . .

श्री रामेश्वरानन्द (करनाल) : मेरा प्रश्न सुन लीजिए। अब तक केन्द्र के कई नेताओं के विरुद्ध जांच हुई है। उन में श्री टी० टी० कृष्णमाचारी हैं, मथारू साहब हैं, श्री अजित प्रसाद जैन हैं, श्री के० डी० मालवीय हैं। इसके अलावा बंगाल, पंजाब, उड़ीसा इन सब के मामलों की जांच हुई है। इन सब जांचों में ये सब दोषी पाये गये हैं और इस लिए बरखास्त किये गये हैं। अब विधि मंत्री जी कहते हैं कि कोई दोषी नहीं है। मेरा निवेदन है कि इन बेचारे भले आदमियों को क्यों बदनाम किया जाए? जब सरकार ने यह निष्कर्ष निकाला है कि कोई दोषी नहीं था तो क्यों इनको बदनाम किया जाता है? इसका मैं उत्तर चाहता हूँ।

श्री रामसेवक यादव (बाराबंकी) : अध्यक्ष महोदय, आपने अभी कहा है कि जो प्रवक्ता हैं, जो लीडर हैं, वे बीस मिनट से ज्यादा न लें। औरों को तो आपने घंटा घंटा समय दिया है जबकि इनको बीस मिनट का ही मिलेगा ऐसी स्थिति में यह अन्याय है कुछ लोगों के साथ। जब औरों को घंटा घंटा समय बोलने के लिए दिया जा रहा है तो क्या यह उचित है कि इनको . . .

श्री अध्यक्ष महोदय : माननीय सदस्य मुझ पर बहुत जल्दी इल्जाम लगाने लग जाते हैं कि यह अन्याय है जो किया जा रहा है, यह तरफदारी की जा रही है। उन्होंने 45 मिनट भी लिये, 50 मिनट भी लिये। लेकिन जो मੈम्बर साहब और लीडर साहिबान बोलेंगे उनको यह भी देखना चाहिए कि उनके साथी कितने हैं? जिस के साथी तीस हों उनको भी 45 मिनट दूँ और जिस के दो हैं या कुछ इससे ज्यादा हों उनको भी 45 मिनट दूँ तो यह . . .

श्री रामसेवक यादव : जिन पार्टियों के बराबर बराबर सदस्य हैं . . .

अध्यक्ष महोदय : वक्त मैं कहां से ला सकता हूँ? जिस के तीस मैम्बर हैं वे तो मुझ से गिन गिन कर समय ले लेते हैं और . . .

श्री रामसेवक यादव : जिन दलों की बराबर संख्या है, उनके साथ तो न्याय किया जाए।

अध्यक्ष महोदय : यदि आप का मतलब मूवर से है और जिन की पार्टी के आपकी पार्टी के लगभग बराबर सदस्य हैं तो मैं कहूंगा कि वह मोशन को मूव करने वाले थे और मैं उनको रोक नहीं सकता था।

श्री ठुकम चन्द कछबाय : यह बड़े महत्व का प्रश्न है और मैं प्रस्ताव करता हूँ कि समय बढ़ा दिया जाए।

अध्यक्ष महोदय : और नहीं बढ़ सकता है। पांच बजे मैं जरूर प्राइम मिनिस्टर को बुलाऊंगा।

Shri J. B. Kripalani: Mr. Speaker, Sir, it is no pleasure for me to associate myself with this motion, because it is against the Government, some members of which have been my life-long friends. It is no pleasure for one to get annoyed with one's friends. But today such is the condition of our country that the question of being annoyed or angry does not arise. There is no quarter from which one can see any ray of light. It so happens that we are suffering from a disease where the doctors are the disease themselves.

It is very strange that when the Opposition wanted only two or three hours to discuss what has happened in Orissa, the Government would not allow even that with the result that they (the opposition) were obliged to bring a vote of no-confidence. This vote of no-confidence, I say, is not the work of the opposition parties; it is the work of Government. They (the opposition) had no other alternative.

The Government refuses to learn by experience. It frequently commits the same mistake which no person of

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commonsense would commit. For instance, recently they arrested hundreds of Left Communists. These people had been carrying on their nefarious activities for many years, but they were arrested at a time when that action was liable to be suspected because of the elections in Kerala. And what was the result? The result was that, instead of being considered traitors, they were considered as martyrs. Another thing that has to be taken into consideration is that these people have been arrested, not because every one of them was a saboteur; they have been arrested because they belonged to a particular group. While the logical thing for the Government to do was to ban the party, they have imprisoned individuals. This is not done except in totalitarian States.

A Persian proverb says that the fool does the same thing as the wise man, but he does it after the mischief has been done.

هر چه دانا کند - کند نادان  
لیک بعد از خرابی بسپار

14.30 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

On this language question, if what they have said after the riots they had said definitely before the riots and if they had given proper publicity to it, and if they had told their officers not to go out of their way to issue circulars, I am sure there would have been no riots. But they do not learn even after the event.

I shall not attempt to analyse the documents that are before us—and that are not before us! They have been sufficiently analysed by my friend Mr. Dwivedy, and other Members of the opposition. Any impartial person examining the two documents will have little hesitation in saying that there is need for a further probe into this matter.

The Cabinet Sub-Committee have indulged, I am afraid, in special

pleading and tried to white-wash the whole affair and have shown a partisan spirit, if not bad faith. Sir, the Cabinet Sub-Committee were not reviewing the acts of some ordinary people who do not know what commonsense is; they were reviewing the acts of very clever people. If they were not clever they would not have occupied the positions of eminence that they have occupied.

**Shri Indrajit Gupta:** Some ministers are not so clever.

**Shri J. B. Kripalani:** And if they were not clever they would not have benefited themselves and their wives. When such people—violated the rules of law and procedure, the least they can be charged with is culpable negligence. And for such a negligence I hold that they are not only morally responsible but also legally responsible. Once, Gandhiji at the instance of the Nawab of Bhopal signed a document and it came before the Working Committee. And it was found that there had been a mistake made by Gandhiji. And do you know, Sir, does the House know, that he readily admitted his mistake and abused himself? He said in Hindustani:

हम बदमाश हैं

—I am not fit to be the leader of this country. When I pointed out to him that mistakes can be made by anybody without any blame being attached, he said that when mistakes are made by important persons who are expected to be above average intelligence, and in whose hands lies the fate of millions of people, when they commit a mistake, it is a culpable mistake and they are morally responsible for it, and they should be also legally responsible for it.

Sir, very much is made of this document, that it was secret, that it was confidential. May I ask, against whom was this document secret and confidential? It was secret and confidential against the people, against the masters, against our masters. I cannot understand how such secrecy

is morally justified. And if it were justified, a bad government may sell the people, and they may sell the nation.

Sir, I remember Gandhiji got many letters from our revered leaders like Motilalji, C. R. Das and others. And these letters came from jail they did not come through the proper authority. Gandhiji did not hand over those letters to the police. He did read them, and they had effect upon him. Mr. Chagla wants us, the opposition members to keep even higher standards of integrity!

I find that Mr. Chagla, a great lawyer that he is—and he was a Chief Justice—said that what is written in the document, that is the CBI report, was one-sided, *ex parte*. But he says that the decision of the Sub-Committee was not *ex parte*. Why? Because they had the good fortune of hearing the two gentlemen of Orissa. But they had no intention of hearing those who had made complaints against them. And I say, in spite of the fact that Mr. Chagla is a great lawyer, I say that their judgment is *ex parte* unless they had sent for the complainants....

**Shri Surendranath Dwivedy:** We applied for it and we said we wanted to meet...

**Shri J. B. Kripalani:** I am very sorry to say, that there were two young men yesterday, Mr. Morarka and Mr. Pant, they argued their case much better than did the two Ministers. And I submit, Sir, they were not interfered with, because they were talking at least some sense.

**Shri C. K. Bhattacharyya:** Mr. Morarka complained yesterday that he was being interrupted by the Acharya himself.

**Shri J. B. Kripalani:** These young men, they would be better on the Treasury benches than the old men, whom the Prime Minister has collected.

Sir, the Orissa Ministers have been asked to give up their high offices. But if they had been asked to do that early enough, all this would not have happened.

Again, Sir, if the Cabinet Sub-committee had not given our Orissa friends a clean certificate, there might have been no need to ask for an inquiry. Further, when it was known that the report of the CBI and the fanciful findings of the Cabinet Sub-committee thereon had been made public, I think, it was the duty of the Government to keep those documents on the Table of the House. It is no use for responsible persons to hide their necks in the sand and think that reality has, therefore, disappeared. Now what has happened? They say that they would not look at these documents and they have not looked at them.

**Shri Hari Vishnu Kamath:** Everybody has looked at them.

**Shri J. B. Kripalani:** But the Congressmen who have argued and also the Ministers who have argued have very much looked at them. Why should the Congress people be put in such an awkward position, I do not understand. If I had been in the Congress, I would have revolted against such a treatment from my Government.

**Shri Joachim Alva:** You slipped out.

**Shri J. B. Kripalani:** The Cabinet Sub-committee were not reviewing the acts, as I said, of common people. Sir, you will excuse me, the light is not enough; so, I will have to take a little more time.

I am afraid, what has weighed with the Cabinet Sub-committee were political considerations and not those of truth and justice. The Prime Minister in one of his press statements and interviews plainly said that a decision on the Orissa affair will be made also on political grounds. This means that the Government

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thinks that there is a dichotomy between politics and morals. If there was anything new in the gospel preached by Gandhiji as distinct from the gospels preached by former prophets and reformers, it was that he wanted the moral law to be recognised and practised not only in private and social life but also in political dealings. He said that what was not morally right could not be politically correct.

Apart from the fact that the authorities have separated politics from morals, there is another major defect in the judgement to which they have arrived. They have two standards of judgement, one for the poor people and the other for those who are in power whether they have money or political power. I remember, recently there was a case in Madras. A peon was followed by the Directorate of Vigilance and Corruption and his fault was that he had taken one rupee for allowing somebody who did not have the permit to see an inpatient in the hospital.

**An hon. Member:** Eight annas.

**Shri J. B. Kripalani:** It may be eight annas; the people from the south know better than myself. This was reported in the press and for this offence of his he was prosecuted and given six months' imprisonment.

**Some hon. Members:** Shame.

**Shri J. B. Kripalani:** But when there is a case against high officers, against political persons, the standard is quite different.

**Shri Surendranath Dwivedi:** Impropriety only.

**Shri J. B. Kripalani:** Contrast this with the freedom and immunity enjoyed by blackmarketeers, by persons in political authority guilty of great abuse of the trust that is put in them. They can go on for years unchallenged though their misdeeds are widely known except to the authorities that govern us.

**Mr. Deputy-Speaker:** The hon. Member's time is up. 20 minutes have elapsed.

**Shri Kapur Singh:** Sir, give him more time.

**Mr. Deputy-Speaker:** He can take another five minutes.

**Shri J. B. Kripalani:** I cannot do it in five minutes. It is impossible for me. I better stop it then.

**Shri Narendra Singh Mahida:** He may be given more time. He is ailing from heart trouble.

**Shri J. B. Kripalani:** I told you that I cannot read; I cannot even see for want of the light.

**An hon. Member:** Give him ten minutes more.

**Mr. Deputy-Speaker:** All right, he can take ten minutes more.

**Shri J. B. Kripalani:** Then contrast what happens when the Government and the Congress are the judges in their own cause. There was the case of the Chief Minister of Punjab. It was given to the Congress High Command which is supposed to be above all party considerations. The conclusion that was arrived at by that High Command was this:

"As a result of our investigation, we have come to the conclusion that there is no basis at all for any corruption, that in some of the charges relating to his family members or others associated with him, certain improprieties were committed while Sardar Partap Singh might not have been personally aware of these, a person in his position must be deemed constructively responsible; and that there were certain procedural irregularities in administrative matters."

This was the judgment of the Congress High Command.

What was the judgment of the independent Commission of Inquiry, judicial inquiry, under Justice Das? The Commission held that the late Chief Minister of Punjab had abused his authority in the interest of the members of his family and the Commission observed:

"The fact that Sardar Surender Singh Kairon derived direct and substantial benefit out of the purchase of (some) land indicates that the entire deal was put through for his pressing needs and benefit and heightens the enormity of the misdeed, and the aforesaid purchases of such lands were effected with the full knowledge and consent of Sardar Partap Singh Kairon, if not directly, at his behest."

Again, the Commission says:

"The irregularities and/or illegalities committed by the Municipal Committee and the Government in the matter of sanctioning the plans for prohibited building... were so committed in furtherance of the interests of the Chief Minister's son and being irregular and illegal cannot be condoned as mere innocent mistakes. Sardar Partap Singh Kairon, if he did not himself commit the irregularities or illegalities was certainly privy to their commission."

This is the difference between a judicial probe by an independent authority and that made by the Congress High Command when it concerns their own members.

My young friends yesterday gave the Government the credit that after all this Congress Government have instituted inquiries. May I submit that this credit goes to the press and to the Opposition? It is with great difficulty that this Das Commission could be appointed. It was with great difficulty that another Committee under learned judge Mr.

Chagla was appointed. It is all due to the public. If there were not a democracy but a dictatorship, all these things would not have happened. It has not been done willingly by the parties concerned. It has been imposed upon them by the propaganda that has been carried on by a small minority of people in the Opposition. And they do not even want this.

It is said that our friends in Orissa did not gain anything personally. Did Mr. Kairon gain personally anything? He did not gain a pie for himself but for his children. Do we work and do we take trouble for ourselves only? The millions that are made by black-marketeers, by corrupt officials, by corrupt politicians, are they made for themselves or are they made for their children and their children's children? I say, they are made for posterity. They are therefore responsible for it. They cannot run away by saying that they made no personal gain. It reminds me of an incident, when we were in jail, and when a person went to see his wife, the jailor said, "You are not a blood relation". So, our friends can take a refuge in that that their wives are not their blood relations.

In setting aside the findings of the C.B.I., the Government has done a great injustice to the administration and to the country. Tomorrow you cannot entrust any other case to the C.B.I. They will only give you what you want, not what the truth is. Further, you have given a certificate to Bihar and Mysore. Your certificate is not worth a paper on which it is written. (*Interruption*). Having done this, how can people believe that what you have found in Bihar and Mysore is a correct position. Let me tell you that our agitation will go on till you are obliged even in these matters to appoint a judicial committee. I may tell you that we are not going to leave this matter of Orissa. We are going to rouse the whole country so that you are obliged to appoint again a judicial com-

[Shri J. B. Kripalani]

mittee where witnesses can be called, there can be cross-examination, there can be re-examination and pleaders can be allowed as it was in the case of the Das Commission.

**Mr. Deputy-Speaker:** The hon. Member should conclude now.

**Shri J. B. Kripalani:** You will excuse me, Sir. I must take at least half the time that the other people have taken.

**Mr. Deputy-Speaker:** I have to give some time to other parties also.

**Shri J. B. Kripalani:** Again, I say: What has the Government gained? Have they satisfied the parties concerned and have they satisfied their friends? Their friends have complained that there has been character assassination. But against whom is this charge made by their friends? It is made against the Congress people that they have assassinated their character. Congress people also raised this (Orissa) question. May I say, it was raised by an ex-Chief Minister of Orissa and it was raised by an ex-Governor of one of our States, who was once the great friend of Mr. Patnaik? It is said that highly placed persons in the Congress are the victims of character assassination. I assassinated the character of two persons, Mr. Menon, the ex-Defence Minister and Mr. Kaul, one of the Generals in the Army. I was responsible for character assassination. But who put the seal of its approval upon this character assassination the authorities themselves. They had to dispense with the services of these extraordinary geniuses, one both in civil life and military affairs and the other in military affairs? There were charges against Mr. Kairon. Everybody in authority said, it is character assassination. The late Prime Minister found out this word 'character assassination' as a very beautiful word. But I say: Who put the seal of approval upon what the Das Commission had said and asked the person

to resign but this Government? Again, there was character assassination in the case of our ex-Oil Minister who managed to find everyday a well of oil in some part of the other of India and who wanted to be called the oil king of India. Who put the seal upon what he was doing excepting the Government itself? Why do they call us character assassins? They have assassinated their own people and party and I give the credit for having done it. But they have done it under public pressure.

**Mr. Deputy-Speaker:** Now he must conclude.

**Shri J. B. Kripalani:** All right, Sir, I am going to finish.

Sir, it gives me no pleasure to say all these things against people who have been my companions in life. But I tell them, when the moral and democratic virtues of justice and fairplay are not observed, what remains is pure tyranny and dictatorship. It may be that it is a dictatorship of a majority but it is a dictatorship all right. Such a Government, whatever majority it may enjoy, has lost its moral right to rule the country. I am sorry I have been obliged to say all these things but not to say them would be the dereliction of duty.

15 hrs.

डा० राम मनोहर लोहिया (फर्रुखाबाद) :  
उपाध्यक्ष महोदय, श्री भद्रनाथ सेन की बहस सुनते समय सब के मन में एक सवाल उठा होगा कि क्या बात है कि कभी तो यह उड़ीसा के मन्त्रियों को दोषी बताते हैं और कभी निर्दोष बता देते हैं। इस सरकार की मुसीबत यह है कि वह क़ैसला नहीं कर पा रही है कि उड़ीसा के मन्त्री दोषी हैं अथवा नहीं। जब उससे कहा जाता है कि बड़ी, छोटी, चाहे जिस तरह की, एक जांच कमेटी बिठाओ जिसके सामने पूरी तरह से सब तथ्य आ सकें,

तब वह जवाब देती है कि किसी को बिना दोषी पाए हुए, निर्दोष को, दोषी कह कैसे सकते हो। और जब उससे कहा जाता है कि इतना बड़ा दोष आपके सामने आया, तो चागला साहब और सभी कह देते हैं कि आखिर हमने उनको दोषी बता तो दिया।

यह सरकार एक बात कहना सीखे। अगर उड़ीसा के ये दोनों मन्त्री निर्दोष हैं, तब तो यह सवाल उठना नहीं चाहिए, तब कहना चाहिए कि जांच वगैरह बिठाने की कोई जरूरत नहीं है। और अगर वे दोषी हैं और उनके दोष की हद पर बहस होती है कि किस हद तक उनका दोष है—प्राया वे जेल में रखने लायक हैं या नहीं, प्राया उनकी सम्पत्ति छीनने लायक है या नहीं—तो फिर उस पर जांच बिठाना जरूर हो जाता है। लेकिन मुसीबत श्री अशोक सेन की यह थी कि वह दो रास्तों पर एक साथ चलना चाहते थे। इसी लिए उन के दो पैर अलग अलग दिशाओं में जा रहे थे और यही सिलसिला इस सरकार का हमेशा चलता रहेगा। बहुत उलझन हो चली है। उनके विमारा में दो परस्पर-विरोधी बातें आ गई हैं। यही सबब है कि जो उनकी तरफ से उठता है, वह सीधा जवाब नहीं दे पाता है कि आखिर जब इतना मान लेते हो कि वे मुख्य मन्त्री बनने लायक नहीं थे, तो फिर जांच क्यों नहीं बिठाते। न ही वह इस बात का जवाब दे पाता है कि जब वे निर्दोष थे, तो उन बेचारों के ऊपर इतना अड़ंगा क्यों लगाया गया।

चागला साहब कल बोले। उन्होंने इस बात पर बहुत कुछ कहा कि गुप्त कागज को कैसे इन लोगों ने सामने रखा। चागला साहब के लिए गांधी जी का कोई बड़ा उदाहरण नहीं होगा, यह मैं मानता हूँ। लेकिन 1942 के अग्रस्त महीने में जब अंग्रेजों ने अपने सूचना विभाग से किसी तरीके से एक परिपत्र भेजा, तो गांधी जी ने खुद उस को छपवाया था और उन्होंने कहा था कि जनता के हित के लिए यह जरूरी है कि ऐसी चीजें छपी जायें। इस

पर एक कानून भी मैं चागला साहब को बताए देता हूँ। सरकार के पास जो ऐसे कागज हैं, जिन को वर्गीकृत कहा जाता है और जिन के इस्तेमाल से परदेशी प्लटन या राज्य को फायदा हो सकता है, उन को निकालना देश के लिए अपराध हो सकता है, लेकिन सरकार के पास जो ऐसे कागज हैं, जिनसे जनता का हित होता है और सरकार की चोरी पकड़ी जाती है, उनको निकालना जनता के हित में है और हमेशा करना चाहिए। वर्गीकृत कागजों और गैर-वर्गीकृत कागजों का यह फर्क मन्त्रियों को हमेशा अपने दिमाग में रखना चाहिए।

वैसे मैं चागला साहब के जमीर के बारे में कुछ ज्यादा नहीं कहना चाहता हूँ। दुनिया को उसके बारे में काफ़ी शक है, क्योंकि आज कल वह ऐसे आदमी के साथ बैठे हुए हैं, जिनके बारे में वह जज की हैसियत से कह चुके हैं कि वह कसम लेकर झूठ बोला करते थे। इसके अलावा अभी हाल ही में उन्होंने एक ऐसा काम किया, जिससे उनके जमीर पर शक होता है। कलकत्ता में एक वैज्ञानिक ज्योत शचन्द राय, को एक तरफ उन्होंने कहा कि एमेरीट्स वैज्ञानिक बन जाओ और दूसरी तरफ़ उनसे कहा कि तुम अपनी प्रयोगशाला में कदम नहीं रख सकते हो। कहीं जरूर दाल में काला रहा होगा। तभी ऐसे दो परस्पर-विरोधी हुकम उन को निकालने पड़ते हैं।

यह तो पृष्ठभूमि हुई। असली बात यह है कि आखिर यह मामला क्यों उठा करता है और कौन हैं यह पटनायक साहब। एक जमाना था कि मैं उन को जानता था। 1942 में वह बहादुर थे। उन्होंने खद मुझे अंग्रेजी राज के खिलाफ़ बहुत जोखिम उठाते हुए दिल्ली से कलकत्ता हवाई जहाज में उड़ाया था। कहां उनका बिगाड़ हो गया? बिगाड़ किया है उधर और इधर के सभी राजनयिकों ने, जिन्होंने चाहा कि ऐसे लोगों का इस्तेमाल

[डा० राममनोहर लोहिया]

अपने दल के हितों या अपने हितों के लिए कर सकें। और पटनायक जैसा आदमी, जो किसी कारखाने में या हवाई जहाज चलाने में या और किसी काम में रहना चाहिए था, उसको राजनीति में लाकर एक अड़ंगा खड़ा कर दिया गया, जिससे आज हिन्दुस्तान को नुकसान हो रहा है।

एक बात आप याद रखें कि इन्हीं पटनायक साहब और इन्हीं मित्रा साहब के बारे में क्या क्या सब लिखा जाता रहा है कि वह बड़े संगठन कुशल हैं, बड़े कार्य-क्षम हैं या बड़ा अच्छा काम कर सकते हैं, इसलिए उनकी जरूरत है। उनके बारे में यह भी कहा जाता था कि हिन्दुस्तान में नेतृत्व की एक नई पौध आ रही है—वहाँ आदर्शवादी पौध, वह बोलने वाली, विचारों को सामने रखने वाली पौध तो खत्म हो रही है—अब वह पौध आ रही है, नया नेतृत्व आ रहा है, जो हिन्दुस्तान में कुछ करके दिखायेगा अपनी संगठन-कुशलता और कार्य-क्षमता से। क्या थी वह कार्य-कुशलता? चुनाव जीत लेने की ताकत। चुनाव कहां से जीत लेते थे? अपनी पार्टी को पैसा दिला कर। पैसा कहां से दिलाया करते थे, जहां उसका जवाब आप देने आप बैठ जायेंगे, वहां आप को इस नतीजे पर पहुंचना पड़ेगा कि उनकी कार्य-कुशलता में भ्रष्टाचार निहित था, क्योंकि वह हिन्दुस्तान में ऐसी राजनीति को चलाना चाहते थे, जिसके द्वारा विजय पाते और विजय पाते, तो इन जरूरियों से पाते। इस कुशलता में भ्रष्टाचार निहित है।

इसी तरह आपने सुबह क्या देखा? श्री अशोक सेन ने बार-बार क्या कहा? यह कि श्री अनुसूच्य घोष साहब बड़े कुशल आदमी हैं, तीन तीन बार साधारण चुनाव जीत चुके हैं, इसलिए तुम को गुस्सा आ रहा है। मैं उस बहस में नहीं पड़ना चाहता। तीन बार चुनाव जीत चुके हैं न? उससे सब पाप धुल जाते हैं। जो चुनाव जीत जाता है, वह हजार पाप

करे, सब पाप धुल जाया करते हैं। (Interruptions). मैं जानता हूँ कि श्री श्री रघुनाथ सिंह और उनके जैसे बहुत से लोग बड़ी भूल करते हैं कि गद्दी पर बैठने वालों को और मुझ जैसे असहाय, कमजोर और अक्षम आदमियों को एक तराजू पर तोलने लग जाते हैं। यह बिल्कुल सही बात है। उनको याद रखना चाहिए कि अगर मुझ कभी ताकत मिली, तो मैं उन जैसे लोगों को जब दम्नी सोचना सिखाऊंगा। (Interruptions).

जब यह बात चल पड़ी कि क्या इस मामले में सारी जड़ में बर्झमानी है, तो मुझे कई बार लगता है कि बर्झमानी के अलावा नासमझी है और हमारे उस तरफ वाले जो दोहन कभी कभी यह नासमझ दिखा दिया करते हैं, खास तौर से मैं उन वामपंथियों से कहूंगा, जो अपने आप को समाजवादी कहते हैं—उन्हें समझना चाहिए कि जब वे हिन्दुस्तान की बहुरी चाहते हैं और चाहते हैं कि वह दान-स्वरूप जनता को मिल जाये, ऊपर से मिल जाये, तब यह भ्रष्टाचार होकर रहेगा, बर्झमानी होगी, सब कुछ होगा, क्योंकि वामपंथी अपनी राजनीति कहां से चलायेंगे? कोई मजदूरों के संघ बनायेंगे नहीं, किसानों के संगठन बनायेंगे नहीं, तो फिर उन को पैसा कहां से मिलेगा? एक तरफ चलाना समाजवाद और वामपंथ और दूसरी तरफ पैसा कमाना ऐसे ढर्रे से, तो नतीजा होगा कि जब वे ऊपर से समाजवाद लाने की कोशिश करेंगे, तो बर्झमानी हमेशा हो कर रहेगी, लेकिन अगर जनता को उभाड़ कर, उसको गरमा कर, उस में आग लाकर, क्रान्ति के रास्ते से समाजवाद लाने की कोशिश करेंगे, तो शायद ईमान आ जायेगा।

और जब मैं समाजवाद के बारे में यह कहता हूँ, तो उसके साथ साथ पूंजीवाद के बारे में भी कह देना चाहता हूँ कि आज क पूंजीवादी और आज का नकली दिखाऊ

वामपंथी, वह चाहे इधर हो या उधर,—मैं खाली उधर के लोगों को नहीं कह रहा हूँ वे कई दफा नाहक धरारा जाया करते हैं,—, ये जितने लोग हैं, ये सब मिल कर के हिन्दुस्तान की राजनीति को बिगाड़ा करते हैं ।

सवाल उठता है कि जब एसी बात है, तो यह सरकार गिर क्यों नहीं जाती है ? मैं कई दिनों से—खास तौर से कल और आज—यह सोचता रहा हूँ कि जब ये लोग इतने कुकर्म करते हैं, कभी उड़ीसा का कुकर्म, कभी काश्मीर का कुकर्म—इस वक्त में गिनाना नहीं चाहता—, एक से एक कुकर्म पड़े हुए हैं, छिपे हुए हैं, जो कभी खुलेंगे, तो फिर यह सरकार गिरती क्यों नहीं है । इसका जवाब इधर वालों को भी सोचना चाहिए । कहीं कोई गड़बड़ है । मैं मानता हूँ कि पचासों इतिहासिक कारण हैं, पिछले सत्रह बरस के कई कारण हैं, पचासों ऐसे कारण भी हो सकते हैं कि आखिर जब कोई एसी चीज जम जाती है, तो उसको उखाड़ने में देर लगा करती है । मैं अपना धैर्य नहीं खो रहा हूँ, दूसरे चाहे खो दें । लेकिन एक कारण मैं यह भी बताना चाहता हूँ कि हमारे दोस्त कांग्रेस वाले इस बात में सफल हो गए हैं कि आज हिन्दुस्तान की पूरी ताकतों का प्रतिबिम्ब अपने अन्दर ले लें । उड़ीसा वाले मामले में भी गन्दगी भी उन लोगों में है और जो चाहते हैं कि गन्दगी को झाड़ू देकर साफ कर दिया जाये, वे भी उनमें हैं—दोनों उन में हैं । इसका नतीजा यह होगा कि अगर कभी उड़ीसा का मामला ठीक हो जायेगा, तो उसका फायदा यही लोग उठा लेंगे । ये लोग सब विरोधों के आभास को अपने अन्दर मिला लेते हैं । इसी तरह और बहुत सी बातें हैं । मैं जानता हूँ कि न जाने कितने सूबों में किसी चीज को लेकर लोग कांग्रेस पर नाराज हैं ! तो आप जानते हैं कि नतीजा क्या होता है ? उधर कैरों साहब जब रहते थे तो थोड़ा बहुत सिख खुश रहते थे और जैसे ही कैरो साहब हट कर राम किशन साहब आते हैं तो हिन्दू कुछ खुश हो

हो जाते हैं और कहते हैं कि चलो हिन्दू तो आया । उसके बाद सिख सोचते हैं कि हमारा भी फिर नम्बर आयेगा । फिर यादव हैं, राजपूत हैं, दक्षिण है, उत्तर है । इतने विरोध कांग्रेस के अन्दर हैं कि वह आज सब विरोधों का संगम बन रही है । जब तक वह विरोध का संगम रहेगी तब तक देश का भला नहीं हो सकता है । उसके साथ साथ मैं यह भी कह देना चाहता हूँ कि आप दिमाग में देखो (इंटरप्रांज) में कोई कड़ा शब्द इस्तेमाल नहीं करना चाहता । दिमागों के अन्दर जब सब सिरोंधों का संगम हो जाया करता है तो फिर वह मनुष्य मनुष्य नहीं रह जाया करता है, फिर वह और कुछ हो जाया करता है । मेहरबानी करके आप मेरी बातों पर ध्यान दो । जहाँ आप सभी जातियों, सभी भाषाओं, सभी नीतियों, सभी हालतों, पवित्रता और गन्दगी सब का संगम बनते चले जा रहे हैं तो यह तो हो सकता है कि आप गद्दी पर कुछ और दिन बैठे रहो लेकिन आप के हाथों इस देश का मिटटी भर भी कल्याण नहीं हो सकता है । यह निश्चित बात है ।

इस वास्ते मैं कहना चाहता हूँ कि जड़ को देखना चाहिये कहां है यह जड़ इसको देखना चाहिये । इधर इशारा क्यों करते हो ? यह विरोधों का आभास यहां भी हो जाया करता है । इसीलिए हम आपको इतनी जल्दी गिरा नहीं पाते हैं ।

श्री अ० ना० बिद्यालंकार (होशियारपुर) : आपके अन्दर भी तो विरोधों का आभास है ।

डा० राम मनोहर लोहिया : हमारे अन्दर भी विरोधों का आभास है और उन्हीं विरोधों के आभास की वजह से हज़रत लोगों को कुछ दिन और रह जाने का मौका मिल जाया करता है । नहीं तो कहीं हम लोग बिल्कुल ठीक हो कर एक पथ पर चल पड़ते तो फिर आप . . .

**उपाध्यक्ष महोदय :** लोहिया साहब मेरे साथ बोलिये ।

**डा० राम मनोहर लोहिया :** मैं जानता हूँ कि आप उनको तो रोक नहीं सकते हैं मुझ को चाहे रोक दें ।

इसी के साथ साथ यह सारा मामला चलता है । यह जो चीज़ मैं कहने जा रहा हूँ इस पर मैं ज्यादा बहस नहीं करूंगा । आपको मैं यह दिखाता हूँ कि यह जो मामला है बेई-मानी का यह कितनी दूर चला गया है । मेरे पास एक साधारण आदमी आया बहुत दूर से बेचारा आया । मैं नहीं बताऊंगा कि कहां से । लेकिन जो चीज़ उसने एक सरकारी दूकान से खरीदी वह मैं आपको बतलाना चाहता हूँ । यह नई साड़ी उसने खरीदी । यह सही है कि वह लालच में पड़ गया उसने इसको कम दाम में खरीदनी चाही लेकिन जब वह घर गया तब उसने देखा कि यह साड़ी नई तो है लेकिन है इस ढंग की । मैं यह बतलाना नहीं चाहता हूँ कि यह कहां खरीदी गई है क्योंकि एक जगह की बात बतलाने से क्या फायदा ।

और यह बच्चों की खांसी की दवाई की शीशी है । इसको भी आप देख सकते हैं । यह बच्चों की दवाई है . . .

**एक माननीय सदस्य :** इस साड़ी को इस तरह से यहां कैसे फेंका जा सकता है ?

**Shri A. K. Sen:** May I, with due respect, suggest to Dr. Ram Manohar Lohia that he might not throw these things? It is only my humble advice to Dr. Ram Manohar Lohia that he might place it in a more proper place. The Gallery will not appreciate the way in which it is done here.

**Mr. Deputy-Speaker:** Dr. Ram Manohar Lohia need not throw saris like that at the Table. He can go on with his speech without doing so.

**Shri Thirumala Rao:** Is the Chair helpless to stop this sort of behaviour

in the House? Something should be done about it. He has no business to throw a sari like this at the Table.

**श्री गु० सिंह० मुसाफिर (अमृतसर) :**  
यह यहां ड्रामा हो रहा है या तकरीर हो रही है ? क्या यहां तमाशा इस तरह से हो सकता है ?

**Shri Thirumala Rao (Kakinada):** Is the Chair powerless to stop this sort of disorderly behaviour in the House? Something should be done about it.

**डा० राम मनोहर लोहिया :** सेन साहब मुन लो मेरी बात । आप कैसी बात कह रहे हैं . . .

**श्री हुकम चन्व कछवाय :** उपाध्यक्ष महोदय यह साड़ी सरकारी दूकान से ली गई है वहां से यह खरीदी गई है ।

**Shri R. S. Pandey:** On a point of order. A sari was displayed on the floor of the House. . . .

**Mr. Deputy-Speaker:** It is not placed on the floor of the House. I do not accept it. It will be returned to him.

**Shri R. S. Pandey:** I want to know whether any hon. Member is entitled to display any article, sari or bottle containing something, in this House or not. I want to have your precise ruling on this matter from you.

**Shri Hari Vishnu Kamath:** Under what rule is this point of order being raised?

**Shri R. S. Pandey:** The House is meant for discussion, not for demonstration. This is not a drama-house. (Interruptions).

**डा० राम मनोहर लोहिया :** मैंने नहीं फेंकी । मैं दिखा रहा हूँ । मैंने तो खाली ऐसे दे दी थी ।

यह शीशी है बच्चों की खांसी की दवाई की । इस शीशी में न जाने कौन कौन से . . . (इंटरप्शंस) ।

यह भ्रष्टाचार का नमूना है जो हिन्दुस्तान में हो रहा है।

श्री रामेश्वरानन्द : उपाध्यक्ष महोदय . .

श्री राम सहाय पाण्डेय : अरे बंटे रहो।

श्री रामेश्वरानन्द : तुम बंटे रहो।

श्री हुकम चन्द कछवाय : हल्ला करके हमें दबाना चाहते हैं ?

**Mr. Deputy-Speaker:** Order, order. All the hon. Members who are on their legs may please sit down. I am very sorry at this.

**Shri Thirumala Rao:** Will you please allow me to make one submission?

**Mr. Deputy-Speaker:** The hon. Member may please sit down when I am on my legs.

I am very sorry that such things should happen in the House. Saris should not be thrown at the Table, nor should bottles be thrown. The hon. Member can merely show them. (Interruptions).

Order, order. Hon. Members may please sit down. They cannot shout like this. Hon. Members can speak anything, but they should observe some decorum in the House.

श्री गु० सि० मुसाफिर : बहस का यहां कुछ मैयार होना चाहिये पार्लिमेंट में बोलते वक्त कोई मैयार तो होना चाहिये। यहां कोई ड्रामा नहीं हो रहा है तमाशा नहीं हो रहा है मदारी का खेल नहीं हो रहा है।

**Mr. Deputy-Speaker:** It is only when the sari was thrown at the Table that some hon. Members behaved like that.

**Shri Thirumala Rao:** This is an act of open discourtesy to the House and against the traditions of the House. I request you, on behalf of the majority of the Members of this House to refer this matter to the Privileges Committee. The Privileges Committee must give a verdict on this. For,

tohorror, my hon. friend may bring a missile or a bomb and throw it.

श्री राम सेवक यादव : इनको तमीज़ नहीं है। इस तरह से हल्ला मचाते हैं। तमी होनी चाहिये मन्त्रियों और इन माननीय सदस्यों को।

**Shri Raghunath Singh:** May I remind you, Sir, of the ruling given by the late Shri Mavalankar when Dr. Syama Prasad Mookerjee tried to do a similar thing on an earlier occasion? When Dr. Shyama Prasad Mookerjee, in the course of one of his speeches, had shown certain things and said that these were the things and so on, Shri Mavalankar checked it and said that he had got no right to show them like that. That is the ruling of the House that nothing can be produced or exhibited in that manner.

**Mr. Deputy-Speaker:** Things have been shown in the House before. I cannot rule it out. But a thing should not be thrown like that. Things can be exhibited; in fact, even rotten grains have been shown here. They can be shown, but no theatrical should be done and nothing should be thrown at the Table.

Now, Dr. Ram Manohar Lohia may continue his speech.

श्री हुकम चन्द कछवाय : हम भी बोलें अगर आप उनको मौका देंगे। लोहिया साहब का भाषण होना चाहिये और इन लोगों को को आपको बन्द करना चाहिये।

**Mr. Deputy-Speaker:** Those things will be returned to the hon. Member. I am not bound to accept them.

श्री दलजीत सिंह (उना) : मैं अदब से दरख्वास्त करता हूँ कि जो साड़ी लाई गई है प्राया वह किसी की उठा कर फाड़ लाए हैं क्योंकि वह तो अभी अविवाहित है ?  
(इंटरफ़ॉज)

श्री रामेश्वरानन्द : इनको रोकिये। ये कैसे बोलते जा रहे हैं ?

**Shri Parashar (Shivpuri):** I want to raise a question of privilege.

**Mr. Deputy-Speaker:** I am not allowing Dr. Lohia to place them on the Table . . .

**Shri Parashar:** I would submit that hon. Member Dr. Lohia has violated the privileges of the House. I support Shri Thirumala Rao and I would request that this question should be referred to the Privileges Committee.

**श्री हुकम चन्द कछवाय :** ये किस नियम के अधीन बोल रहे हैं ?

**Shri Muthyal Rao:** I request you to ask the hon. Member to remove these things from the Table.

**Dr. Deputy-Speaker:** They will not be placed on the Table of the House. I am not accepting them.

**Shri Muthyal Rao:** The Table is meant for papers, and not for saris and bottles.

**श्री हुकम चन्द कछवाय :** ये किस नियम के अधीन बोल रहे हैं ?

**डा० राम मनोहर लोहिया :** ये जो बातें मैंने बताई हैं ये खाली एक जगह के लिए नहीं हैं। आज सारे हिन्दुस्तान में सभी वर्गों के खिलाफ ऐसे काम हो रहे हैं। हिन्दुस्तान ज्यादातर भ्रष्ट हो चुका है। इसलिए इस प्रश्न का हल निकालने की कोशिश आपको करनी चाहिये न कि माननीय सदस्य खाली आरोप प्रत्यारोप उड़ा दिया करें। जैसे उनके ऊपर कोई आरोप लगाता है और कहता है कि वे बेईमान हैं और उनका यह फर्ज हो जाता है कि वे साबित करें कि ईमानदार हैं महज इससे काम नहीं चल सकता है। हमें देखना होगा कि आखिर देश को हो क्या गया है ? आज हम इस अवस्था पर पहुंच क्यों गये हैं ? बड़े लोग बड़े मामलों में भ्रष्ट होते हैं और उनकी देखा देखी छोटे लोग छोटे मामलों में भ्रष्ट हो गये हैं।

जहां हम इसकी जड़ ढूँढने जाते हैं जहां उड़ीसा का मामला आया वहां बिहार के

मामले को भी मैं बता देना चाहता हूँ। मैं नहीं चाहता कि बिहार के मुख्य मन्त्री के लड़कों के बारे में कुछ कहूँ। मैं उसके पहले चाहता था कि प्रधान मन्त्री के सुपुत्रों के बारे में और उनके जो उनसे सम्बन्ध हैं उसके बारे में कह दूँ।

15.20 hrs.

[MR. SPEAKER in the Chair]

लेकिन यहां पर एक बात कहना मैं आवश्यक समझता हूँ। एक बेरिल नाम की धातु को किसान के खेत में पाकर, जिस तरह से उन लोगों ने पैसा बनाया है

यह कोई एक उड़ीसा का मामला नहीं है। चारों तरफ बात बिगड़ी हुई है। बिहार के ऊपर जो फैसला दिया है कैबिनेट सब कमेटी ने वह क्या है कि "साधारण तौर पर कोई खराबी नहीं पाई गई।" "साधारण तौर पर" कहा गया है। और उस के साथ यह कि "जो हम ने सब मामला इकट्ठा किया उस मामले से कोई बात साबित नहीं होती है।" तो आखिर अगर ऐसी बात बड़ जात है तो सरकार का यह फर्ज हो जाता है कि वह सारे मामलों को या तो जनता के सामने लाये या उन के ऊपर अच्छी तरह से जांच बैठाये और अच्छी तरह से मुकदमा चलाये। यह कह देना कि हम लोग मुकदमा चलायें कोई खास मतलब नहीं रखता क्योंकि जो सरकार के मंत्री हुआ करते हैं उन के खिलाफ कोई गैरमन्त्री या बाहर का आदमी मुकदमा चला कर जीत सकता है, चाहे वह हजार सच्चा हो, यह सही नहीं है। वह मुकदमा तो तभी अच्छी तरह से चल सकता है जब सरकार के अपने कागज जनता के सामने और अदास्त के सामने आयें। आखिर जड़ कहां है। जड़ है कि छठ सत्तरह वर्षों से सम्पत्ति के मामले में, जीवन स्तर के मामले में, हिन्दुस्तान का विचार बिगड़ चुका है। हर आदमी चाहता है कि सम्पत्ति बढ़ाये, अपने जीवन स्तर को ऊंचा करे। बाकी जनता को तो मैं क्या कहूँ, मैं इस बक

काबीना के खाली 15 आदमियों के ऊपर कहना चाहता हूँ जोकि देश की पूरी बाग-डोर अपने हाथ में लिये हुए हैं कि काबीना के पन्द्रह आदमियों में से एक भी आदमी ऐसा नहीं है जिस ने पिछले सत्तरह वर्षों में अपने जीवन स्तर को ऊंचा नहीं किया हो या जिस ने अपनी सम्पत्ति न बढ़ाई हो। फिर भी अगर इसे समाजवाद कहा जाता है तो यह ठीक नहीं हो सकता।

तो जब सारे देश के सामने सम्पत्ति बढ़ाने और जीवन स्तर को ऊंचा करने का आदर्श हो जाया करता है तो उड़ीसा जैसा भ्रष्टाचार अवश्यम्भावी है। इस के साथ साथ यह भी अवश्यम्भावी है कि कानून मंत्री कभी तो यह कहें कि वह निर्दोष हैं और इसलिये उन के ऊपर जांच बैठाने की जरूरत नहीं, और कभी यह कहें कि हम कितने अच्छे हैं कि आज उन को हम ने कहा तो कि तुम दोषी हो। इस तरह से अगर बातें ठीक करनी हैं तो जरा अपनी सरकार की तरफ भी देखो कि कहां यह गड़बड़ हुआ करती है।

मैं देखता हूँ कि आप कुल 59 आदमी हो मंत्रिपरिषद् में। 59 आदमी। उन में से ज्यादा से ज्यादा पन्द्रह आदमी जेल गये हुए हैं। मैं यह नहीं कहना चाहता कि जेल गये हुए आदमी ज्यादा अच्छे होते हैं हर हालत में बनस्वित जेल न गये हुएों के, लेकिन आखिर जिस चीज पर आप इतना धमंड करते हैं कि हम ने हिन्दुस्तान की क्रान्ति में हिस्सा लिया है, तो क्रान्ति में हिस्सा लेने वालों की कितनी जगह है आज आप की मंत्रिपरिषद् में। मुश्किल से 30 सैकड़ा। फिर कोई मुझ से कह सकता है कि योग्य लोग चागला साहब जैसे और कृष्णभाचारी जैसे क्यों न मंत्रिपरिषद् में लिये जायें। क्या जो लोग जेल नहीं गये उन को महरूम कर दिया जाये। तो मेरा जवाब यह होता है कि जो जनता बेचारी किसान मजदूर और नीचे स्तर वाली है वह कहां मंत्रिपरिषद् में बैठती है। मंत्रिपरिषद् में बैठते हैं वे लोग जो हमेशा पुस्तैनी

गुलाम रहे हैं और नं० 2 के राजा होना जानते हैं। नं० 1 का राजा बदलता रहा है। मोगल राज्य खत्म हुआ। अंग्रेज राज्य आता है, अंग्रेज राज्य जाता है। कांग्रेसी राज्य आता है। नं० 1 का राजा बदलता है लेकिन जो नं० 2 के पुस्तैनी गुलाम हैं वह हमेशा अपनी इन्हीं जगहों पर बैठे रह जाते हैं। अगर आप मुझ से जानना चाहें कि आज देश इतनी सड़ी हुई हालत में क्यों पहुंच गया है तो उस का सब से बड़ा सबब है कि हम लोग आज तक रास्ता नहीं जान पाये कि पुस्तैनी गुलामों को किस तरह से अपने काबू में ला सकें।

मैं जानता हूँ कि हमारे दोस्त लोग जो सामने हैं उन में से करीब 100 आदमी ऐसे हैं जो लखपती से ऊपर की हैसियत के हो गये हैं। वे आज इस तरह की हुकूमत की रखना चाहते हैं। लेकिन मैं नम्रता से कहना चाहता हूँ कि इन में से 100 आदमी ऐसे हैं जो कम से कम भाषा और जाति के मामले में यहाँ बैठे हुए आदमियों से ज्यादा अच्छे हैं। भाषा और जाति के मामले में मैं कई बार सोचता हूँ कि क्या चीज है जो हिन्दुस्तान इतना बिगड़ा हुआ है। क्यों नहीं आप लोग कुछ करते, क्यों ऐसी हुकूमत को अपने ऊपर लादे हुए हैं। अभी मैं इस सवाल को यहाँ ही छोड़ता हूँ, लेकिन बड़ी नम्रता से आप लोगों के सामने यह सवाल रखता हूँ कि आप में से 100 आदमी ऐसे हैं जो जाति और भाषा के मामले में चाहे अच्छे हों लेकिन सरकार के कुकर्मों में साझेदारी कर रहे हैं। इस पर मेहरबानी करके आप जरा सोचिये।

हर हालत में क्रान्ति कैद हो गई है। या तो क्रान्ति हो ही नहीं पाई सत्तरह वर्ष पहले पूरी तरह से, और अगर हुई तो उसे कैद में रखा गया और सत्तरह वर्षों से निर्णयहीनता के दलदल में हर चीज फंसी चली जा रही है। बारूद फूटी भी तमाम इसाकों में भाषा को ले कर के।

[डा० राममनोहर लोहिया]

लेकिन मैं एक चेतावनी देना चाहता हूँ कि पिछले सत्तरह वर्षों से निर्णयहीनता के कारण एक एक सवाल पर अलग अलग बारूद इकट्ठी हो गई है क्योंकि सवाल को हल करने की कोई कोशिश यह सरकार नहीं कर पाती, और वह बारूद अब हर सवाल पर अलग अलग फटेगी जब तक यह सरकार है तब तक इसे कोई रोक नहीं सकता। बारूद फटती चली जायेगी और देश का बिगाड़ होता चला जायेगा।

सांप को छोड़ना नहीं चाहिये और कोई छोड़ दे तो छोड़ना नहीं चाहिये। भाषा के सांप को इन लोगों ने छोड़ दिया फिर छोड़ दिया। सम्पत्ति के सांप को इन लोगों ने छोड़ दिया फिर छोड़ दिया, जाति के सांप को छोड़ दिया फिर छोड़ दिया। सत्तरह वर्ष से खाली यह लोग सांप छोड़ना जानते रहे हैं, सांप को खत्म करना नहीं जानते। यह स्थिति ऐसी है जिस पर सदन को सोच विचार करना चाहिये। हमें क्या है, दो तीन, चार पांच वर्ष दस वर्ष रह गये हैं, लेकिन तुम मेरे जैसे भ्रादमी की बातों को सुन लो। लोगों का दिल टूटता है कि कहां आपने देश को लाकर रख दिया है। आज इस समय लोक सभा के नेता नहीं हैं, लेकिन नेता साहब को जानना चाहिये कि किस तरह से अपने दरबार को चलाया जाये। कैसे बहुसंख्या को रक्खा जाये, इस लोक सभा में किस तरह से हिन्दुस्तान के हित और अनहित की बातों को लाना चाहिये। राज दरबार हमेशा से बड़ा कठोर हुआ करता है राज दरबार में आम तौर से द्रोपदी का चीर हरण हुआ करता है, और जिस पर जुल्म होता है उसी को कहा जाता है कि यह भ्रादमी निकम्मा है।

इतना ही नहीं, मैं आपको बतलाऊँ कि उस दिन मुझे कितना बुरा लगा था जब कम्युनिस्ट पार्टी के नेता ने बाकायदा आपको उकसाया कि मुझ जैसे भ्रादमी से

यहां लोक सभा की शोभा नहीं बढ़ती है लेकिन आज मुझे अफसोस हो रहा है कि यह कहते हुए कि श्री हीरेन मुकर्जी कौन हैं। उनको थोड़ा सा भ्राप जान लीजिये। जब हमारी विधायी उम्र के लोग भ्रंशों से लड़ते हुए कलकत्ते में पुलिस के द्वारा पकड़े जाते थे तब श्री हीरेन मुकर्जी साहब पुलिस को बतलाया करते थे कि कौन से लोग अनुशासन तोड़ते हैं। वही काम वे आज तक कर रहे हैं। इस तरह की सभी चीजें वे आज तक भ्रदा कर रहे हैं। (Interruptions).

इसके साथ जनता की दृष्टि टूट जाया करती है और सारे देश की दृष्टि इस वक्त टूट चुकी है। मैंने पहले बतलाया कि इस सरकार की दृष्टि कैसे टूट चुकी है विपरीत दिशाओं में जा कर के। मैंने एक दफे कहा था कि सरकार के एक माथे की जगह दो माथे हैं, लेकिन थोड़े दिनों से मुझे ऐसा लग रहा है कि वह माथा रह ही नहीं गया है। जैसे मैंने तस्वीर देखी है एक खास मुर्गी की कि वह सर कटा देने के बाद भी चलती रहती है, उसी तरह से श्री अशोक सेन से मैं कहना चाहता हूँ कि उनकी सरकार का सिर कट जाने के बाद भी जो वह चलती रहती है उसका सब से बड़ा अपराध मेरे जैसे भ्रादमियों का है जो इस सरकार को देश में चलने देते हैं। लेकिन वास्तविकता यह है कि भ्राप किसी चीज पर निर्णय ले नहीं पाते, किसी चीज पर सोच नहीं पाते, किसी चीज पर फ़ैसला करके काम को बढ़ा नहीं पाते, किसी ईश्वर या खुदा के ऊपर अपनी तकदीर को लटका कर कहते हैं कि हमारा साथ निभाये जाओ। क्योंकि हम लोग निकम्मे हैं।

अध्यक्ष महोदय : अब माननीय सदस्य खत्म करें।

डा० राम मनोहर लोहिया : मेरी कुछ बात रह जाती है। मैं जल्दी जल्दी में

पांच सात मिनट में एक एक वाक्य में अपनी बात कहे देता हूँ, अगर आप आज्ञा दें ।

**अध्यक्ष महोदय :** आपके ३० मिनट हो लिये । आप अभी कह रहे थे कि कम्यूनिस्ट लीडर मुझसे कहते हैं कि मैं आपकी बहुत रियायत करता हूँ ।

**डा० राम मनोहर लोहिया :** आप उनकी बातों को जरा कम सुना करें ।

**अध्यक्ष महोदय :** मेरे लिये सभी मेम्बर एक जैसे हैं । मुझे सबको सुनना पड़ता है ।

**डा० राम मनोहर लोहिया :** खाली कानून कायदे की बातें मैं कह रहा हूँ । अगर आप आज्ञा नहीं देते तो मैं बैठ जाता हूँ ।

**अध्यक्ष महोदय :** आप दो मिनट और ले लीजिये ।

**डा० राम मनोहर लोहिया :** मुझे पांच, सात मिनट और दे दीजिये । मैं असल में कुछ सिद्धान्त की बातें कहना चाहता हूँ । मैं जानता हूँ कि उसमें समय बरबाद ही होता है ।

असल में गड़बड़ी क्या हुई ? समाजवाद का नाम हमने बहुत लिया । पिछले 17 बरसों में समाजवाद का नाम बहुत लिया । लेकिन समाजवाद हर किसी अन्य सिद्धान्त की तरह, एक होता है थोक एक होता है फुटकर, एक होता है सगण एक होता है निर्गुण, एक होता है सिद्धान्त, एक होता है कार्यक्रम । तो इन्होंने समाजवाद की थोक दुकान खोली, फुटकर दुकान नहीं खोल सके । हरे समाजवाद, हरे समाजवाद, हरे समाजवाद सुनाई देता रहा । लेकिन मैं बताता हूँ कि थोक से फुट कर की ओर आओ, सिद्धान्त से अमल में आओ । समाजवाद से एक सीढ़ी नीचे उतरते, उस सीढ़ी का नाम है बराबरी । उस बराबरी से एक सीढ़ी और नीचे उतरते,

आर्थिक बराबरी, समाजिक बराबरी, राजकीय बराबरी, धार्मिक बराबरी । उससे एक सीढ़ी और नीचे उतरते । क्या है आर्थिक बराबरी । तब उसके बाद आणी समता, सम्पूर्ण समता, सम्भव समता । सम्पूर्ण समता का सपना देखो । मैं बचपन में यह सपना देखता था, और अभी भी कभी कभी देख लेता हूँ । लेकिन सम्भव समता । आज के देश और काल को देखते हुए कितनी समता ला सकते हो अपने देश में । तब एक सीढ़ी और नीचे उतरते और तब अधिकतम और न्यूनतम की सीमा लगाओ । सब से ज्यादा कितना और सब से कम कितना ?

अष्टाचार की बात सुनते सुनते मेरे कान पक गए हैं । यह सीमा बांधो, सब से ज्यादा और सब से कम । मैं समझता हूँ कि आज देश काल की स्थिति को देखते हुए एक हजार और एक सौ की सीमा अच्छी होगी । लेकिन सोच लो उसके ऊपर अच्छी तरह ।

मान लो कि ऐसी सरकार बन जाए जो मेरे कहने में चले तो मैं कहूंगा कि न्यूनतम सीमा को उठाने में तो पांच वर्ष या सात बरस लग सकते हैं, लेकिन जो ऊंचा है उसको गिराने में दो तीन महीने से ज्यादा वक्त नहीं लगना चाहिए । तो जो अधिकतम है उसे गिराओ और पूंजी बनाओ और उसको लगाओ कारखानों में और खेती में । और तब एक सीढ़ी और नीचे उतरते और देखो कि समाजवाद का मतलब क्या होता है ।

1. प्राथमिक स्कूल सब एक ही ढंग के होने चाहिए, चाहे उन में राष्ट्रपति का बच्चा पढ़े या भंगी का बच्चा । मैं कालिजों और विश्वविद्यालयों के लिए नहीं कह रहा हूँ, केवल प्राथमिक स्कूल ।

[डा० राममनोहर लोहिया]

2. रेलगाड़ी में एक दरजे को छोड़ कर बाकी सब दरजे खत्म कर दिए जाएं ।
3. एक हजार रुपए महीने से ज्यादा किसी को खर्च न करने दिया जाए । और
4. अंग्रेजी को खत्म करो । मैं यह कहे देता हूँ कि अंग्रेजी का इस्तेमाल करते हुए देश में समाजवाद लाना नामुमकिन है, ढोंग है और झूठ है । तो अंग्रेजी को खत्म करो ।

उसके साथ साथ एक बात और कहना चाहता हूँ ।

5. हिन्दुस्तान में जो भी तीस या 31 करोड़ एकड़ जमीन है उस जमीन के लिए बिना सिंचाई के रेट के लिये हुये किसान को पानी दो । जब तक ऐसा नहीं होता समाजवाद नहीं आ सकता ।

लोग हमसे कहती हैं कि बातें तो तुम बहुत करते हो लेकिन चुनाव में तो कांग्रेस ही जीतती है । उसके लिए भी मैं एक सुझाव देता है । वह कैसे जीतती है ? आप देख चुके हैं । श्री अतुल्य घोष, श्री संजीव रेड्डी, श्री कृष्णामाचारी और श्री लाल बहादुर शास्त्री, जो हमारे प्रधान मंत्री हैं, ये जितने लोग हैं सभ की दुरवस्था हो जाया करती है क्योंकि अपनी पार्टी को जिताने के लिए ये षोण देश में सब तरह के कुकर्म किया करते हैं । अच्छे काम के लिए कुकर्म ।

अध्यक्ष महोदय : अब आप खत्म करें ।

डा० राम मनोहर लोहिया : मैं एक मिनट में खत्म करता हूँ ।

पहली बात तो मुझे यह कहनी है कि चुनाव के समय में कम से कम ये चीजें हों :

1. चुनाव वाले दिन चुनाव क्षेत्र में मोटर बिल्कुल न चलें ।
2. जो परची उम्मीदवार बांटा करते हैं वह गैर कानूनी कर दी जाए और सरकार की तरफ से परची सभी लोगों के चुनाव चिन्हों की बांट दी जाए, वोटर के नम्बर समेत ।

और उसके साथ साथ मैं यह बहुत जोरों से अपील करना चाहता हूँ कि हिन्दुस्तान का प्रधान मंत्री हिन्दी इलाके का हरगिज न हो, क्योंकि अगर वह रहता है तो संविधान भंग होता है, जीभ का निरादर होता है, सभी कामों में अड़ंगा आ जाता है । जब मैं यह कहता हूँ तो मेरा यह मतलब नहीं है कि तमिल ही प्रधान मंत्री हो । कोई भी हो, गुजराती हो, मराठी हो, बंगाली हो, तमिल हो । अगर बंगाली और तमिल प्रधान मंत्री बनेगा तो मैं उससे नहीं कहूँगा कि आप अंग्रेजी में मत बोलो, हालांकि मुझे अपेक्षा रहेगी कि वह न बोलें । लेकिन अगर गुजराती और मराठी प्रधान मंत्री होगा तो मैं उससे कहूँगा कि वह सदन में अंग्रेजी में न बोलें । जब तक अंग्रेजी बोलना . . . . .

अध्यक्ष महोदय : बस अब इससे ज्यादा नहीं ।

Shri Khadilkar (Khed): Mr. Speaker, Sir, yesterday while I was watching the mover of the motion, Shri Surendranath Dwivedy flashing some papers in his hand, I was reminded of a juggler who performs in a village. (Interruption.)

Mr. Speaker: Order, order.

Shri Khadilkar: The juggler takes out the tools of his trade one after

another in order to hypnotise his village audience and asks the village urchins to clap.

**Shri Hem Barua:** We are not urchins. Are you an urchin?

**Shri Khadilkar:** Please sit down. *(Interruptions).*

**Mr. Speaker:** Should not the other party have a right to speak even? Every member of the other party should not be interrupted.

**Shri Khadilkar:** The village urchins are asked to clap—*tali bajao*, in order to create a complete impression of hypnotism, so that the show will be more impressive. In the end, he brings out his last tool, which is supposed to be a human bone. In the manner he brought out one letter written by Mr. Kohli to the Home Ministry and this created the atmosphere of jugglery. This is being supported by the people sitting behind him and by the people who clapped. We are considering the reality and the concrete issues laid before this House. He was supported by his so-called supporters, whole-hearted, partial hearted and half-hearted. We should realise that this atmosphere and this illusion that he has created has no basis in reality.

**Shri Priya Gupta:** A cleverer juggler is stronger too.

**Shri Khadilkar:** Sir, this is the second no-confidence motion within seven months. I thought that this opposition would behave more responsibly when bringing such motions because this is not a motion which can be looked at from a frivolous point of view or brought forward in a frivolous manner. What has happened in Orissa, Sir? *(Interruption).*

**Mr. Speaker:** Will he be allowed to proceed or not? *(Interruptions\*\*)* Order, order. Whatever is being said

against my consent will not be recorded.

**Shri Khadilkar:** The Orissa affair is being discussed. The former Chief Minister Mr. Patnaik and his successor Mr. Biren Mitra have been charged. But, on this occasion, I cannot forget, and the party cannot forget, what he did during the last election. He liquidated the remnants of feudalism in Orissa, a very backward State. The Congress Government was at the mercy of the Rajas and Maharajas. Small groups were bargaining. They were defeated, they utterly collapsed in that election.

**Shri Hem Barua:** And that is why Patnaik should be corrupt?

**Shri Khadilkar:** Therefore, I want to say that these elements have combined now. There is a sinister conspiracy to find out and try to connect the Congress organisation with certain incidents. I am not going to condone, nor do I want to minimise what took place in Orissa.

But let me remind the Mover of the Motion what he has himself admitted on the floor of the House. Shri Patnaik may be a great adventurer, but I must say that he is a chivalrous person.

**Shri Ranga:** Is it?

**Shri Khadilkar:** The Mover has admitted on the floor of the House that during the last election he had taken some money from him.

**Shri Surendranath Dwivedy:** Yes.

**Shri Khadilkar:** And then, what did he say? "I have used it to defeat a Congressman."

**Shri Surendranath Dwivedy:** For the purpose for which it was meant.

**Shri Khadilkar:** What a standard of public life is this hon. Member, who comes forward with these charges—I know there are certain allegations, I am coming to them—

\*\*Not recorded.

[Shri Khadilkar]

laying down to be imitated by his party compatriots! I am not sparing Shri Patnaik for whatever has happened in Orissa, but the hands of hon. Member who moves this motion are not as clean to charge the Congress Government. . . .

**Shri Surendranath Dwivedy:** I can question anybody in the world to say that. Let Shri Patnaik or Shri Mitra or Shri Khadilkar have that much of strength and conviction to say that they have usurped authority and made thousands and lakhs of money. I admitted that. That very matter was raised in this House. I gave a personal explanation. It is recorded in the proceedings of the House. I admitted that when Shri Patnaik was nobody in the world; he was a businessman in 1956 December. I collect money from everybody. I say I have collected that money, and I admitted it, and this silly argument has been advanced as an argument against this motion. I do not want that this Member should bring down the level of the debate to such a level.

**Mr. Speaker:** Order, order. I am surprised.

**Shri Surendranath Dwivedy:** I did not raise any personal matter whatsoever. I was very careful from the very beginning.

**Mr. Speaker:** When I stood up he ought to sit down.

**Mr. Speaker:** I should not have? stood up.

**Mr. Speaker:** I should not have?

**Shri Ranga:** Under that provocation he rose to offer an explanation. You should give him an opportunity.

**Mr. Speaker:** If I stand up, I have something to say, and therefore, that should be heard.

**Shri Surendranath Dwivedy:** These things cannot be permitted. It has been reported in this House, it is

recorded in the proceedings of the House. Again the same thing is being said. Bring the proceedings and read it.

**Shri Khadilkar:** I am prepared.

**Shri Surendranath Dwivedy:** Read the proceedings if you have the guts.

**Mr. Speaker:** Order, order. He would not allow me to say a word.

**Shri Ranga:** It is not one word. What is the use of any Member inveighing against him over his integrity?

**Mr. Speaker:** I am surprised at the leader of the Swatantra Party. I am saying that he does not allow me to say a word. Then he misunderstands me and twists it in another way.

There is one thing I must bring to the notice of Shri Khadilkar. Here, we are not discussing the conduct of Shri Dwivedy. Therefore, whatever his public conduct might be, we ought to be careful, because if we make personal attack here, one against the other, there would be no debate at all on the subject that we have before us.

**Shri Khadilkar:** I bow to your ruling.

**Shri Surendranath Dwivedy:** You are not capable of doing anything.

**Shri Khadilkar:** I will avoid it.

**Mr. Speaker:** Therefore, he should not refer to these things, whatever personal character he might have.

Even if I wanted to say that, I am not allowed to say. How can I regulate the debates?

**Shri Ranga:** If you take it in that light, it is very difficult.

**Mr. Speaker:** The moment he made that remark, I got up, but I was not allowed to say a word.

**Shrimati Yashoda Reddy (Kurnool):** The remark of the Swatantra Party leader that the Speaker should not

get up may be expunged. No Member has the right to say you should not stand.

**Mr. Speaker:** That should rather remain on the record for the future generations to see.

**Shrimati Yashoda Reddy:** No Member can tell the Speaker that he should not get up. That is not proper.

**Shri Morarka:** It is not proper that a Member should say that the Speaker should not get up.

**Mr. Speaker:** I would prefer this remaining on the record.

**Shri Shinkre:** He has already explained what he meant.

**Shri Khadilkar:** When we think of Punjab affairs and Shri Kairon or of Orissa affairs and Shri Patnaik and Shri Mitra, we must bear one thing in mind, that their leadership had some initiative—I am not going to condone them—they had a little drive. If you go to Punjab, people still remember what he has done. He has done certain wrong things, he has done certain things under family pressure, but it must be remembered that he has done a marvellous thing for Punjab.

15.47 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The same thing has happened in Orissa. (*Interruption*). I am not making it an argument. Have some patience and a little understanding.

If they ignore or bypass the procedure it is because procedure-bound administration sometimes brings things to a standstill. Procedure sometimes becomes an obstruction, and sometimes new procedures have got to be evolved if we want to transform society and build a new civilisation. He did it, but he committed mistakes. If you take the initiative, if you are adventurous, if you are having full drive in certain matters, in certain programmes as Chief Minister or leader, you must take care to see that you do not slip from the highest standards of public conduct or the

standards of integrity that must be always kept in sight. Unfortunately, these lapses have occurred.

But what is the contention of the Opposition? Let us try to examine it, because this problem should not be befogged, as some Members in the Opposition have tried by uttering certain general platitudes, or accusing Members of the Congress Party and the Government with all sorts of things. I am not going to indulge in that.

The main question is this. Why has Government not appointed a commission of inquiry? Let me go into that. Unfortunately the Opposition has not gone through the ruling of the Supreme Court. For their benefit, I would like to read out the Supreme Court decision regarding one important matter. The Supreme Court has held in Ramkrishna Dalmia vs. Tendolkar that a commission of inquiry is only a fact-finding body to inform the Government of the factual position in certain issues and its findings cannot form the basis for any civil or criminal action. If they had gone through this ruling of the Supreme Court, they would not have shown such infatuation and clamoured for an inquiry. What is the purpose of the enquiry?

**Shri Hari Vishnu Kamath:** A member of the Santhanam Committee is saying this.

**Shri Khadilkar:** What has the Cabinet sub-committee said? I am coming to that. A commission of inquiry was not appointed because at the time of the last no-confidence motion the Prime Minister announced that he was going to implement the Santhanam Committee's recommendations, and there he said he had evolved a code of conduct. If the Opposition had taken care to go into all these things, they would have found that to establish a *prima facie* case certain preliminaries have got to be done.

While looking at the evidence and going into the details, did the Cabinet

[Shri Khadilkar]

sub-Committee get all the evidence or not, when they gave their findings? That is another issue that is haunting their minds. I am coming to that issue also. Sir, fifteen minutes were taken in interruptions and I was just sitting like this. I should be allowed some more time. I shall finish my points in a short time. There is the question of finding out whether it was judicious or not. The Opposition wants that those who are accused should be hanged on the basis of a police report.

**Dr. M. S. Aney (Nagpur):** No.

**Shri Surendranath Dwivedy:** Nobody wants that.

**Shri Khadilkar:** The Cabinet Sub Committee did not rely on the CBI report only. They have the Accountant-General's and Auditor-General's reports with them; they heard the personal explanations.....

**Shri Surendranath Dwivedy:** Let the Law Minister say that he has got those reports. The Law Minister does not say that these are with him. Let him say so now.

**Shri Khadilkar:** They heard the personal explanations, written and otherwise. After going through all the pros and cons and exercising a judicial mind, not the official bureaucratic mind, they had taken a decision. It was in keeping with the highest standard of public life in this country and it is particularly the responsibility of the ruling party to preserve it and so they have asked Mr. Patnaik and Mr. Mitra to step down. What was the result in Punjab after the enquiry? Kairon was asked to step down. The end results are the same.

Secondly, in this country we are a democracy. When we accuse persons and charges are flung about persons in authority, it has become the mission of the Opposition in this country; the opposition in this country has undertaken mission of culti-

vating distrust in the established political authority. It is their mission to spread it. They are trying to survive on the negative ideal, this mission of cultivating distrust in political authority in this country.

Then, there is the question of the Constitution. You have got to act within the ambit, framework of the Constitution.

**Shri Shinkre:** How many times have you amended it?

**Shri Khadilkar:** In the Constituent Assembly, Dr. Ambedkar has said that each State is a mistress in its own house. We have to keep article 355 or 356 in view I think I am correct. We cannot interfere with the States in an arbitrary manner.

**An hon. Member:** So that Patnaik can do what he likes?

**Shri Khadilkar:** We can try on the political plane; that is to say the party can take action in the political and party plane. Those who are charging that the Congress Party is trying to shield and white wash, they must realise the Congress Party has taken action on a party plane. It was possible because fortunately in this country the Congress Party is ruling. If Ganatantra Parishad was ruling, this would not have been done.... (Interruptions).

**Mr. Deputy-Speaker:** Order, order. The hon. Member must conclude now.

**Shri Khadilkar:** These people do not understand. The question of pecuniary gain by Mr. Mitra had been raised. I would like to give the decision of a quasi-judicial tribunal, the Election Commission. A complaint was lodged with the Election Commission.

**Shri Surendranath Dwivedy:** About what?

**Shri Khadilkar:** About the result of the election, the Election Commission

could not entertain a complaint and while rejected that petition, the Commission held that he was not concerned in any of these transactions nor made any personal gain... (An hon. Member: Which transaction?)

I will conclude with this point. In this country fortunately, one party, dominant party is ruling. One great political scientist, a close student of Indian development Morris Jones, who had written a book on our Parliament, observes:

"Without that dominant party (Congress Party) there could hardly have been a successful imposition (of a vision). At least in that sense then the one dominant party system has served not to destroy but to sustain parliamentary institutions."

In other countries the dominant parties have destroyed parliamentary system. Keep this in mind and keep one more thing in mind. In this country since one dominant party is ruling, our leadership since the Gandhian days, Gandhiji, Jawaharlal Nehru and the present Prime Minister, the party leadership has liberal and broad attitude, transcending party considerations which had served as a forum for Opposition and therefore, the Opposition also look to the leadership as if it is the final forum, final arbiter. That must also be kept in mind when we are operating this system, when democracy has collapsed all round. Everywhere there is chaos; there is distatorship I want to ask in all earnestness those who have faith in parliamentary democracy and social change, those who want to build up a new civilisation in this country, are they interested in undermining the democratic system by attacking the party in power which has exercised its power judiciously, keeping in view the basic democratic principles? I would like to appeal to them. In this country, diverse forces had been contained in a broad democratic framework. That is an achievement. Wherever it has not

been done, democracy has collapsed. Those who are sitting on this side, whatever weakness they may have shown or whatever mistakes they may have committed—our progress might have been slow; our dynamism might have been lost—they have attempted to keep the diverse forces contained within one parliamentary system, in that social atmosphere. It is a historic achievement of which every Member of this House and the country should be proud. . . .

Shri N. Dandekar (Gonda): Sir, by common consent, this motion of no-confidence has been given on a limited objective of censuring the Council of Ministers for their continued patronage and protection, in recent months, of corruption in public life, especially when this corruption is well organised, on a massive scale and especially also when such corruption, is indulged in at the highest level, political and official, by men in the upper echelons of the Congress Party. Again, by common consent the debate has centred around the most outstanding example of patronage, protection and corruption, namely, certain financial transactions of the Orissa Government, involving Mr. Biren Mitra, Mr. Biju Patnaik, Mr. Tripathy and Mr. Routray and secondly, the Government's handling of this matter.

16 hrs.

It will be impossible really to appreciate the gravity with which, we on this side, view this situation as well as, quite obviously, the gravity, with which those on the other side view this situation, unless I sketch very briefly the background, the very recent background, of this sudden development and growth of corruption in public life in this country. I do not propose to go very far back, but in the context of the present pattern, this background begins with the Orissa election in 1961. That election exhibited to its utmost degree, the scandal of unlimited resources, re-

[Shri N. Dandeker]

sources of money and jeeps, especially from captive companies of Biren Mitra or Biju Patnaik, resources of unlimited official aid unconcealed and unashamed in its misuse of Government resources and of positions of authority and power of people in official positions of power and authority.

The second development after this Orissa election is, that the pattern of the Orissa elections set the pattern of the 1962 elections in a small way or in a big way, in various constituencies depending upon whether the people in charge of the Congress affairs there were buccaneers of the type of Mr. Patnaik and Mr. Biren Mitra or they were softer men, somewhat more gentlemen. The depth of iniquity and corruption in the 1962 elections was, as the whole of this House is aware, and without exception would agree, reached in the Gonda elections. I wonder how many Gondas there were unexposed and still remain unexposed in the conscience of those who indulge in them.

Shri J. B. Kripalani: No goondas!

Shri N. Dandeker: The next landmark in recent years of the exposure and discovery of corruption lies in no less a person than Shri Sanjivayya who made a most remarkable speech early in 1963 at Indore. We should not forget this. He was then the President of the Congress Party, a person occupying a position of some considerable importance and responsibility in the Congress organisation as well as in the counterpart organisation of the political party that controls the legislatures of this country. To quote him would take too long but to summarise, it is easy. He said he was horrified at the extent to which people in the higher echelons in the political

party had made money out of official position or out of occupation of high positions in the party. Hardly had he said it than there was a burst over the years 1963-1964 on this country, a remarkable series of corruption cases of a magnitude that staggers the whole country and also the world over: the Malaviya affair, the Tarakeshwari Sinha affair, the Khadiwala affair, the Kairon affair, the Sanjiva Reddy affair.

An hon. Member: What is that affair?

Shri N. Dandeker: An hon. Member asks what is that affair. He ought to know that the Sanjiva Reddy affair consists in certain pronouncements by the High Court and by the Supreme Court about political vengeance, using the high office of Chief Minister of a certain State for wreaking political vengeance upon those who did not assist him during the previous election, and the result was a wonderful exhibition of —what shall I say—an apparent desire to have cleanliness in politics; and Shri Sanjiva Reddy, like Mr. Biren Mitra or whoever it is that we are talking of, resigned as Chief Minister. Hardly had that been done, than a few months later, he was taken in the Central Cabinet as a Minister.

By the time these various incidents that I have just mentioned and these various examples that I have quoted had been exposed, there were some damaging events which also sullied the image of the party in power, when they began to decide and give a different treatment in cases which subsequently came up before public notice. I refer to the cases of the Chief Ministers of Bihar, of Mysore, and there is a case cooking against the Chief Minister of Rajasthan. Then there are the three successive Chief Ministers of Orissa: Shri Patnaik, succeeded by Shri Biren Mitra and succeeded now by Shri Tripathi. All of them are the subject-matter of this debate. All of them are the subject-

matter of a report which is being deliberately suppressed. All of them are the subject-matter or should have been the subject-matter of a look-at by the Sub Committee of the Cabinet.

That is the background, and before I go on to further consideration of the particular subject-matter under debate, I would like to refer to the debate that took place on the Anti-Corruption Bill last session in this House. In the course of that debate, I made three points. I said the breeding ground of corruption lay in the massive laws and regulations and forms and rules and regulations, and controls and quotas, licences and permits. I said that that was the breeding ground of corruption. And we did suggest a specific remedy for it. We suggested that an impartial, judicial body, should be entrusted with this business of dishing out patronage which became a central part of the administration of the country today. That remedy, that only remedy in the present situation, namely, this handing over of patronage to an independent body of people, was rejected.

The second point that I made was this. Corruption would not be rooted out of this country until there was a better example shown at both political and official levels. I specifically mentioned the ministerial level. The third point I made was this—I am deliberately referring to these three points because they are very, very relevant to the present context today—that if public servants, in the sense of officials, were going to be the subject of a most rigorous prosecution, with the most rigorous assumptions made against them, and the most rigorous pruning down of judicial procedure against them, with the most astounding presumptions of law and of procedure, why were Ministers being exempted from that procedure? Then I was given a reply by the Minister of State in the Ministry of Home Affairs, Shri Jaisukhlal Hathi, who was piloting that Bill. And for the moment, inexperienced as I am in political affairs, I was satis-

fied. He said that in so far as Ministers are concerned, they are entirely public servants within the meaning of a particular section of the Indian Penal Code and he went on to add—this is important—that they were as liable as any other public servant to prosecution for corruption under the Anti-Corruption Act. I am prepared to say that he held the joker up his sleeve which he did not then disclose. He deliberately misled the House, and I want to say with emphasis, because,—and I have been following this debate and particularly with great respect what Shri Chagla said and what Shri Sen said—I now find that those gentlemen cannot be prosecuted not because under the law they cannot be prosecuted but the procedure is such that they will never be prosecuted: because the prosecution of a Minister, if he is a Minister in the State Government, has to be obviously approved by the State Government and I cannot see any State Government of Orissa approving the prosecution of a Biren Mitra or a Biju Patnaik or the rest of the gang. Even if in a dream they were to sanction the prosecution, it requires the sanction of the Governor, and for the Governor to sanction their prosecution means those people have again to advise the Governor whether those gentlemen are to be prosecuted, and the same thing holds good as far as the Central Government is concerned. I put it bluntly: there was no technical flaw in law; it may be that they are capable of committing offences punishable under the Anti-Corruption Act; but it is not true in political fact that they can or will ever be prosecuted, and this, as far as I am concerned, is the appropriate focus and definition to the sketch that I have just now made of the corruption background in this country.

It is not a very pretty picture, and it is against that background of mounting discovery and exposure of widespread corruption at the highest levels and of increasing protection and patronage of such corruption by

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the present Government that I feel compelled to view and consider the bigger and worse scandals of Biju-Biren company of Orissa and the handling of that matter by the Central Government.

Now, Sir, the substance of these scandals is contained in three documents. They are, the memorial submitted on the 28th July, 1964 by the leader of the Opposition in the Orissa Assembly to the President of the Union of India; secondly, the report of the inquiry on some of the charges thereon submitted by the Central Bureau of Investigation. I know that on this question the Government is behaving like the three monkeys—they do not see the report, they will not speak about it, they will not hear about it. But the report is there. It has been tabled and no amount of jugglery, that is, that “they are neither genuine nor will I confirm,” can take away from the purview of the whole population of this country, through the wonderful publicity given to it by the Press and through the great work done by Shri Kamath in insisting on tabling it and also through the wonderful ruling given, Sir, by the Speaker, those documents which can no longer be concealed, and I do not care who calls them secret, who calls them confidential, who refuses to admit them and who refuses to deny them. The third document is the most remarkable and admirable commentary on that report by the Director of the Central Bureau of Investigation. It is a document of remarkable lucidity, a document of admirable lucidity and succinctness. In so far as—I want to distinguish here the question of substance and procedure—the substance of our charges against these corrupt gentlemen is concerned, these are the three documents. As for the handling of this matter by the Government of India or by the Council of Ministers, there are two documents—the report of the so-called Cabinet Sub-Committee and the statement made by the Prime Minister.

Now, Sir, at this stage I would like to pause and emphasise that the Government cannot have it both ways. Either they rely on all these five documents to which I have referred or they rely on only two, namely, those documents which they admit are public documents, namely, the Memorial submitted to the President—a complete blank in between—followed by the statement of the Prime Minister. Those are the only two documents, presumably, which they are prepared to admit. I am prepared to argue the case on that footing.

We look upon the first three documents as establishing no more than a *prima facie* case against the gentlemen I have mentioned. I agree, and I have repeatedly, in fact, stressed myself that an accused man is not necessarily guilty. I have said this over and over again in all the extraordinary legislation that has come before the House in recent months, in the last session, and in this session. I said I am not prepared to take it that merely because a person is accused, therefore he is guilty. But, equally, Sir, I am not prepared to shut my eyes to the fact that a person is accused. What we are saying is no more and no less, that on the documents which they admit, namely the Memorial to the President of the Union, on the documents which we claim are also relevant, there, is in our judgment, a sufficient *prima facie* case against these gentlemen from Orissa to warrant their prosecution. But, Sir, we are not blood-thirsty people. We do not necessarily insist on prosecution.

Shri Dwivedy, while winding up his speech, said that he would be content if this matter were referred to a judicial tribunal. I will come to this question presently again. We look upon the other two documents, namely, the report of the Sub-Committee and the statement by the Prime Minister as the great betrayal of the public interests of this country, by those charged with the duty of advancing

public interest, of establishing decency in public life and of eradicating corruption from the governance of this country.

Now, Sir, this matter has been already debated too long in too much detail, and that detail has been so great, including that by Shri A. K. Sen himself, as if these people were on trial here. I say, Sir, they are not on trial. But they are here on this one question. The question is, is there a *prima facie* case?

Shri Khadilkar said, we better express with some precision what is it that we have got in this debate to urge, what do we accuse the Government of. I have for that very contingency and for that demand, prepared a charge-sheet, if I may say so, and I would take the liberty of reading it out.

Sir, in the name of the people of India in general and of Orissa in particular, we accuse Shri Biju Patnaik and Shri Biren Mitra of repeated and flagrant abuse of their power, position and authority as public servants in the State of Orissa for the purpose of corruptly contriving in diverse ways to obtain substantial financial benefits for themselves and/or for each other, for their families and/or for the families of each other—they do not scratch their own back; “you scratch my back and I will scratch yours”, that is the way these things have been going about—and for their political associates, full particulars whereof are set out in the Memorial dated 28th July 1964 presented by Shri R. N. Singh Deo, the leader of the opposition in the Orissa Legislative Assembly and others to the President of the Union of India.

Sir, we accuse the administration of the State of Orissa under the control, direction and guidance of the aforesaid Biju Patnaik and Biren Mitra of grave dereliction of duty by the evasion of all normal, well-established, rules and procedures, and of all canons of financial propriety in making appointments, awarding contracts, and

making purchases to the serious financial detriment of the State.

Sir, we accuse the Home Minister, Shri Gulzarilal Nanda, of grave dereliction of duty in regard to the following matters, among others :—

- (a) That he attempted deliberately to conceal from this House, and from some members of the Council of Ministers, I am told, the Report of the inquiry made by the Central Bureau of Investigation into some of the matters aforesaid, under the colourable excuse that it was classified by him as a secret document.
- (b) That he attempted deliberately to conceal from this House, and from some members of the Council of Ministers, the Report made by a Sub-Committee of the Council of Ministers upon some of the matters aforesaid, under the colourable excuse that it was classified by him as a secret document.
- (c) That he sought deliberately to mislead this House and the public by attempting, in the other House, to minimise the significance and gravity of the aforesaid Report made by the Central Bureau of Investigation by claiming, at first, that the said Bureau made no inquiry at all but merely collected and collated some records relating to some of the matters aforesaid; and by endeavouring, later, to extricate himself by quibbling that although an “inquiry” was made no “investigation” had been conducted by the Bureau.
- (d) That he knowingly committed a breach of the Official Secrets Act by deliberately disclosing the aforesaid two Reports, (classified by him as secret documents) or the substance

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thereof to one or more of the following non-official persons bodies and their members, namely:—

- (i) to the aforesaid Biju Patnaik and Biren Mitra;
- (ii) to the Parliamentary Board of the Congress Party (*Interruption*);
- (iii) to a group commonly known as the "High Command" of the Congress Party;
- (iv) to a rival group commonly known as the "Syndicate" of the Working Committee of the All-India Congress Committee.
- (e) That nevertheless he, even now, purposefully, flauntingly and contumaciously refuses either to table the aforesaid Reports in this House or even to confirm or deny the correctness of the contents of the copies of the said Reports, even though certified by an hon. Member of this House to be authentic and tabled by him with the permission of the Speaker.

Sir, we accuse the Sub-Committee of the Council of Ministers of grave dereliction of duty in attempting to cover up corruption and condoning chicanery in high places by glossing over both as "administrative improprieties".

Sir, we accuse the Prime Minister and the Council of Ministers of grave dereliction of their plain duty as the highest executive and policy-making body in the Union of India (a) by their failure to appoint a Commission, presided over by a Judge of the Supreme Court, to inquire fully into the allegations of corruption on a vast scale against the aforesaid Biju Patnaik and Biren Mitra set out in the aforementioned Memorial dated 28th

July, 1964 submitted to the President of the Union of India by Shri R. N. Singh Deo and others, and (b) by their patent, persistent and perverse attempts even now to cover up the whole sordid affair.

Sir, above all, we accuse the Prime Minister and the Council of Ministers of deliberately placing party interest above the public good.

The crux of the matter, on these accusations that I have read out, lies in the answers to two questions. Was there a *prima facie* case in the memorial—if that is the only document which the Government insist on referring to as the only document in the case—was there a *prima facie* case in that memorial presented to the President of the Union of India? But I am prepared to go further. I am not prepared merely to rely on that memorial. I would like to ask: is there a *prima facie* case in that memorial read together with the report of the Central Bureau of Investigation and the comments thereon by the Director of the Central Bureau of Investigation? If so what action has the Council of Ministers taken in the matter? These, I suppose, are the two fundamental questions.

There has been a good deal of jugglery on this question of *prima facie* case. Indeed, Shri Chagla, if I understood him rightly, made the most amazing statement when he drew a distinction between the Kairon case and this case. He said according to the newspaper report—because I do not have the time to wade through the whole report. I rely on newspaper report and I believe it is a true report—he drew a distinction between other cases and the Orissa affair. Shri Chagla said that a Commission was appointed in the Kairon case because the late Prime Minister felt, on the basis of the material before him, that there was no *prima facie* case in Kairon's case. This is a most astonishing statement. If the absence of a *prima facie* case is an adequate ground for appointing a

commission of inquiry to find facts—I agree that a commission of inquiry is nothing more than a commission of inquiry to find facts—then in the absence of a *prima facie* case, when there are only some allegations, it ought to be referred to a commission of inquiry.

But I do not rely on that kind of thing. I believe Shri Chagla was wrong. I think the late Prime Minister did make a statement that he had studied the records and had come to the conclusion that there was a *prima facie* case for inquiry or investigation by a commission of inquiry. So, he was good enough to appoint a commission of inquiry and he bowed to public opinion. Apparently, this Government does not wish to bow to public opinion; nor is it prepared to look at the wretched thing in the face to decide whether there is a *prima facie* case or not.

I was almost going to begin this speech this evening by saying that yesterday I lost a very dear friend for whom I have the greatest reverence; I refer, and I do it deliberately, to the late Chief Justice of the Bombay High Court. He died on his feet here in the House yesterday! I have never come across a more astonishing statement; on a perusal of those documents, on perusal of the memorial if that is all that this Government wants to look into, or the memorial read with the CBI report with the forwarding letter of the Director—I do not know; with all the experience that I have had of the worst things in taxation I could not appreciate it—to say that there is no *prima facie* case there renders the whole rationality of things meaningless.

**Mr. Deputy-Speaker:** He should conclude now.

**Shri N. Dandekar:** I will take two minutes and conclude my speech. I will not take more time though I had intended to deal with a number of irrelevancies and contradictions that are brought in.

Shri A. K. Sen, relying entirely upon the memorial in so far as documentation was concerned, acted here as an advocate. I accuse him of acting here as an advocate, virtually repeating verbatim the very answers presumably given to the whole affair by Shri Patnaik and Shri Mitra. I do not think that is any sort of evidence. Sometimes he said there is evidence and sometimes he said there is no evidence. Either there is no evidence at all, except the memorial and the Prime Minister's statement, or there is a good deal of evidence. I submit there is a good deal of evidence, including the extraordinary report of the Cabinet Sub-Committee, from which I may venture to read only one sentence.

The crux of the matter was, as members will recall, not merely whether there are improprieties, administrative or otherwise, but whether things were deliberately done to a pattern involving financial benefits, either to these gentlemen, or to their families, or to their political associates. I was astonished to find this document give a *non sequitur* kind of argument. I would like to read only one sentence. I am quoting:

“Having regard to the explanations given by Shri Patnaik and the representatives of the Orissa Government and the fact that orders were also in fact placed on dealers other than Orissa Agents, of which Shri Mitra's wife was the sole proprietor, the Sub-Committee find it difficult to conclude that this circular . . .”

—the famous circular to buy only in Orissa or from Orissa Agents—

“ . . . circular was issued only for the purpose of benefiting concerns in which they or their relations had personal interest.”

It is extra-ordinary, it admits. All it claims is, that was not the only intention. It goes on that one of the intentions was this wonderful business of saving sales tax to the State Government or getting more sales tax to the State Government.

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If I had the time, I could tear this document in bits in the sense that the final conclusion does not tally whatsoever with the earlier statements in this document. I find, this document uses the expression "the pattern of these transactions." The whole point about this is that it is not just an odd charge here or there, but an organised conspiracy in which Shri Biju Patnaik, Shri Biren Mitra, Shri Tripathi and their wives or friends and families, whatever they were, or Shri Routray, all participated. I wish, I could give extracts relating to those two gentlemen.

I will conclude now by just a few observations, very, very simple observations. We are not out for the blood of anybody. What we are out for is that in this atmosphere of growing corruption some decisive steps must be taken by the Government of the country and of the day to stop this kind of rut. They cannot go on stalling, playing fun and games with this business merely because their political party is going to be injured or somebody else is going to be injured. I am not interested at the moment in any political party or in any political person.

Fundamentally, the question is a moral one. It is not that I hold these people guilty, but I think—and I am convinced—that there is a *prima facie* case for investigation or inquiry or even perhaps prosecution. But the fundamental question in the handling of this matter by Government is a moral question. What is their moral duty? What is the right thing to do here? I am not concerned with asking who is right, what is right, who is wrong, who was wrong, when he was wrong and all that. I ask the simple question: What is the right thing to do? What is their duty? What is the most difficult path of duty in these circumstances? I suggest, the difficult path of duty, the path of righteousness is the path of cleansing the public life in our country. The

larger their majority, the more urgent it is their task and their duty—not our duty—to cleanse the public life of our country. I have no doubt, the answer is only one. If they wish to stamp out corruption, if they wish to introduce decency in public life here, including decency among their own people, the right thing to do is to have a judicial inquiry even if they do not want to go to the extent of prosecuting these people.

**Shri Hanumanthaiya** (Bangalore City): Sir, my revered leader—I call him deliberately my leader—Acharya Kripalani, is whispering into my ears not to defend the indefensible case. I am prepared to obey him. It is not because I am briefed on the subject. Unless I feel a case is defensible, I am not the kind of person to defend anybody.

I am now in the Punjab doing some work of administrative reform. Punjab is a State which has established a precedent in the matter of appointment of an inquiry commission. What was the effect of the appointment of this inquiry commission, what was the result, what was the consequence, I want everybody to ponder over.

Shri Dwivedy made a very emotional speech. I am prepared to concede that there was great sincerity and earnestness in what he said. He is very anxious that corruption should be eradicated. Let me assure him that all of us, irrespective of personal or party affiliation, are one with him. On a previous occasion, when a No-Confidence motion was moved for the first time against our new Prime Minister, I said, this Congress Party is a self-regulating party. I can quote instances after instances where we had the courage, we had the impartiality, I would say we had the stature, to punish our own colleagues in order to cleanse public life, in order to lay good traditions for democracy in this country. This Commission in Punjab was appointed—it has already been

explained—and I would appeal to Mr. Dwivedy and his friends and also to the Swantra spokesmen to bestow some thoughts on the legal implications of the step they are asking the Government to take. The Inquiry Commission is concerned with only giving findings and making a report thereon. What probably is in the minds of my friends is that the guilty must be brought to book . . .

**Shri J. B. Kripalani:** Not merely brought to book but exposed.

**Shri Hanumanthaiya:** There is a procedure. So far as exposing is concerned, as the learned Acharya says, the Cabinet Sub-Committee and the Prime Minister have exposed in the best tradition that is open to parliamentary system of Government. We could not shoot Patnaik because we are not dictators; we could not prosecute anybody straightway because we have a system of rule of law. *(Interruption)* What they have in mind is that the guilty must be brought to book. Everybody concedes that a person should be presumed to be innocent unless he is proved guilty. What is the form of proving that a person is guilty? The forum is a court of law. It is not a judicial commission, it is not a commission of inquiry constituted under this Act, that merely makes a report. The Prime Minister takes steps thereon. The Government of India has simplified the procedure without going through the formality of a commission and the cost thereof. Usually, the commission sits for a number of months or years, makes a report—it involves so much expenditure—and it is the same Prime Minister who has to take the decision. Here, what we have done is: The same decision has been taken without this formality being observed.

What happened in Punjab? After the report of the Inquiry Commission, Kairon was asked to step down. Here also, two stalwarts of the Congress, one ex-Chief Minister and the other the then Chief Minister, have been asked to step down. And, mind you, one of them is a member of the work-

ing Committee. I would ask Mr. Dwivedy or Mr. Ranga whether they can show any instance wherein they have summoned so much courage as to punish a member of their own national executive or their own working committee. If this courage is shown by the Congress Party and the Government, it is a matter for applause and not a matter for criticism.

**Shri Surendranath Dwivedy:** There has been no question of corruption. I may tell you, when Mr. Ashok Mehta violated the party discipline and the policy of the party, he was driven out of the party.

**Shri J. B. Kripalani:** He took refuge in the Congress Party.

**Shri Hanumanthaiya:** I have got great respect for the leader of the P.S.P.

**Shri K. C. Sharma (Sardhana)** Wrongly placed.

**Shri Hanumanthaiya:** In this din and dust of charges and counter-charges of corruption, I am happy to see that Shri Surendranath Dwivedy, the hon. leader of the PSP, has set a high standard of political conduct by his objective assessment of the moral worth of our Prime Minister. He has said that the Prime Minister is a man of integrity. But he has also accused the Prime Minister of drift and indecision. Drift and indecision are debatable points, and I shall come to them later.

**Shri Surendranath Dwivedy:** There, I think my hon. friend will agree.

**Shri Hanumanthaiya:** Integrity is a solid virtue which generates confidence and which makes a democratic system of government work.

The Cabinet Sub-committee has advised the Prime Minister and he has taken some steps on the basis of that advice. This House was the right to advise the Prime Minister on the steps he may even now take. These steps, I may tell you, have to be necessarily non-partisan. If you accuse the Min-

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isters of the Government of India that they are shielding some of their colleagues because they belong to the same party, I would ask you in all earnestness; 'Are you criticising the leaders of the Congress Party without any bias in your mind? Has not political rivalry and political opposition come into the picture?'

**Shri Ranga:** Not in the least.

**Shri Surendranath Dwivedy:** Not in the least in this case.

There is no chance of my ousting him from the Prime Ministership.

**Shri J. B. Kripalani:** In my hon. friend aspiring to be the Prime Minister?

**Shri Surendranath Dwivedy:** Even if the House votes in favour of this no-confidence motion and it is passed, there is no chance of my occupying that position.

**Shri Hanumanthaiya:** I am appealing to his finer sense of conscience when I say that everyone of us is subjective, and many a time our criticism is also subjective. When we do not like a person, we find faults which may or may not be there.

**Shri Ranga:** The trouble is that there are so many of them.

**Shri Hanumanthaiya:** When we do not like a person, we find faults with him, which may or may not be there. But when we like a person it is otherwise.

**Shri Ranga:** We like so many of you.

**Shri Hanumanthaiya:** This attitude of criticism, relentless criticism, must be modified by a sense of proportion.

In Punjab, I have come across several people who have been dis-

cussing this Kairon affair. Kairon, no doubt, stepped down from the office of the Chief Ministership. Afterwards, there was a kind of persecution, and some of my friends, not those who are in government, not those who are their opponents, but some disinterested people, asked me whether it was proper to go on persecuting Mr Kairon who had been deposed. I gave them a story out of the *Mahabharata*. No doubt, Duryodhana was vanquished by Bhima. Nobody took objection to it, even though the game was a little unfair. But when Bhima overdid it and kicked the crowned head of Duryodhana, even his brothers got angry with him. I would submit that there is a limit to which we have to go in the matter of punishing political leaders.

**Shri Ranga:** That is why we want this investigation.

**Shri Hanumanthaiya:** There is a limit to our persecuting propensity. If you overdo it, the very edifice of democracy will collapse not only on your head but on the heads of all the 45 crores of people inhabiting this country.

We have to make a distinction between our political activities and personal activities. We should not make a combination of them for purposes of criticism or advantage.

**Shri J. B. Kripalani:** We must not make a combination of husband and wife even!

**Shri Hanumanthaiya:** In fact, this tragedy of the Orissa affair is that it is an unhealthy combination of business and politics. Business and politics do not go together.

**An hon. Member:** Business and Congress combination?

**Shri Raghunath Singh:** No.

**Shri Hanumanthaiya:** It is equally unhealthy to mix up, as it is in the case of our Swatantra friends

Shri Dandekar, civil service attitude, business aptitude and parliamentary flair.

**Shri Surendranath Dwivedy:** It goes to the credit of Shri Hanumanthaiya that he had the courage to say at the AICC meeting that Shri Biju Patnaik made a statement that if he could spend Rs. 2 crores, he was going to be the Prime Minister of India. In spite of Shri Atulya Ghosh's demand that he should withdraw it, Shri Hanumanthaiya refused, saying 'I will resign from the Congress rather than withdraw it'.

**Shri Harish Chandra Mathur (Jalore):** It is the same Hanumanthaiya speaking, and he always talks sense.

**Shri Hanumanthaiya:** This strange combination of three attitudes in the mind of Shri Dandekar made him indiscriminately charge everyone of us here with one kind crime or the other. And he was so sure that before we could reply, he ran away from this House!

In the self-same manner as Shri Dwivedy acknowledged the integrity of the Prime Minister, I hope he will concede with equal felicity that our Home Minister, Shri Nanda, is above all charges of corruption and is above temptations (*Interruptions*).

**Shri Surendranath Dwivedy:** I concede that by virtue of his being President of the Bharat Sadhu Samaj.

**Shri Hanumanthaiya:** Shri Dwivedy cast a doubt about his noting on the file in the case of what is called the low shaft furnace affair. Of course, it was pitched in a low key.

Regarding the transfer of the low shaft furnace, a doubt has been raised about the role of Shri Nanda in his capacity as Deputy Chairman of the

Planning Commission in 1963. Shri Dwivedy referred to a letter of Shri Patnaik to Shri Tarlok Singh regarding the transfer of the low shaft furnace at Paradip. This letter dated 5-3-1963--please note it for verification....

**Shri Surendranath Dwivedy:** I have mentioned the dates. I do not know wherefrom my hon. friend got it. It must be from the records of the Government.

**Shri Hanumanthaiya:** ...said that the clearance of the Ministries of Steel Heavy Industries, Finance and commerce and Industry had been obtained for the transfer of the plant. The Planning Commission was asked to support the proposal. The Deputy Chairman noted that all the relevant information should be obtained. The next day Shri Patnaik explained the point and gave in writing on what terms the transfer was going to be made. It was stated that the payment to Kalinga Industries by the Orissa Industrial Corporation would be made in easy instalments out of profits earned by the plant and that no interest would be charged by the Kalinga Industries on the amounts outstanding. The Planning Commission was concerned with the effect of the transfer on the State resources in the State plan. Since there was to be no additional burden on the State resources, the point of view of the Planning Commission was met, and there was no reason left for raising any objection.

**Shri Ranga:** Within 24 hours.

**Shri Hanumanthaiya:** Shri Dwivedy knows this fact. He had also some time back put a question on this question in Parliament. He deliberately suppressed the information which should have cleared the position.

**Shri Surendranath Dwivedy:** No, my dear friend.

**Shri Hanumanthaiya:** You are perfectly free to reply to the clarification that I have offered.

**Shri J. B. Kripalani:** It was a phil-anthropie business.

**Shri Hanumanthaiya:** The most serious political and personal charge made against our Government here came today from Dr. Lohia. He has taken an oath that he will not speak in English. If the rest of the country follows in the footsteps of Dr. Lohia and say that they will also not speak in the language of another person or State, the country will be divided into not two, but 14 or 15 States. That is the determined step he wants our Prime Minister to take. We refuse to take that steps. Even the very socialism he is preaching all over the country in his Hindi language came out of the books written in English. To say that English language must be driven out of India is a kind of direction which is contrary to the direction given by our late revered leader, Pandit Jawaharlal Nehru.

**श्री बागड़ी :** क्या श्री हनुमन्तैया बतायेंगे कि . . . . . (Interruptions).  
मैं इस झुंड से निबट सकता हूँ ।

**Shri Hanumanthaiya:** He advised us to keep the English language in India.

**श्री बागड़ी :** गांधी जी क्या कहते थे ? वह हिन्दों के लिए कहते थे या नहीं ?

**श्री किशन पटनायक (सम्बलपुर) :** माननीय सदस्य कन्नड़ या तेलुगू भाषा के लिए कहें, अंग्रेजी के लिए क्यों कहते हैं ?

**Mr. Speaker:** Order, order. He should be heard patiently.

**Shri Hanumanthaiya:** Sir, our leader, Shri Jawaharlal Nehru advised us, even as a window is kept open for fresh air, English language should be kept in India as a source of international understanding and knowledge. It is in this spirit that our Government wants to retain English for the purpose of international intercourse and also to tide over this period of transition.

**श्री बागड़ी :** आप जैसे अंग्रेजी भक्तों के होते हिन्दों नहीं आयेगा ।

**Shri Hanumanthaiya:** My friend here suggests to me, in Hindi which I follow a little: speak in your own language. Now, I will quote the example of Punjab. I go and sit in the gallery of Punjab assembly or council. I cannot follow the proceedings because they either speak in Punjabi most of the time or in Hindi. If I sit in the gallery of the U.P. Assembly most of the discussion there is in Hindi which I cannot follow. If a Hindiman comes to Madras, he will not be able to follow the proceedings of the Madras Assembly, nor in Hyderabad, nor in Bangalore. Therefore, we have reached a stage, even now, where we are strangers in our own country. And if you make everyone speak in his own mother tongue, a day will come when you should have interpreters in all the States in India for governmental purpose, legislative purpose, maybe, even for business purpose. I am in favour of Hindi being the national language. I want my friends to realise that time is required to make this language grow into a national language. If you want to grow vegetables you can grow them in three months. If you want to grow a tree, it takes a few decades. If you want to grow a language it takes a few generations. But if you want to make a language the national language of 45 crores of people within one decade, it is an impossibility and it will lead to consequences of all kinds. If Dr. Lohia pursues the kind of policy he is advocating today in this House as well as outside, he would be the person held responsible by the future generations as the man who was responsible for disrupting this country and killing the unity of this country.

**श्री सौर्य (अर्लागढ़) :** उपाध्यक्ष महोदय, जिस कान्फिडेंशल रिपोर्ट के आधार पर यह अविश्वास की चर्चा है वह बहुत ही गम्भीर प्रश्न है। इसके गम्भीर होने के दो कारण

हैं, ऐसा मैं समझता हूँ। एक तो यह है कि यदि यह रिपोर्ट कान्फिडेंशल या सीक्रेट है तो यह बैस्टर्न कोर्ट तक चल कर कैसे पहुंच गई? अगर यह कान्फिडेंशल रिपोर्ट नहीं थी, अगर यह सीक्रेट रिपोर्ट नहीं थी तब फिर इसको छिपा कर जनतंत्र की, इस लोकशाह की हत्या क्यों की गई? दूसरी बात यह है कि जो कुछ इस में है, उसके ऊपर जब भी मैं ध्यान करता हूँ तो मेरे मस्तिष्क में विचार पैदा होता है, प्रश्न पैदा होता है कि एक तरफ तो श्री छागला हैं जोकि बम्बई हाई-कोर्ट के चीफ जस्टिस रह चुके हैं और दूसरी तरफ एक आर्टिकल यह भी है जोकि एक चीफ जस्टिस ने लिखा है और वह पंजाब के चीफ जस्टिस रह चुके हैं। वे बम्बई के थे और ये पंजाब के थे। दोनों भिन्न भिन्न प्रदेशों के चीफ जस्टिस रह चुके हैं, दोनों की पोजिशन एक सी है, दोनों का स्थान एक सा है। इस आर्टिकल में उन्होंने कान्फिडेंशल रिकार्ड के बारे में साइमन की एक जजमेंट को कोट किया है। वह लिखते हैं :

"The matter of privilege in court was considered by Lord Simon in a judgment which is perhaps the most important pronouncement on the subject. He observed:

"It is not sufficient ground that the documents are State documents or official or are marked confidential. It would not be a good ground that, if they were produced, the consequences might involve the department or the Government in Parliamentary discussion or in public criticism or might, necessitate the attendance as witnesses or otherwise of officials who have pressing duties elsewhere. Neither would it be a good ground that production might tend to expose a want of efficiency in the Administration or tend to lay the department open to claim for compensation. In a word, it is not enough that the Minister or the department

does not want to have the documents produced. The Minister, in deciding whether it is his duty to object, should bear these considerations in mind, for he ought not to take the responsibility of withholding production except in cases where the public interest would otherwise be damnified, e.g., when disclosure would be injurious to national defence, or to good diplomatic relations, or where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service.

"It will be argued that the requisition of a document by a court of law cannot be equated with the demand of a member of the Opposition in Parliament, and that such demand on his part can be repelled simply by saying that the document is confidential and secret. It is not necessary for the Minister in charge of the department having custody of the document formally and solemnly to claim privilege by means of a sworn statement because the right of the member to ask for information is in no way analogous to the right of a court to call for a document. On the other hand, it has been argued and vehemently asserted that the rights and privileges of the legislature, Central as well as State, are far superior to those of courts of law."

श्री खोसला जोकि पंजाब के चीफ जस्टिस रह चुके हैं उन्होंने साइमन की एक जजमेंट को कोट करते हुए यह कहा है। जब मैं इस बात पर आता हूँ कि यह कान्फिडेंशल डाकुमेंट था या नहीं था तो जो भ्रंषकार है वह साफ हो जाता है। यह कान्फिडेंशल डाकुमेंट नहीं था, यह सीक्रेट रिपोर्ट नहीं थी और इसको दबा कर जनतंत्र की हत्या की गई है। जो लोग यह कहते हैं कि इसकी चोरी हुई है और जिन्होंने चोरी की है उनको इस देश के कानून के हाथ में सौंप देना चाहिये वे खुद चोर हैं जिन्होंने

[श्री मीर]

इसको कान्फिडेंशल डाकुमेंट कह कर इसको छिपाने की कोशिश की है, यह मैं दावे के साथ कहता हूँ। इस में कोई ऐसी बात नहीं है जिस से कि देश का विदेशों से सम्बन्ध खराब होता-हो, इस में कोई ऐसी बात नहीं है जिस में देश की रक्षा की बात आये तो फिर इस रिपोर्ट को किस आधार पर, किस बिना पर छिपाया गया, यह मैं आप से जानना चाहता हूँ।

इसका मतलब तो साफ यही निकलता है कि भ्रष्टाचार को बढ़ाया जाए। जिस वक्त भ्रष्टाचार की बात आती है तो मुझे ऐसा लगता है कि जहाँ से सदाचार की पवित्र गंगा बहती है वहाँ उस गंगोत्री में ही कीचड़ है। जब गंगोत्री में कीचड़ हो तो मैं नहीं समझ पाता हूँ कि इस देश का कल्याण कैसे हो सकता है। जब कोई भी आदमी पोस्ट ऑफिस में, कोई भी क्लर्क पोस्ट ऑफिस में एक स्टैम्प छः पैसे का या पंद्रह पैसे का चोरी करता है तो उसको छः महीने की सजा होती हुई देखी नहीं है। यह यहाँ पर जब आदश है तब मैं पूछना चाहता हूँ कि वही मिनिस्टर या वही चीफ मिनिस्टर जो करोड़ों के या लाखों रुपयों के गबन करते हैं या करवाते हैं या उनकी ओर से अपनी ब्राँडें मूद लेते हैं उनके लिए क्या यही सजा काफी है कि उन से इस्तीफे ले लिये जायें? यह बिल्कुल भी काफी नहीं है। इस देश में फीले भ्रष्टाचार की बात कौन नहीं जानता उसको तो स्वयं श्री नन्दा जी अच्छी प्रकार जानते हैं।

इस देश में भ्रष्टाजकता भी बढ़ रही है, लालसनेस बढ़ रही है। बीच चौराहे पर इन्सान को मार दिया जाता है। स्वयं सरदार प्रताप सिंह कैरों और उनके तीन साथियों का कत्ल, एक साथ चार आदमियों का कत्ल और वह भी एक ऐसी सड़क पर जो बहुत चलती है जब कुछ क्षणों में कर दिया जाता है और उसका आज तक भी पता नहीं लगता है।

क्या यह भ्रष्टाजकता का सबूत नहीं है? क्या यह भ्रष्टाजकता का साक्षी नहीं है? भ्रष्टाजकता बढ़ रही है लेकिन यह सरकार इसको रोक नहीं पाई है। एक तरफ तो कहा जाता है कि हम यहाँ कानून को कायम रखना चाहते हैं और दूसरी तरफ लोकशाही की हत्या की जाती है। डी०आई०आर० का दुरुपयोग किया जाता है, प्रिवेंटिव डिटेन्शन एक्ट का दुरुपयोग किया जाता है। यह जो संकटकाल न कानून है इसका इस्तेमाल जिन के खिलाफ होना चाहिये था नहीं हुआ है। एक पार्टी को देशद्रोही कहा जाता है। उसको चुनाव लड़ने की चुनौती दी गई थी।

17 hrs.

उस ने चुनौती को कबूल किया और जनता ने उनको चुन कर भेजा। जब वह चुन कर आ गये और उन्होंने यहाँ पर यह गृह मंत्रालय के मुंह पर और कांग्रेस दल के ऊपर एक तमाचा मारा फिर भी उन को डी०आई०आर० में रोका जा रहा है। आज जननन्द की हत्या की जा रही है। मैं कहना चाहता हूँ कि इस तरह की हत्या से लोकशाही की हत्या हो रही है और उस की रक्षा केवल आप कर सकते हैं। यह सदन कर सकता है। आज कांग्रेस के लोग एक ऐसी तानाशाही की ओर बढ़ते चले जा रहे हैं जिस से वहाँ कभी भी किसी तरह की परेशानी हो सकती है। क्या मैं गृह मंत्री नन्दा जी से पूछ कि जब एक पति अपनी पत्नि को मारता है और कुछ ममझदार पड़ोसी उस के पास आ कर कहते हैं कि उस असहाय को क्यों मारते हो तो वह कहता है कि यह बदचलन है, यह कुलटा है, यह पतित है, जब इस तरह की बात होती है तो कोई भी स्वाभिमानी, कोई भी सेल्फ-रिस्पेक्टिंग हम्बैड, कोई भी आदमी जो अपने मन में इज्जत रखता है उस स्त्री को अपनी स्त्री बना कर कैसे रखेगा। ऐसी हालत में उसे डाइवोर्स क्यों नहीं दिया जाता। अगर यह

बात सच है कि लेफ्टिस्ट कम्यूनिस्ट जो केरल में चुन कर आये हैं वे चान के दलाल हैं तो उन को क्यों नहीं देशद्रोही करार दे कर उन की पार्टी को बँन किया जाता। क्या आज इस का कोई जवाब गृह मंत्री नंदा जी के पास है। एक तरफ आप कहते हैं कि वे विदेशी एजेंट हैं और दूसरी तरफ आप उन को चुनाव की चुनीती देते हैं, और जब वे चुन जाते हैं तो आप उन को डी०आई०आर० में रोकते हैं। जब मैं इन बातों को देखता हूँ तो मेरे मन में बड़ी शंका पैदा होती है। दूसरी बात मैं यह भी बतला दूँ कि कांग्रेस के लोगों के दिल में यह बात पहुँच जाये तो मैं समझूंगा कि मेरा कर्तव्य पूरा हो गया। वे जानते हैं कि वे किस तरह से चुन कर आते हैं। जब वे चुन कर आते हैं तो पाते हैं कि किस तरह से जाँपाँ का पेट्रोल पाना की तरह बहाया जाता है, किस तरह से सरकारी कर्मचारियों तथा सरकारी मशीनरी का वह गलत इस्तेमाल करते हैं। अभी हाथरस में उपचुनाव हुआ। कांग्रेस बड़े घमंड से कह सकती है कि वहाँ पर वह चुनाव जीत कर आई है। लेकिन वहाँ के लोगों को वोट डालने का अधिकार इस्तेमाल नहीं करने दिया गया। उन को वोट नहीं डालने दिया गया। अगर गृह मंत्री वहाँ के आंकड़े उठा कर देखें तो केवल 9 प्रतिशत लोग वोट डालने के लिये गये। वहाँ लगभग चार लाख साठ हजार वोटर हैं, लेकिन उन में से केवल 70 या 75 हजार लोगों के वोट पड़े हैं। उन में से भी जो पिछड़े वर्ग के लोग हैं, अछूत कहे जाने वाले लोग हैं उन को परची नहीं दी गई, उन्हें वोट नहीं डालने दिया गया। इस तरह से आज के राम राज्य के नेतृत्व में इस प्रकार गठबन्धन हुए हैं। जब मैं इन बातों को सामने रखता हूँ तो एक तरह का मन में क्रोध पैदा होता है कि एक तरफ तो भाषा के प्रश्न को ले कर के हमारे मंत्री इस्तीफा दे देते हैं और दूसरी तरफ जो हमारे करोड़ों भूखे नंगे लोग हैं, कम से कम दस करोड़ लोग ऐसे हैं, जिन को अछूत कहा जाता है, जिनको शोषित कहा जाता है और

जिनकी पर कैपिटल इनकम 50 पैसे से ज्यादा नहीं है, उन की रोजी रोटी के सवाल पर कोई इस्तीफा नहीं देता है, उन का प्रश्न कोई नहीं उठाता, उन की समस्याओं को समस्या नहीं समझा जाता। आज इस देश में, इस आजाद मुल्क में उन को गुलाम बना कर रखा जाता है, उन का शोषण होता है, उनकी तरफ कोई ध्यान नहीं दिया जाता है। यहाँ पर कुछ फनेटिक इन्सान, चाहे वह हिन्दी फनैटिक हों या इंग्लिश फनैटिक हों, झगड़ा शुरू करते हैं, एक आन्दोलन चलाते हैं, उन की तरफ ध्यान दिया जाता है, उन की बातों को प्रागे बढ़ाया जाता है। मैं बतला देना चाहता हूँ कि यदि यहाँ सर्वहारा शोषित समाज के लोगों की, जिन को अछूत कहा जाता है, जो दस करोड़ की संख्या में हिन्दुस्तान में बसते हैं, रोटी रोजी का इन्तजाम नहीं किया गया, उन की समस्याओं समझ कर के हल नहीं किया गया, तो यहाँ पर एक ऐसी क्रान्ति होगी जिस का ठिकाना नहीं है। यदि यहाँ पर भाषा के नाम पर खूरेजी हो सकती है तो रोजी रोटी के सवाल पर यहाँ और भी अधिक खूरेजी हो सकती है। इस को कोई रोक नहीं सकता। भाषा के प्रश्न पर तो कोई खूरेजी का प्रश्न नहीं उठता, लेकिन भूख को रोटी मिले चाहे अखरी ही क्यों न हो, नंगे को कपड़ा मिले चाहे टुकरी ही क्यों न हो, खाना-बदोश को मकान मिले चाहे झोपड़ी ही क्यों न हो। अगर यह नहीं मिलती तो मैं इस लोकशाही को लोकशाही कहने के लिए तैयार नहीं हूँ, अगर यह नहीं मिलती तो मैं इस समाजवाद को एक बड़ा ढोंग समझता हूँ, मैं इसको जनता के खिलाफ बड़ा भारी साजिश समझता हूँ।

मैं सदन का ज्यादा समय नहीं लेना चाहता, लेकिन इस देश में झुठ्ठाचार है, भुखमरी है, असमानता है, अराजकता है और यह दिन प्रति दिन बढ़ती ही चली जा रही है। कोई भी इन्सान इस के ऊपर ध्यान नहीं देता है। इन बातों के ऊपर ध्यान देना चाहिए ताकि

[श्री मौर्य]

ज्यादा से ज्यादा ताकत के साथ इस जनतन्त्र को, इस लोकशाही को जो हजारों वर्षों बाद आजादी मिली है उस को जीवित रख सकें।

यहां बहुत से आर्ग्यूमेंट्स आये। मैं उन में नहीं जाना चाहता। मैं इंटरप्रेटेशन के चक्कर में नहीं पड़ना चाहता। वैसे मैं भी कानून का विद्यार्थी हूँ लेकिन इंटरप्रेटेशन के चक्कर में नहीं जाना चाहता कि यह इन्व्स्टिगेशन है या एन्क्वायरी है। सरकार इस को खुद अपने मन से देखें, लेकिन मुझे यह बतलाया जाये कि अगर उड़ीसा के अन्दर कोई गड़बड़ी नहीं हुई तो जो वहां के चीफ मिनिस्टर बने थे उन्हें क्यों हटा दिया गया। कोई न कोई कारण होगा, कोई न कोई वजह होगी जिस के कारण हटाया गया होगा। अगर कोई कारण नहीं था तो किस कारण से हटाया गया इस की पब्लिक एन्क्वायरी, जुडिशल एन्क्वायरी होनी चाहिए और मालूम किया जाय कि वहां पर कोई गबन किया गया है या नहीं किया गया है। एक तरफ भूखा इन्सान, भूखा बच्चा अपने पेट की ज्वाला को बुझाने के लिए छः आने की रोटी चुरा लेता है तो सिर्फ यह शब्द कहने पर मुझ पर डी० आई० आर० लगाया गया कि छः आने की रोटी चुरा लेता है उसको सजा दी जाती है। लेकिन उन को कोई नहीं पूछता जिन मिनिस्ट्रों के बंगले बनते चले जाते हैं। आल इंडिया कांग्रेस कमेटी के भूतपूर्व प्रेजिडेंट के शब्द हैं कि जिन के पास एक हजार रुपया भी बैंक बैलैन्स नहीं था उन के पास आज लाखों और करोड़ों के बैंक बैलैन्स हैं। जिन के पास मामूली सा मकान नहीं था उन के पास आज अट्टालिकायें नजर आती हैं। यह मेरा कहना नहीं है, कांग्रेस के भूतपूर्व प्रेजिडेंट का कहना है। मैं जानना चाहता हूँ कि उन्होंने इनकम टैक्स दिया है या नहीं। यह तमाम बातें मैं मंत्रियों के बारे में जानना चाहता हूँ।

यदि कांग्रेस के लोग यह चाहते हैं कि इस देश में लोकशाही चले तो उन को देखना होगा कांग्रेस पार्टी से ऊपर उठ कर, समता के नाम पर, मानवता के नाम पर और इस आजाद देश की लोकशाही के नाम पर कि हजारों वर्षों बाद जो आजादी मिली है उस में इन्साफ क्या है और नाइन्साफ क्या है। अगर हम इस में तमीज नहीं करते और मुल्जिमों को सजा नहीं देते तो मैं उन से यह भी कहता हूँ कि आज यिरोधी दलों में चाहे ताकत हो या न हो कांग्रेस को समाप्त करने की, लेकिन कांग्रेस में स्वयं ऐसी ताकत पैदा होगी जो उन के इस शीशमहल को जला कर खाक कर देगी।

इन शब्दों के साथ मैं आप को धन्यवाद देता हूँ।

**Shri Ravindra Varma (Thiruvella):**  
Mr. Deputy-Speaker, Sir, I rise to oppose the motion that this House expresses its want of confidence in the Council of Ministers. As is customary on such occasions, when the spirit of the guillotine of Parliament is invoked against the Government, the mover of the motion reminded us of many of our alleged sins of errors of omission and commission and asked the House to give the last unction to the soul of this Government.

We were told that this Government is guilty of protecting and exonerating those who are guilty of corruption, those who are guilty of abuse of power. We were told that this was being done because we put the interests of our party above the interests of the State. Sir, I rise to accuse the Opposition, on the other hand, of putting partisan interests above the interests of the country and the interests of democracy. I say this in spite of the fact that the Opposition is trying to create the impression that it is we, on this side of the House, who are defending corruption by standing in support of the action that Government took. I wish to say that no one on this side

of the House for one moment thinks in terms of defending corruption or impropriety. Whenever there has been a charge levelled against any person holding public office, whenever those charges have been supported by evidence, we have been willing not only to take action but to take the most stringent action, and we have been found willing to ask any one who has been found guilty of such impropriety to pay the highest penalty that democracy can demand of a man who holds a public position.

What, Sir, is the position, as far as the Opposition is concerned? They say that we are trying to defend corruption; they say that we are trying to defend impropriety. In the name of fighting corruption and impropriety what they want to do is to stampede us into committing a grave impropriety in our effort to combat the campaign of slander that some Opposition parties have embarked upon. Frustrated by their repeated election reverses and the verdict of the electorate, they hope to achieve by whispering campaigns and slander campaigns what the election campaigns have failed to yield, as far as they are concerned. . . . (Interruptions)

The charges that the Opposition have levelled primarily refer to the State of Orissa. It was open to our Government to say that all the statutory and constitutional provisions in the State that the State Legislature and its organs like the PAC can command should be exhausted before the Centre would entertain representations or allegations on such matters. Perhaps, if another party were in power in the State, a party that is in opposition at the Centre, it would have stoutly opposed any action on the part of the Centre as unwarranted, unconstitutional interference with the rights of the citizens or the State, would have invoked the Constitution, democratic propriety and the tenets of federalism, and accused the Congress Government at the Centre of intolerance and impatience to discredit and dethrone a State Government which was not being run by the party in

power in the Centre. Is it our fault today that, because the Government in Orissa is being run by our party, we are willing to supplement the constitutional authority of the Centre with the discipline of the party and make those who have been found guilty of the charge of impropriety vacate their offices? If the Congress wanted to derive partisan advantage from the position that it occupies at the Centre and the State, it certainly could have followed a different course.

But Sir, what did the Centre do? It did not wait for the processes that could have been insisted upon at the State level being completed. It did not procrastinate or prevaricate. It made use of the machinery available with the Centre, the CBI, to ascertain as much of the facts as it could and on the basis of the material that came to light, a sub-committee of the Cabinet scrutinised the evidence and came to two conclusions—one, that there was impropriety in certain of the transactions that formed part of the allegations—was this exoneration, I ask the Opposition—and, two, that their examination had not given them grounds to conclude that there was deliberate misuse of authority for personal gains and that, therefore, there was no need to constitute a commission of inquiry.

I have great respect for the hon. Member for Amroha, Acharya Kripalani, and for Shri Dandekar too. He too is an honourable man. We were accused, a list of accusations was regaled to the House and we were asked why a commission of inquiry on the Denning model was not appointed here?

**Shri Narendra Singh Mahida:** On a point of order, Sir.

**Some hon. Members:** No, no.

**Shri Narendra Singh Mahida:** My point of order is under rule 356, irrelevance or repetition.

**Shri Raghunath Singh:** What is the irrelevancy here?

**Some hon. Members:** No interruption.

**Shri Narendra Singh Mahida:** He is repeating the same arguments. Let him give fresh arguments . . . (*Interruption*).

**Mr. Deputy-Speaker:** There is no point of order.

**Shri Ravindra Varma:** Sir, when arguments go home, points of order are taken refuge in. This sorry spectacle has been witnessed by this House since yesterday.

We were asked, why is it that a commission on the model of the Denning Inquiry was not appointed? But it is forgotten that the case of Mr. Profumo was a considerably simpler case. In that case the question was whether Mr. Profumo was a security risk and whether he had misled the House. Here it is a different type of case. It is a case in which it is alleged that power has been abused and that individuals and companies have fattened on the coffers of the State, that money has been given from the treasury of the State in improper, irregular deals setting aside normal practices to allow patronage to a firm or firms with which those in Government have been associated.

Sir, every parliamentarian worth his name knows that there is such a thing as the Public Accounts Committee. What is the Public Accounts Committee meant for? What is the jurisdiction of the State legislature over the control of public expenditure? The State legislature and the Public Accounts Committee are clearly expected to and thoroughly scrutinise the way public money is spent and the way contracts are entered into. If, therefore, the Government did not recommend the immediate appointment of a commission of inquiry, it was not because the Government was afraid of facts or because it wanted to suppress information. As has been pointed out by my hon. and distinguished colleagues, the Members for Jhunjhunu and Naini Tal yesterday,

the Government's record on this account is irreproachable. All the allegations that have been made were on the financial transactions of the Government of Orissa, on the use of public money, on favouritism and irregularity in purchases and the like. The accounts of the Government are placed every year before the State legislature and the PAC, and the PAC and the Legislature have the responsibility and the right to scrutinise every financial transaction of the Government.

It is in this context Sir, that I accuse the Opposition of dereliction of duty. Here, I have to refer to the repeated attempts that the Government of Orissa and the Chief Minister made to have a thorough investigation into all the impugned transactions and in fact into the entire financial transactions of all the companies in question.

**Mr. Deputy-Speaker:** His time is up.

**Shri Ravindra Varma:** I wish, I had some more time.

**Some Hon. Members:** Yes, yes.

**Shri Morarka:** At least five minutes more.

**Shri Ravindra Varma:** As soon as the persistent allegations came to his notice, Shri Patnaik offered to the Leader of the Opposition, who is the first signatory to the memorandum . . .

**Shri P. K. Deo:** He may lay his speech on the Table.

**Shri Ravindra Varma:** . . . as also the Chairman of the PAC to examine and investigate the deals in question. What did he do? . . . (*Interruption*). The Leader of the Opposition on whose behalf it is claimed that he has devotion to the institutions of democracy first agreed to conduct an inquiry. When the Speaker gave him a directive that the Public Accounts Committee itself should go into the question, he agreed to conduct the inquiry. But later, he backed out. On what issue? On what ground? He backed out because there was some

murmur somewhere that he might be got over or influenced by Mr. Patnaik.

श्री राम सेवक यादव : माननीय सदस्य पब्लिक एकाउन्ट्स कमेटी से सदस्य लगते हैं।

**Shri Ravindra Varma:** This is the devotion to duty that is extolled! I say, Sir, that this shows the way in which they have been deflected from the path of duty. The leader of the Opposition suddenly retreated from the position on grounds which do not do credit to his self-confidence, confidence in his own case or integrity, or his devotion to the duties of the leader of the Opposition.

**Mr. Deputy-Speaker:** The hon. Member may conclude now.

**Shri Ravindra Varma:** Sir, for lack of time, I cannot go into this question at length. But I want to say that if this House, listening to the arguments of the Opposition, is willing to soft-pedal the processes that are laid down in our Constitution, it will be beginning of sad days for our country? Is the Opposition suggesting that we should short-circuit statutory processes and ignore the competence role and functions of the Orissa Legislature? Will they have advocated it if one of the Opposition Parties was in power in Orissa? They would then have accused us of abridging the rights of the State Legislature and making a mockery of the autonomy of States. Is it suggested that this House or the Government should not wait for the report of the Auditor General, should not wait for the Public Accounts Committee to conclude its investigation but should soft-pedal the rights of the State Legislature, impugn the integrity and statutory functions of the independent machinery of the Auditor General and set up a Commission of Inquiry to appropriate the functions of the State legislature and its organs?

Sir, if you will permit me, I shall conclude by saying a few words about

what Shri Indrajit Gupta had said yesterday. Yesterday, the hon. Member, Mr. Indrajit Gupta, said that the Congress was subverting democracy and the Constitution in this country. Anyone can say anything in a democratic country. As far as political casuistry is concerned, it is well known that the philosophy that Mr. Gupta subscribes to is unbeatable. He said that the Congress is subverting the Constitution, the Government is subverting the Constitution, because it is allowing the growth of monopoly. It suited him to ignore the appointment of the Monopoly Commission, the amendments of the Company Law, the amendments of the Banking Act and the policy of taxation that this Government is pursuing. The reason is clear. To him the only way to end monopoly is to establish State monopoly over all industries and means of production and, not only that, but the monopolistic control of the State by the Communist Party.

One word more about the detention of the Communists in Kerala and elsewhere. (*Interruptions*). This is a very important question and I hope you will give me one minute more. It is said that these gentlemen are being detained on suspicion. What is suspicion? We had a full-dress debate here in this House and all the facts were placed before us by the Home Minister. Was one of those facts contradicted by anyone sitting opposite? Was one of those statements alleged to have been made by the leaders of the pro-Peking group contradicted or denied by any one from there? No, Sir. When it is proved that the portraits of Mao Tse-tung are hung—not hanged—and worshipped at their conferences. When it is proved that there is sympathy for the Chinese and that there is ambiguity and hostility on the question of aggression, I wonder what esoteric faith performs the alchemy by which aggression is converted into liberation. It is an admitted fact that the Left Communists....

**Mr. Deputy-Speaker:** He must conclude now.

**Shri Ravindra Varma:** I am concluding. (*Interruptions*).

**श्री हुकम चन्द कछवाय :** प्रधान मंत्री को बोलना है। आप इनको समय दे रहे हैं। कांग्रेस को उस के हिस्से से ज्यादा समय दिया जा रहा है।

**Mr. Deputy-Speaker:** Order, order.

**Shri Ravindra Varma:** It is admitted that by revising their views on parliamentary democracy, they have gone back to the path of insurrection, violent revolution and destruction of State apparatus in this country. If the right of freedom of speech and other rights guaranteed in democracy are to be used to destroy democracy, used as instruments for the destruction of democracy, I ask, can't democracy defend itself? If as Shri N. C. Chatterjee says the right of the individual is supreme and the necessity to protect the pattern of society that can guarantee those rights may be ignored with impunity then may I ask whether Government has to be a managing agency for hospitality in no-man's-land?

In conclusion Sir, I would like to say that if we uphold the proposition of the Opposition, if like one of the ilk of the Opposition, we take freight at our responsibilities and give the go-by to due processes and procedures, show scant respect to the functions and powers of the organs of State legislatures and reduce their value and autonomy by refusing to work them, by contributing to their atrophy, we shall be abdicating our responsibility to protect the rights, prestige and dignity of the different institutions in our democracy, and we shall be allowing the Opposition to stampede us into impropriety. We shall then be giving in to their attempt to achieve through a whisper campaign what they have consistently failed to achieve through their

election campaigns. Sir, I urge the House to reject the motion.

**Mr. Deputy-Speaker:** The hon. Member should conclude now. **Shri Sezhiyan.**

**Shri Sezhiyan (Perambalur):** Mr. Deputy-Speaker, Sir, while supporting this motion of no-confidence moved by my hon. friend Shri Surendranath Dwivedy. I am fully conscious of the arithmetic of the strength of the various parties here. The ruling party may afford to be confident of its strength to oppose and defeat any number of censure motions here. But a democratic government should rely not only on its numerical strength but also on its moral strength. They should enjoy the confidence of not only the House here but of the entire country.

My hon. friend Shri Hanumanthaiya just a little while ago was giving a narration from the *Mahabharata* to rebutt the charges made not only in Orissa but also in other places. But he forgot one fundamental and basic lesson of the *Mahabharata*, namely that the Pandavas did not rely on their numerical strength for their victory. Though Duryodhana and his brothers numbered 100, and the Pandavas were only five, still fate decreed against numerical strength, because *Dharma* was not with Duryodhana but with the Pandavas, and, therefore, only the Pandavas won ultimately. Therefore, instead of relying merely on numerical strength, my hon. friend should rely on the strength of *dharma* and then establish his proposition.

In a democratic set up, the successful functioning of it depends on the dignified functioning of the legislature, judiciary and executive. Unless these three units function effectively and in co-ordination, we cannot say that democracy has functioned in an effective way. Unfortunately, in our country, the legislature is not taken into confidence; the judiciary, is not allowed it to function in the right way; so far as the executive is concerned, all the black facts of the executive are kept

in darkness. Therefore, I would appeal to the members of the ruling party to search their conscience and to say whether everything that should have been done has been done. If they look into their own conscience, if they look at the picture of Dorian Gray, they will be able to see the sickening, ugly and corrosive growth of a monstrosity, there which is anything but democracy.

What we say about this government is that there has been no direction, no definiteness, no clarity, and no understanding of the situation. Whenever they approach any problem, they approach it with a sort of helplessness, vagueness, ambiguity, mystification and downright deception. Take, for instance, the CBI report itself which has been placed on the Table of the House by Shri Kamath. The spokesman of the Government party was arguing that there was a words of difference between enquiry and investigation. I do not know whether the common man is worried about this kind of distinction. But with all deference to the learned Shri Chagla, I have to point out that in the C.B.I. report that has been placed on the Table of the House and available in the Library at page 3, under the heading 6(a) in sub-para 2 it has been stated:

“Further investigation has revealed that there was an existing agreement which was arrived at prior to Shri Patnaik becoming the Chief Minister that the stamp duty in the case should be borne by the State.”.

But so far the Government has neither accepted nor denied it. On the basis of the document placed on the Table, it has been clearly stated that further investigation has revealed many things. If this is the correct report, then those persons who drafted this report know fully well the difference between ‘investigation’ and ‘inquiry’, and would not have used the word ‘investigation’ without being aware of its full implication. Further, these things

have been investigated and looked into by a department of the Government called Central Bureau of Investigation. I do not know what that word ‘Investigation’ means in that context.

Also here we have got a stout-hearted Home Minister, Shri Nanda, who has sworn that he would root out corruption in two years. I do not know whether he is going to stick to that time schedule. But I would say one thing. With all his sincerity, he is fighting against corruption, he is a sworn enemy of corruption. But when it comes to a question of the corrupt, he leaves them aside.

In the Santhanam Committee’s Report, there is a specific observation about this aspect. I am referring to it because the Government is fighting corruption, not the corrupt. On page 8 of the Report, the Committee says:

“Complaints against the highly placed in public life were not dealt with in the manner that they should have been dealt with if public confidence had to be maintained. Weakness in this respect created cynicism and the growth of the belief that while Government were against corruption, they were not against corrupt individuals, if such individuals had the requisite amount of power, influence and protection”.

This is the verdict of the Santhanam Committee, that all along our Government is fighting against corruption but not against the corrupt. This is the whole basic tenet behind the policy of Government that people with influence and enough power can always get through, however corrupt they may be.

Take another instance where they fight against the shadow not the reality. Take our border. They say that India is fighting aggression. But they are not prepared to fight the aggressors. I would ask Government what happened to the solemn pledge this Parliament took on November 14, 1962 with complete unanimity, to drive out the aggressor from the sacred soil

[Shri Sazhiyan]

of India, however long and hard the struggle may be. There was a wonderful and spontaneous response of the people, a mighty upsurge amongst all sections of our people. There was created among all sections of our people, a confidence, an earnestness and a determination to drive out the aggressor. But it has been squandered away, frittered away by this Government. The response and unity of the country exhibited then have been frittered away, and the confidence reposed by the people in it has been lost by this Government, because the people have noticed this policy of this Government, of fighting aggression but not the aggressor, of fighting corruption but not the corrupt, of fighting the ghost, not the reality.

At that time, we gave enough power to the Government. We gave it the DIR. We gave Government arms and ammunition. But these were used not to fight against the aggressor but against our own people. The DIR has been used and is being used not for the security of the country but for the security of the Congress Party itself. If they have specific charges against anybody, let them bring him before a court and prove them. It was said here that no man should be pronounced guilty unless he has been tried and his guilt proved. Then why are you taking shelter under the DIR? Why not bring those people before a court of law, prefer specific charges against them and let the matter be decided by the court?

In the DMK agitation, one of the leading members of our party, Shri Karunanidhi—he is deputy leader of the Opposition of the Madras Legislature has been taken into custody, we do not know for what reason. He has been taken into custody under the DIR and has been sent overnight 400 miles away to Palayamkotai. He is a pleurisy patient in weak condition and he has been put in solitary confinement.

I want to ask: if there are any specific charges against him, why not bring the matter within the cognisance of a court? If he has done anything endangering the security of the country, why not a prosecution be launched against him? But do not use the DIR which is intended for safeguarding the security of the country. By this means, you are prolonging the state of emergency, only to protect the Congress Party.

We have given arms and ammunition to our army to fight against our enemies. But what happens is that these things are being used not against the aggressor, but against our own people. The army has been sent not to the frontiers to drive away the aggressor, but it is being sent to the small villages in Tamil Nad like Thiruchemgode Kumarapalayam, Pollachi and other places. As to what they did there, I need not say much. I will only quote the PTI report of February 12. PTI is known to be an institution unbiassed politically. Under the date line of Pollachi, February 12, they said:

“The Madras regiment, recently drafted to reinforce the police, resorted to light machine gun fire to disperse a violent mob.”

I want to know whether arms have been given to our army to drive away the aggressor or to shoot down a seven-year old boy, an eight year old girl or a 60 year old man in the way they did at Jollachi Thiruchemgode and Kumarapalayam. Even now the army is harassing the people there.

If they had made the position regarding the language issue definite and clear earlier, much would have been avoided, but what has happened? Now the Prime Minister and the Home Minister are assuming a posture of injured innocence. They say: “Nothing has been done on 26th January. Nothing has been done before. Why do you get angry? Why should there be an agitation?” But I have

got here in my hands a bunch of these memos and circulars issued by the Government from October onwards up to date on the introduction of Hindi as the official language.

There was a Home Ministry circular issued in October, 1964 which called for special reports from the various Ministries by October 15, 1964, indicating the steps so far taken by them to promote the use of Hindi for official purposes in view of the approaching dead line of January 26, 1965, when Hindi becomes in law the official language of the Indian Union. The Ministerial order said that it would be desirable to introduce a few printed forms in Hindi even before January 26, 1965 to create the necessary psychological atmosphere for the changeover. Therefore, they were contemplating the changeover and they wanted to create the necessary psychological atmosphere?

They have been issuing many circulars. I have got with me the Southern Railway Gazette issued on 16th November, 1964, wherein it has been said:

"The training of the existing staff in Hindi language should be completed by March, 1966."

The latest one has been issued by the Southern Railway on 1st February, wherein it has been stated:

"As per article 343 of the Constitution, Hindi becomes the official language of the Union 15 years after the Constitution came into force, i.e., from 26th January, 1965.

The need for learning Hindi for official purposes has thus become a national necessity."

**Mr. Deputy-Speaker:** Give them to Dr. Lohia.

**Shri Sezhiyan:** These things are being issued. However, the Home Minister and the Prime Minister have now made statements and given categorical assurances and I welcome them. I accept the good word of the Prime

Minister and hope that it will be carried out.

The Prime Minister was pleased to say on March 2nd in this House:

"However, either in the matter of recruitment or in the matter of promotion, there is going to be no handicap for those who do not know Hindi."

And he also said:

"The assurances given by Pandit Jawharlalji will be fulfilled unequivocally and without any reservation."

I welcome these sentiments. We believe in these words, though there have been a lot of circulars. Shrimati Indira Gandhi, the true daughter of our late beloved Prime Minister has said that there should be rethinking, and the Prime Minister has come out with these statements and assurances, and we look forward to the time when these things would be given a statutory form, without delaying further. That would go a long way to assuage the feelings of the South. The statements of the Prime Minister have created some effect, but without frittering away this gain, they should come forward with a definite statutory assurance which will go a long way to help.

Democracy rests on three fundamentals—the legislature, the judiciary and the executive. The judiciary should go into the D'R cases. A judicial enquiry should be conducted into all the happenings in the South to ascertain whether violence was on the part of those who conducted the agitation, the unruly elements or the Government, whether repression preceded violence or violence preceded repression. All these things should be gone into by a judicial enquiry. We are not accusing anybody. Nobody need fear if he is not guilty to proceed in a judicial manner. Because in a democracy, however minority their words may be, however small they may be, however unpalatable

[Shri Sezhiyan]

they may be, if you want, you can condemn them in a court of enquiry. In the Orissa affair, in the Madras affair, if in all these things you want to gain the confidence of the people, you can institute a judicial enquiry. You should enquire not only into the firing but into the whole background, why there was violence, how it was created, why there were so many deaths, why should the army be sent there and why did it machine-gun the poor helpless people there. All these things should be gone into, in all their entirety. Then only you will get to know the full picture, but not by doing things in a hush-hush manner or by mudslinging at somebody. There is no use in taking snap decisions or exploring for causes in the Cauvery basin nor in taking out anti-prohibition raids nor going to the toddy shops . . . (Interruptions.)

**Mr. Deputy-Speaker:** The hon. Member must conclude now.

**Shri Sezhiyan:** Sir I am concluding.

Take our sincerity. Please institute a judicial enquiry. We will try to prove how much the atmosphere had been vitiated by the vagueness, by the ambiguity, by the intolerance by the imposition of Hindi imperialism in the South. I thank you, Sir, for this opportunity.

**Mr. Deputy-Speaker:** The hon. Prime Minister.

**Shri Joachim Alva:** Sir, before you call upon the hon. Prime Minister to speak, I have a special request to make. We are entitled to hear him uninterrupted because he is our chief spokesman and of the Government. He is the Leader of the House.

**Mr. Deputy-Speaker:** Let us hope he will not be unnecessarily interrupted.

**श्री किशन पटनायक :** प्रधान मंत्री अपनी मातृ-भाषा में बोलें या किसी गैर-हिन्दी वाले के लिए प्रधान मंत्री की गद्दी छोड़ दें।

**प्रधान मंत्री तथा अल्पसंख्यक मंत्री (श्री लाल बहादुर शास्त्री) :** डिप्युटी स्पीकर महोदय यह बहस कल से चल रही है और इस में काफी गर्मी और काफी तेजी दिखलाई गई है। यहां वाद-विवाद करीब करीब इस तरह का रहा है कि एक तरफ से जो बात कही जाये उसी को मानना चाहिए उसी को सुनना चाहिए और जहां तक हो सका दूसरी तरफ की बात को सुनने से इन्कार किया गया है।

17.39 hrs.

[MR. SPEAKER in the Chair]

लेकिन मैं यह कहना चाहंगा कि इस सवाल को हमें शान्तिपूर्वक ही देखना है। हम इस में अर्धय से या बैचेनी से काम नहीं ले सकते।

जहां तक पटनायक साहब या मित्रा साहब का सवाल है उस में बात तो यूं हुई कि प्रेजिडेंट साहब के पास शिकायतें आईं। उन्होंने वे शिकायतें गवर्नमेंट को भेजीं और फिर हमारे सामने यह सवाल था कि हम उन शिकायतों की देख-भाल या जो आरोप लगाए गए उन की जांच किस प्रकार करें। मैंने यह देखने के लिए कि आया कोई प्राइमफ्रेसी केस कोई ऐसा मामला बनता है जिस में उन्होंने कोई गलत काम किया हो या अनुचित बातों की हों या इम्प्रापर बातों की हों उन शिकायतों को अपनी एक कैबिनेट सब-कमेटी के सुपुर्द किया जिस में हमारे काफी सीनियर मिनिस्टर्स शामिल थे। उस कैबिनेट सब-कमेटी ने उन सारी बातों को बहुत अच्छी तरह से और गौर से देखा। सी०बी०आई० की रिपोर्ट जब आई उसके आधार पर और उस रिपोर्ट में जो बातें थीं और जो कागजात थे वे भी कमेटी के पास आये और उस पर करीब एक सौ सवाल बना कर एक सौ क्वेश्चन बना कर भेजे गये मित्र साहब और पटनायक साहब के पास। उन सारे सवालों में जो कुछ सी०बी०आई० में बातें लिखीं

गई थीं वे भी शामिल थीं। उनका जवाब आने पर उसके बाद फिर और पूछ ताछ की गई और खुद पटनायक साहब आये। कमेटी के मम्बरों ने बहुत सी बातों पर जिन पर कमेटी को सन्तोष नहीं था उनसे सवाल किये और उनके उन्होंने जवाब दिये। इतना ही नहीं उसके बाद उन्होंने और बहुत से डाकुमेंट्स भी भेजे बहुत से दूसरे कागजात भी अपनी बातों के सबूत में भेजे, जो कुछ भी उन्होंने बयान दिया था कमेटी के सामने उसके सबूत में भेजे। वहां के चीफ सँकेटरी से भी बयान लिया गया। इस तरह से जो बातें जो शिकायतें रिपोर्ट में थी उनके आधार पर भी उन से जांच पड़ताल की गई।

मैं कोई कानूनी आदमी नहीं हूँ। लेकिन यह बात स्वाभाविक है कि सी०बी० आई० को भी अगर कोई मामला आगे बढ़ाना होता है तो वह केस कोर्ट में ले जाती है प्रासीक्यूशन करती है। सी०बी०आई० की रिपोर्ट कोई आखिरी रिपोर्ट नहीं थी। वह मामला जब कोर्ट में जाता है तो कोर्ट सी०बी० आई० की रिपोर्ट पर फैसला करती है। हो सकता है उसके पक्ष में करे हो सकता है उसके खिलाफ करे। इसलिए उस रिपोर्ट को एक आखिरी रिपोर्ट मान लेना यह बात मुनासिब नहीं होगी उचित नहीं होगी।

जो कमेटी ने जांच की जो देखभाल की जो बातचीत की जो सवाल जवाब किये और जो डाकुमेंट्स और कागजात आए उनके पास उनके आधार पर वह एक नतीजे पर पहुँची। उनका नतीजा जैसा आप जानते हैं यह था कि उन लोगों ने कुछ इम्प्रोप्राइटीज की है जिन की वजह से कमेटी ने अपनी राय साफ उस सिलसिले में दी उस सम्बन्ध में दी। वह यही थी कि रुपये पैसे की जहां तक बात है कमेटी ने कहा कि वह शिकायत उनकी राय में साबित नहीं होती है। इस तरह जो एक इम्प्रोप्राइटीज की बात आई और रिपोर्ट मेरे पास आई तो मैंने यह मुनासिब

समझा उन इम्प्रोप्राइटीज की बातों को देख कर कि मैं मित्र साहब से और पटनायक साहब से इस्तीफा देने के लिए कहूँ।

आपको याद होगा, सदन के माननीय सदस्यों को याद होगा कि मैंने पीछे जब पार्लिमेंट के सेशन में यह नई जिम्मेदारी ली थी तब मैंने कहा था कि अगर किसी मिनिस्टर के खिलाफ कोई इनक्वायरी कोई जांच होगी या कोई शिकायतें की जायेंगी तो शिकायतों और आरोपों की जांच के लिए मैं देखूंगा कि कोई प्राइमा फेसाई केस बनता है या नहीं बनता है और अगर बना तब मैं मिनिस्टर से कहूंगा कि या तो वह इस्तीफा दे दे या इनक्वायरी कमिशन को फंस करे। तब एक इनक्वायरी कमिशन मुकर्रर किया जाए यह बात मैंने उस वक्त कही थी। मैं उसी पर बिलकुल इस वक्त भी अमल कर रहा हूँ। उसी बात पर मैं चल रहा हूँ। अगर कोई मिनिस्टर या चीफ मिनिस्टर यह कहे कि हम प्राइमा फेसाई बात नहीं मानते जो प्राइमा फेसाई केस बनाया गया है हमारे खिलाफ उसको हम मानते नहीं तो उसका जवाब मेरे पास इतना ही है कि एक कमिशन आफ इन्क्वायरी आपके खिलाफ मुकर्रर किया जाना है लेकिन कमिशन आफ इन्क्वायरी जब तक चलता रहेगा तब तक आप मिनिस्टर नहीं रह सकते चीफ मिनिस्टर नहीं रह सकते। कमिशन आफ इन्क्वायरी अगर आपको एक्विट कर दे छोड़ दे तब फिर आप अपनी जगह पर दुबारा आ सकते हैं। बिलकुल उसी नीति को उसी पालिसी को मैंने इस में बरना है।

जब यह बात एक इम्प्रोप्राइटीज की आई तब मैंने मित्र जी से और पटनायक साहब से कहा कि यह स्थिति है, यह कॅबिनेट सब-कमेटी की रिपोर्ट है, उसमें आपके खिलाफ इम्प्रोप्राइटीज ये ये प्वाइंट आउट की गई हैं। वैसे तो मैंने अपनी राय दे दी थी और कह दिया था कि हम आप पर छोड़ते हैं आप अपना फैसला इसके अनुसार करें,

[श्री लाल बहादुर शास्त्री]

आप खुद ही इसका फैसला करें कि आपका क्या फर्ज है, क्या कर्तव्य है। इस बात का यहां मैं उनको श्रेय देना चाहता हूँ कि उन्होंने अपने इस्तीफे दिये। मित्र साहब ने चीफ मिनिस्टरशिप से श्रीर पटनायक साहब ने जो चेयरमैन थे बोर्ड के श्रीर कमेटीज में, गवर्नमेंट कमेटीज में थे वहां से उन्होंने इस्तीफे दिये, त्यागपत्र दिये। जब यह बात हो गई, इस्तीफा श्रीर त्यागपत्र हो गया तब कोई श्रीर बातें इम्प्रोप्राइटीज वगैरह की हैं या मिसएप्रोप्रियेशन की हैं, जिसकी चर्चा उधर से की गई है तो मैं कहना चाहता हूँ कि एकाउंटेंट जनरल श्रीर आडिटर जनरल जो हैं वे उन चीजों को देख रहे हैं। जो उनकी पोजीशन है वह ठीक है। उनकी जांच पड़ताल बड़ी थोरी, बहुत पक्की, बड़ी टेक्नीकल होगी। उसके आने के बाद फिर अख्तयार होगा कि उस रिपोर्ट के आधार पर जो श्रीर कोई कानूनी कार्रवाई हो सकती है वह हो।

मेरी समझ में नहीं आता है कि कमीशन आफ इनक्वायरी स्थापित करने का नतीजा क्या होगा? जो यह कहा जाता है कि कमीशन आफ इनक्वायरी मुकर्रर की जाए, उसका क्या परिणाम होगा। नतीजा तो कमीशन आफ इनक्वायरी का यही होगा कि इस्तीफा देने की बात उनसे फिर कही जाए। जो कमीशन आफ इनक्वायरी की सिफारिश होगी अगर वह खिलाफ गई, विरुद्ध गई तो फिर उन से रजिगनेशन ही की बात कही जाए। प्रासीक्यूशन वगैरह की बात तो सेंट्रल गवर्नमेंट के अख्तार में नहीं है। गालिबन अभी जैसा कहा गया स्वतन्त्र पार्टी के एक मेम्बर साहब की तरफ से कि प्रासीक्यूशन की गुंजाइश हमारे लिये तो नहीं है, हम तो उसको नहीं कर सकते हैं, वह स्टेट गवर्नमेंट ही कर सकती है। वैसे यह कायदा कानून भी है। खैर उस बात को हम छोड़ें हैं। लेकिन कमीशन आफ इनक्वायरी को

कायम करने के बाद भी आप वही चीज करेंगे उसकी सिफारिश आने पर जो चीज कि हमने आज वहां की है। हमने तो एक तरह से देर होने से बचाई है। हमने इस मामले को लम्बा होने से बचाया है। यह चीज हेंग करती है, रुकी रहे, उसको हमने रोका है। इसलिए कमीशन आफ इनक्वायरी की नियुक्ति की बात, उसको मुकर्रर करने की बात मेरी समझ में नहीं आती है। मेरी समझ में नहीं आता कि उसकी जरूरत कहां है?

जहां तक इस सवाल का सम्बन्ध है एक श्रीर बात बड़े जोरों से, बड़ी तेजी से कही जाती है। पोलिटिकल लेवेल पर फैसला लेने की बात मैंने कही थी। अब मैं फिर कहता हूँ कि उसके माने यह नहीं है कि अगर किसी के खिलाफ हमारे, कोलीगज में से या मेरे खिलाफ कोई मिसएप्रोप्रियेशन का चार्ज हो तो उसमें हमारा प्रासीक्यूशन न हो। यह बात तो मैंने नहीं कही। यह पोलिटिकल लेवेल की बात नहीं है। पोलिटिकल लेवेल से मेरा तात्पर्य यह था, पोलिटिकल लेवेल से मतलब यह था, उसके माने यह थे कि जो जिस आफिस को होल्ड करता है अगर उसके खिलाफ कोई बात होती है तो फौरन उसके बारे में कार्रवाई यहां गवर्नमेंट की तरफ से या मेरी तरफ से हो जिसमें उनसे इस्तीफा या रजिगनेशन या त्यागपत्र देने की बात कही जाए। अभी इंग्लैंड में प्रोपयुमों केस हुआ है। उस में कुछ डिफेंस सीक्रेट्स की बात भी इनवाल्ड थी। उसका हुआ क्या? उसका नतीजा तो यही हुआ कि उनका इस्तीफा लिया गया।

मैं आपसे निवेदन करना चाहता हूँ कि पहली बात तो यह है कि किसी मिनिस्टर के खिलाफ इनक्वायरी करना यह कोई छोटी बात नहीं है। साधारणतः एक चीफ मिनिस्टर श्रीर वह, वह चीफ मिनिस्टर जिसको कि पार्टी का पूरा समर्थन हासिल

हो, पूरी सपोर्ट हासिल हो, कोई छोटी बात नहीं है। खैर, एक तो हमने चीफ मिनिस्टर के खिलाफ इनक्वायरी की। फिर इनक्वायरी रिपोर्ट आने के बाद हमने उसे इस्तीफा देने के लिये कहा और उसका इस्तीफा होता है। और जैसा मैंने कहा, उसको अपनी पार्टी में और लेजिस्लेचर में मैजारिटी की सपोर्ट है, लेकिन तब भी वह इस्तीफा देता है। और फिर आप इसको कोई मामूली बात समझते हैं, आप इसे बिल्कुल कोई साधारण बात समझते हैं कि इस तरह की कार्रवाई हो जाए? आप अब भी समझते हैं कि इसमें क्या हुआ, और उसमें तो कुछ और ही होना चाहिए था।

यह ठीक है कि मैं कोई दुश्मनी के नाते इस बात पर विचार नहीं कर सकता, कोई विच हंटिंग करना मेरे लिए नामुमकिन है, लेकिन जो बात इन्साफ की है उसके करने में मैं कभी नहीं रुकूंगा।

मैं यह समझता हूँ कि मैंने अपनी ड्यूटी, अपनी जिम्मेदारी, पूरी तरह से निभाई। इसमें मुझे तनिक भी सन्देह नहीं है कि एक एक कदम जो हमने लिया वह सारा कदम सोच समझ कर लिया और ठीक से लिया। उसमें कोई कमजोरी की बात नहीं है। इस बात में भी कोई सच्चाई नहीं है कि कहीं से दब गए, या किसी ने दबा दिया। यह कहना कि साहब कहीं मीटिंग हुई, उस मीटिंग का असर पड़ा, यह बात बिल्कुल नहीं है।

जब शुरू में इस चीज को देख रहे थे तो ठीक है कि होम मिनिस्टर साहब का यह खयाल हुआ था कि इसमें काफी खराबी है और उस पर एक कार्रवाई होनी चाहिए और उसका देखभाल होनी चाहिए। लेकिन यह बात तब की है जब कोई जांच पड़ताल नहीं हुई थी, न बातचीत हुई थी, न ये डाक्यूमेंट आए थे। मगर उसके बाद क्या हुआ? मैं समझता हूँ कि इसी हाउस में होम मिनिस्टर ने कहा था कि हम उसकी जांच कर रहे हैं, लेकिन अब तक हम

इस नतीजे पर नहीं पहुंचे हैं कि कोई प्राइम-फंसी केस उन के खिलाफ बनता है। तो जब उस चीज को आप पूरी तरह देखें और पूरी तरह एग्जामिन करें तभी आप ठीक नतीजे पर पहुंच सकते हैं। इसलिए मेरा अपना खयाल यही है कि जो कार्रवाई हुई वह ठीक है, और जहां तक हमारी गवर्नमेंट की बात है, हम उससे ज्यादा आगे जाने को तैयार नहीं हैं।

श्री नाथ पाई (राजापुर) : आप मजबूर किए जायेंगे।

श्री लाल बहादुर शास्त्री : खैर यह बात ठीक है, आप मजबूर करे तो वह भी हम देखेंगे कि आप कैसे मजबूर करते हैं।

श्री राम सेवक यादव : जनता मजबूर करेगी।

श्री नाथ पाई : देश मजबूर करेगा।

श्री लाल बहादुर शास्त्री : मैं कहना नहीं चाहता, लेकिन और दूसरी पोलिटिकल पार्टीज ने इस देश के अन्दर अपने हाथ में गवर्नमेंट ली है, और इतनी शिकायतें करप्शन की उनके मिनिस्टरों के खिलाफ थी लेकिन किसी एक के खिलाफ उस गवर्नमेंट ने दूसरी पोलिटिकल पार्टी के कहने पर उसने कार्रवाई नहीं की। मैं परसोनली जाता हूँ, कागजात देखें हैं, कैसेज देखें हैं, और मैं ने उन से कहा कि आपको इसमें कुछ कार्रवाई करनी चाहिए, कुछ जांच पड़ताल करनी चाहिए लेकिन रती भर देखभाल किसी कागज की नहीं की गयी।

एक माननीय सदस्य : जिस पर यह आरोप है, उसका नाम बताया जाए।

श्री हरि विष्णु कामत : यह बेबुनियाद इल्जाम है। हम भी देखेंगे।

श्री लाल बहादुर शास्त्री : इसलिए यह कहना कि हम ही दूध के धाँए हैं और बाकी सब साफ नहीं हैं . . . . .

श्री हरि विष्णु कामत : हम इन्सान हैं ।

श्री लाल बहादुर शास्त्री : बस यह बात सही है कि हम सब इन्सान हैं, और इन्सान में कमजोरियां भी होती हैं। कमियां भी होती हैं, अच्छाइयां भी होती हैं, उधर भी हैं, इधर भी हैं, खराबियां उधर भी हैं, इधर भी हैं ।

श्री हुकम चन्द कछवाय : उधर ज्यादा हैं ।

श्री लाल बहादुर शास्त्री : इसलिए मैं तो यह निवेदन करूंगा कि एक वायुमंडल हमको बिल्ड करने की जरूरत है ।

जैसा हम ने कहा, ये तमाम कदम हम ने लिए हैं, और हम ने एक कोड आफ कंडक्ट भी बनाया है ।

श्री हरि विष्णु कामत : उस पर अमल नहीं हो रहा है ।

श्री लाल बहादुर शास्त्री : हम कोशिश करते हैं कि जहां तक हो सके उस पर अमल किया जाए । लेकिन यह एक ऐसी चीज है जिसमें सब के सहयोग और मदद की जरूरत है ।

श्री हुकम चन्द कछवाय : सन्धानम कमेटी का क्या हो रहा है ?

अध्यक्ष महोदय : आर्डर, आर्डर । यहां भी तो एक कोड आफ कंडक्ट है, उस पर भी तो अमल होना चाहिए । अब हमें सुनना चाहिए ।

श्री लाल बहादुर शास्त्री : जैसा मैं ने कहा कि सवाल ऐसा है कि इसमें हम सब को मिल जुल कर मदद करनी होगी तब इसको पूरा किया जा सकेगा ।

जहां तक हमारी पोलिटिकल रेसपांसिबिलिटी है, और आफिस में होने से हमारे ऊपर आती है, उसको हम मानते हैं और

उस बोझ से हम बचना नहीं चाहते, उसे हम शर्क नहीं करना चाहते ।

द्विवेदी जी ने कहा कि मित्रासाहब का नाम भी मैं ने अपने बयान में दे दिया। मैं कहना चाहता हूं कि कैबिनेट सब कमेटी ने उनका नाम उसमें शामिल किया । मुझे लिखकर बताया गया और उसके बाद जब वह बयान मेरे पास आया था तब मैं ने उनका नाम उसमें शामिल किया ।

मैं सदन का ज्यादा समय नहीं लेना चाहता, लेकिन साधारणतया यह कहना चाहता हूं कि कहा जाता है कि साहब एक कमजोरी है, एक ड्रिफ्ट है और इनडिसीजन है । मैं इसके ब्योरे में नहीं जाना चाहता । लेकिन मैं नहीं समझता कि किस मानी में, किस चीज में, यह बात कही जाती है कि ड्रिफ्ट है, इनडिसीजन है अ ज हमारे मुल्क में हमारे सामने बहुत से सवाल हैं, टेढ़े सवाल हैं ,

Shri Solanki: Foreign policy, Sir.

श्री लाल बहादुर शास्त्री : : फारिन पालिसी भी है । मैं जानना चाहता हूं कि किस बत्ता में ड्रिफ्ट है । जहां तक हमारी बेसिक पालिसीज का सवाल है, वे बहुत साफ हैं, चाहे वह नान एलाइनमेंट हो, चाहे वह पीसफुल कोएग्रेससटेंस की बात हो, चाहे डिस-अरारम-मेंट की बात हो, चाहे पीस की बात हो—

श्री हरि विष्णु कामत : चाहे चीन की बात हो ।

श्री लाल बहादुर शास्त्री : चीन की बात भी । और जहां तक अन्य देशों का सवाल है, जो हमारे खिलाफ हैं उनको छोड़ कर, हम उनके साथ अपने अच्छे सम्बन्ध कायम करने की कोशिश करते हैं ।

श्री हरि विष्णु कामत : चीन के साथ भी ।

श्री लाल बहादुर शास्त्री : नहीं, वह तो मैंने कहा कि जो हमारे खिलाफ हैं उनको छोड़

दीजिए। लेकिन जैसा कि मैं ने कहा, हम फारिन पालिसी के सिलसिले में भी उन्हीं चीजों पर अमल कर रहे हैं, और मैं नहीं जानता कि कहीं किसी देश की मित्रता हमने इस बीच में खोई है।

**Shri Ranga:** Everywhere.

**श्री लाल बहादुर शास्त्री :** बल्कि हमें और ज्यादा विश्वास और भरोसा मिला है उन देशों से, चाहे वह यू० एस० एस० आर० हो चाहे वह यूनाइटेड स्टेट्स हो, चाहे वे दूसरे मुल्क हों, उन्होंने हमको विश्वास और भरोसा दिलाया है कि वे अपनी दलस्ती को मजबूत रखना चाहते हैं, बढ़ाना चाहते हैं और उसे कायम रखेंगे।

हमारी इकानामिक पालिसी को लीजिए या फुड की पालिसी को लीजिए। यह ठीक है कि खाने के बारे में कठिनाइयां रही हैं, दिक्कतें रही हैं। लेकिन हमने जो नीति इस बारे में बनायी उस पर हम ने अमल किया। जहां तक जान बनाने की बात है, हम ने आज यह सोचा कि हमें जोन्स कायम रखना आवश्यक है क्योंकि हम एक बफर स्टाक, एक रिजर्व बिल्ड अप करना चाहते हैं अपने देश में और उसके लिए जो सरप्लस स्टेट्स हैं वह अपने यहां अनाज और गल्ला खरीदें तब उनकी मदद से हम एक बफर स्टाक और रिजर्व बना सकते हैं। मैं उसके ब्यौरे में ज्यादा नहीं जाना चाहता। लेकिन मैं समझता हूं कि हमारी यह पालिसी सारे देश की पालिसी है। यह ठीक है कि जब हमारा बफर स्टाक और रिजर्व बन जाएं तो हम उस पालिसी को रिव्यू कर सकते हैं और उस पर सोच विचार कर सकते हैं। लेकिन जो आज हमारी पालिसी है उसका फायदा आज भी है। मारकेट में अनाज आ रहा है —

**Shri Ranga:** Not good.

**श्री लाल बहादुर शास्त्री :** साथ ही साथ कीमतें भी कुछ नीचे आ रही हैं। मेरा अपना

खयाल है कि अगर अनाज का दाम और उस का भाव गिरता है तो और चीजों के दाम भी गिर सकते हैं।

हमने अपने बजट में डिफिसिट फाइनेंसिंग नहीं किया —

**Shri Ranga:** Question.

18 hrs.

**श्री लाल बहादुर शास्त्री और डिफिसिट फाइनेंसिंग न करके हम ने थोड़ी इस बात की कांशिश की है कि उसकी वजह से हमारी इकानामी पर अच्छा असर पड़े। हमारे सामने एक नये समाज, एक सोसायटी के निर्माण की बात है और उस में हम चाहते हैं कि हमारे कोमन मैन, जो हमारे कमजोर भाई हैं, उन की एक मदद और पूरी सहायता की जाय। (इटरपुंशंस) हम ने इस बजट में भी कुछ कदम उठाये हैं, कुछ बातों की हैं और वैसे भी अपने प्लान में उस के लिए खाम जगह रखना चाहते हैं। मेरे कहने का मतलब यह है कि इस तरीके का एक वातावरण, एक वायुमंडल पैदा करना कि साहब एक डिफ्ट है, कुछ मुनासिब नहीं होगा। अब यह कहने को तो कोई भी कह सकता है इस में कोई शक नहीं है लेकिन यह देश को मजबूत बनाने की बात नहीं है। इसलिए इन बातों को, एक सारे राष्ट्र के हित में, एक सारे मुल्क को ध्यान में रख कर करने की जरूरत है। मैं इतना ही कहूंगा कि यह गवर्नमेंट जो आज यहां है, मजबूती से है, रहेगी, चलेगी और काम करेगी।**

**Mr. Speaker:** Shri Surendranath Dwivedy.

**Shri Nath Pai:** Mr. Speaker, Sir, yesterday a question was raised about certain documents that were being referred to and quoted by Mr. Dwivedy. I requested you that you, in pursuing your earlier decision on the same subject, be pleased to direct that the same document be placed on the Table of the House. You promised yesterday that you would consider the matter and let us know

[Shri Nath Pai]

about it. I wrote to you accordingly. I think that you have considered the issue and I think the House is interested in getting the new document. . . . . (Interruptions).

**Mr. Speaker:** Order, order.

**Shri Nath Pai:** Why are they afraid?

**Mr. Speaker:** I am listening to him.

**Shri Nath Pai:** I, therefore, plead with you that since Mr. Dwivedy is going to reply to the debate and since you have had enough time to consider this, you may please tell us whether you have thought the desirability of the new document being placed on the Table of the House.

**Mr. Speaker:** At that time I said that I will consider it and watch the proceedings and see whether many Members would quote profusely from that document. . . .

**Shri Surendranath Dwivedy:** They can get it

**Mr. Speaker:** The summary was there.

**Shri Surendranath Dwivedy:** Not the summary.

**Mr. Speaker:** Mr. Dwivedy had quoted from that. I had allowed him. I did not debar anybody from further quoting from it. I never asked anybody that he cannot quote from that; I never prevented any Member from doing that. What I meant was that I would certainly consider it, I will watch the proceedings and if the necessity arises, I will certainly allow. Now, no one else has quoted. . . .

**Shri Nath Pai:** Mr. Dandekar did. You were not there.

**Mr. Speaker:** Then, he has done the right thing.

श्री हुकम चन्द कछवाय: अध्यक्ष महोदय, बिहार के चीफ मिनिस्टर के ऊपर सैमो-रेंडम में जो लाइन लगाये गये हैं और जिन का

कि जिक्र कल जनसंघ के नेता श्री उ० मू० द्विवेदी ने किया था और उन्होंने उस को सभा पटल पर रखने के लिए कहा था मैं उसको सभापटल पर रखना चाहता हूँ. . . . .

अध्यक्ष महोदय : आर्डर, आर्डर । माननीय सेदस्य बैठें । श्री सुरेंद्रनाथ द्विवेदी को मैं ने जवाब के लिए बुलाया हुआ है । द्विवेदी साहब को जवाब देना चाहिए ।

**Shri Surendranath Dwivedy:** Sir, I am grateful to the hon. Members. . .

**Mr. Speaker:** Would he be able to finish within 10 minutes?

**Shri Surendranath Dwivedy:** I will take about 40 to 45 minutes.

**Several hon. Members:** No, no.

**Mr. Speaker:** Order, order.

**Shri Surendranath Dwivedy:** I would not have taken so much time had the Law Minister not brought in certain things. They have to be replied to. I would again urge that you may kindly permit me to place these three documents on the Table of the House. These documents will conclusively prove that what he has said is not correct and he has distorted the facts.

**Mr. Speaker:** After all, the hon. Member is only making a reply.

**Shri Surendranath Dwivedy:** But the reply must be full.

**Mr. Speaker:** But then it cannot be for 40 to 45 minutes.

**Shri Surendranath Dwivedy:** But the debate has gone on for 8 to 9 hours.

**Mr. Speaker:** 40 to 45 minutes are too much. The hon. Member may try to take about 10 to 15 minutes.

**Shri Surendranath Dwivedy:** If you would permit me, I would place these documents on the Table of the House, and I shall cut short my speech.

**Mr. Speaker:** Let him quote from them as much as he likes.

**Shri Surendranath Dwivedy:** Then, sufficient time must be given to me.

**Shri Ranga:** I do not know why you are not allowing him to place those documents on the Table of the House.

**Mr. Speaker:** Let him first proceed with his reply and then we shall see.

**Shri Ranga:** Yesterday, you had promised that you wanted time to consider and then you would give your ruling. So many Members have quoted from these documents. It is only proper that they have to be placed on the Table of the House.

**Mr. Speaker:** Let him quote from it and let him proceed with his speech.

**Shri C. K. Bhattacharyya:** None from this side has quoted from that report. They want to humiliate the Government by persuading you to allow them to place it on the Table of the House. We resist this attempt on their part.

**Shri Surendranath Dwivedy:** We started this debate on the 15th instant, and 15 Members have participated in it including three hon. Ministers. Excepting for Shri Khadilkar who is a very honourable Member of this House, and who adopted some dishonourable methods in order to throw mud, and took this debate to a lower level....

**Shri Nath Pai:** He specialises in that.

**Shri Surendranath Dwivedy:** ...the discussion and debate have gone on very well.

While concluding my speech, I concluded as follows:

"...I repeat what I stated in the beginning, namely that I am not approaching this question from the personal point of view. I hope that this debate would help us in establishing certain norms, certain standards for the better conduct of our business."

I have thought that the issues that have been raised should be adequately discussed, and a dispassionate consideration should be given to this problem of corruption in high quarters.

When Shri Khadilkar raised that question, the silly question which was replied to in this House. I was expecting that he would stop at that, but he proceeded with it, but in spite of that, I submitted to your ruling and I did not interrupt. But since it requires a rebuttal, with your permission, before dealing with other things, I should like to deal with that, because that would go into the proceedings of the House. I am not stating anything new, but I would merely read out certain portions of my own explanation in respect of this very malicious charge levelled against me personally.

**Mr. Speaker:** But I had stopped him there.

**Shri Surendranath Dwivedy:** It had already appeared in the records of the House. You have not expunged it. If you expunge it, I shall not refer to it now.

**Mr. Speaker:** There is no question of expunction of it now.

**Shri Harish Chandra Mathur:** Let him explain it.

**Shri Surendranath Dwivedy:** Let me read out to you and for the convenience and edification of Members what I had stated in this House before, and what the origin of this libellous charge was. The origin of this libellous charge lies in what Mr. B. Patnaik had stated in a press conference, in which he had said:

Well, I know Mr. Surendra-Dwivedy has taken large sums of money from me personally from time to time—for his personal affairs—for his sickness."

There was nothing wrong if I had taken money for sickness, but that was not so.

**Shri Abdul Ghani Goni** (Jammu and Kashmir): Political sickness.

**Shri Surendranath Dwivedy:** Therefore, I was honest to say that there was no question of any moneys being received from him for my personal affairs or personal sickness.

**Shri Inder J. Malhotra** (Jammu and Kashmir): What is the proof?

**Shri Surendranath Dwivedy:** I had stated everything very correctly and described everything, and I do not want to repeat all that, because that would take the time of the House. But I had said that every pie taken from Mr. Patnaik—he had said 'once', but I had said 'No, no, twice'—had been shown in the accounts-books of the PSP, and I had stated then that the audited accounts of the party's funds were placed before the conference and adopted. Then I have said:

"It is very untrue to say this. I am prepared to admit, if you consider it...."

If my hon. friends opposite have really any consideration for anything, they should bear in mind what I said—

"It is very untrue to say this. I am prepared to admit. If you consider it from the highest moral point of view or ethical point of view, then probably it was wrong of me. Him to suggest that, it may be wrong of me, to take money from a person who wanted it to be utilised against his own party men".

This is what I said then in this House: "If you consider it from that point of view, from that highly an moral and thical point of view, I am guilty of the charge, that this money was offered to me for a purpose which was immoral, I accepted it." The money was given for defeating two Congress candidates. Then Shri Patnaik was nowhere in the picture. The real person then was Shri Hare

Krushna Mahtab, who is an hon. Member of this House. He was the leader of the Congress Party there. Shri Patnaik was an industrialist. And we take donations from anybody—does not matter.... (*Interruptions*). But I have this honesty to admit that I took the money and utilised it for the purpose for which it was given. I leave it at that.

**Shri Khadiikar:** On a point of personal explanation. What did I say...

**Shri Surendranath Dwivedy:** Shri Khadiikar should be ashamed to have levelled this charge against me after it was repudiated in this very House.

Analysing the whole debate as it has gone on, I will take up first what the Prime Minister said. The initial mistake was this. I was expecting the Prime Minister to actually deal with this matter in a wider scale. I was expecting him to reply to the specific points I had raised at the end of my motion, that if these things are accepted, I am prepared to withdraw this motion. But, the Prime Minister has deliberately, perhaps for his own convenience, kept mum over these points. He proceeded as if this motion was brought only against Shri Biju Patnaik and Shri Biren Mitra. That is completely wrong.

**Shri C. K. Bhattacharyya:** What else?

**Shri Surendranath Dwivedy:** I have never approached this matter from the personal point of view. I want to make this very clear. Shri Bhattacharyya may be a wounded soldier....

**Shri C. K. Bhattacharyya:** I did not get money from Biju Patnaik.

**Shri Surendranath Dwivedy:** I am emphatically repeating it here and now. If one reads my previous speech, if one reads the speeches that have been made in support of this motion on this side of the House, it was clearly demanded that we should

all make an effort to tackle this very problem which is a canker in the body-politic of India. That was my approach. I am sorry that the Prime Minister ignored it.

He asked: why Commission of Inquiry? Biju Patnaik and Biren Mitra have resigned. It is not just a question of Biju Patnaik's and Biren Mitra's resignation. Is that sufficient? If a man in authority commits these irregularities, whereby crores, lakhs and lakhs of rupees or public money are squandered, and he simply resigns, is that sufficient? It is admitted that the exchequer has incurred losses, but that the benefits have not gone to the persons concerned. The losses have been incurred; the exchequer has lost. Then where are the benefits gone? They are not in the air. Somebody must have been benefited.

So it is not a question of Biju and Biren; it is a question of the entire State Government's functioning, it is a question of the administrative corruption in that State. Therefore, in our allegations we have made it perfectly clear that it is not a question of two persons. That is the difficulty in the approach of our friends mere to this problem. There were five persons concerned, five Ministers. Shri Lal Bahadur Shastri says two of them have resigned. But what about Shri Sadashiva Tripathy, what about Shri Nilamony Rautray, who are now Chief Minister and Deputy Chief Minister? The charges against them are also as serious as against these two persons.

I do not quarrel with Shri Chagla. He says that the Cabinet Sub-committee was entrusted with the limited task of finding out whether there is a *prima facie* case against these two gentlemen, and that they have not gone into the question of others. That is my charge. I say the allegations were as many as 58. So far as we find from the reports, the CBI only went into 12 allegations; they had no

time to go into the others. Even in respect of those allegations, they have stated there are serious charges. Shri Kohli has stated:

"On the basis of the scrutiny of the records, it is not possible to say that all the allegations are unfounded, unsubstantiated or untrue. There are quite a few, and some of them are serious . . .

—I think Shri Chagla will note these words—

" . . . which require further enquiry to come to definite and clear conclusions."

That is what he has said.

What about these other allegations? I was expecting that Shri Nanda, the Home Minister, would participate in this debate and give us the real catalogue of events, how this happened. Dada says "God save us", but probably he thought it wise not to face this House.

Anyway, my point is that even in regard to these two specific questions which were referred to the Cabinet Sub-committee, whatever may be the contradictions of the report, what has Shri Chagla to say against these two gentlemen? We must remember what he said. Even Shri Chagla has to admit:

"I say this with all the strength I possess that I have no doubt that the Chief Minister of Orissa, Shri Patnaik, had behaved in a manner unworthy of a Chief Minister."

Even when all the material was not available with them, even with the limited material that was in their possession, the Cabinet Sub-committee came to this finding regarding these two gentlemen. So, my point is that if all these matters had been referred to them, probably the decision would have been otherwise, but because of the turn of events that took place and because it was known that if the whole thing was put before the public the

[Shri Surendranath Dwivedy]

damage to the entire Congress organisation would be tremendous, they took recourse to limit it only to two persons, and they did not take into account the other things.

A commission of inquiry is needed and the CBI itself has recommended that more enquiries are necessary. Shri Chagla argues and the Prime Minister says: "What, after all, has a commission of inquiry to do? A commission of inquiry has to recommend whether there is a *prima facie* case or not." It is not a question of the commission of inquiry recommending. The public must know what the real facts are. We are all in doubt about the facts today, because you do not admit them. The facts are there and you do not place them on the Table of the House. That is the position. The public must know the facts, and whether you take any action or not, the public will judge you after there is a judicial finding over the whole matter. That is why our point that a judicial enquiry should be conducted for this purpose is very pertinent. If really you want to establish high standards, it is necessary to do that. I do not want to say anything more on that.

There are one or two points about what Mr. Chagla has said and I would certainly refer to them. Some of the things he had said had been rebutted and I do not want to go into them. He says: I have taken the oath of secrecy. He has admitted that this is stolen property; that this is CBI's property. The property was there; somebody has stolen it. By saying so, he has indirectly admitted its authenticity. But even after admitting that, he says: "I have taken the oath of secrecy; it is a cabinet secret and therefore, I do not want to place it on the Table of the House." Has he taken the oath of secrecy to cover truth? Have you taken an oath to keep truth in secret? Is that the oath for?

I will then touch on some points raised by the Cabinet sub committee's recommendations. They say: "What is all this? All this is ridiculous. It has been clarified in so many words that concerns in which these people are interested—it has been admitted by the Cabinet sub committee, in fact by everybody—that the concerns in which their wives were connected made huge profits, that the conduct was not befitting of a Chief Minister. All these were admitted. It is said: even now the Prime Minister comes forward to say that the Cabinet sub committee told them, although they did not write it here, that Mitra had nothing to do; he did not make any personal profits. I will only quite what Mr. Churchill has said; 'he' includes 'she' 'he' embraces 'she'. But here the Cabinet sub committee probably wants to establish in this country that 'she' does not embrace 'he'. That is the sum-total of this argument. Otherwise, I do not know how they could make this distinction in such a shame-faced manner. It is said that the CBI report is an *ex-parte* report. Much has been made by Mr. Chagla about it. I ask him one question. They have detained hundreds of persons in this country. Is that not based upon the CBI report? Is that not based on police report, according to the Law Minister or Mr. Chagla? How can they, based on the CBI report, an *ex-parte* police report, detain hundreds of citizens of our own country? We say it is the police report. Perfect. Let us have a complete enquiry. That is what we are demanding. I think great damage had been done to the administration in future, if such irresponsible statements are made by Ministers against their own police who went to conduct this work because they did a patriotic job. It might have been jarring to them. How can such a statement be made here? If they were *ex-parte*, I ask the Prime Minister one question? Did the Cabinet sub committee also come to their decision *ex-parte* or not? Mr. Pant argued and said that they heard Mr. Patnaik. Even the Prime

Minister said here that they heard Mr. Patnaik; that they heard the Chief Secretary; they got the Government records. I would ask the Law Minister about this. He was speaking about some documents which were with them, about Mr. Patnaik's explanations. Let him place them on the Table of the House; let those papers come to the Table and let the people judge: what are the explanations, what are the findings? No, they will not do that. Why should you arrogate to yourself the position of a judge. He was a judge, the hon. Minister here, and he has retired and he is now a part of the political machine. Was not our demand proper and just? We the memorialists, we asked that we may be given a hearing and we were prepared to adduce more evidence. They did not care to ask us. I asked the Prime Minister: is it just, is it proper, is it justice. The Law Minister was quoting from S. R. Das's report about justice. Probably Shri Asoke Sen has forgotten to read the previous paragraph in it. Justice S. R. Das himself has said that in an arduous and trying task of holding the scales of justice even as between the contending parties, the Commission has spared no pains to ensure that justice is not only done but justice also appears to have been done. On the face of it, how can the Government say that their judgment can be taken without any grain of salt in this country?

I shall just come to certain questions, certain specific points which have been raised by Shri Asoke Sen. As I said earlier, I would not have requested you to give me more time had not Shri Asoke Sen without any facts, without any papers before him, but from memory, distorted the facts which have no basis, not only to confound the House but in order to defend the most indefensible cases, half-truths, false reports, false facts and may be concocted facts even, before this House.

I shall take one or two points, for example, the low shaft furnace, about which not only Shri Asoke Sen but my

hon. friends Shri Hanumanthaiya and Shri Morarka had also spoken. First, let me take the question of Orissa Agents making some profits. I am thankful to Shri Asoke Sen for having referred to a particular case. I interrupted him and asked him whether that is the case where only three days before the tender was to be opened, an advertisement was published in the Calcutta papers three days before. He admitted it. What are the facts? He says there was no loss incurred and that it was the lowest tender. If I say it is a lie, you will say that it is unparliamentary. So, I do not use that word, but I would only say that it is not true. Let me mention one of the orders that were placed with the Orissa Agents. It reads thus:

"Order No. Li|1|62-8341 dated 20-8-62 for 1 lakh rft. of 6" dia. G.I. Pipes placed by Chief Engineer Public Health Orissa."

This is the order about which Shri Asoke Sen was so eloquent. What are the facts?

"The Chief Engineer, Public Health, Orissa, invited tenders on 10-7-62 for 1 lakh ft. 6" dia. G.I. Pipes Class 'A'.

Mind you, it is Class 'A.' Then,

"Last date for submission of tenders was 20-7-62. One per cent security deposit in the shape of National Plan Certificates was to be remitted with the tender."

They have also to submit the National Plan Certificates.

"The tender notice which was sent for publication in three Oriya and two English dailies, appeared in Calcutta papers on 17-7-62. This left three days for submission of tenders, which coupled with the condition of 1 per cent security in the shape of National Plan Certificates, would have normally practically shut out all outside tendering. The very large value of the order appears however to have resulted in 39 tenders being received, although only 10 of these were for

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6" G.I. Pipes; the rest being for various accessories. As was only to be expected, 23 of these 39 tenderers had not remitted security deposit and their tenders were, therefore, conveniently rejected. One of these rejected tenders was of M/s. Amin Chand Pearey Lal, for Rs. 14.75 nP. per rft. FOR Calcutta and sales tax at 1 per cent. Their offer undoubtedly entailed import licence, but this was from rupee currency area and in any case the tender was not rejected on the ground of possible difficulty of import licence but for non-receipt of security money although the tenderers were one of the established suppliers and their offer would have saved the State Government over Rs. 4 lakhs. Although the tender notice was for 6" G. I. Pipes, Class 'A', Orissa Agents had quoted a rate of Rs. 18.75 nP. per rft. for Class 'B' only. Although some other firms had quoted for Class 'A', the fact that Orissa Agents had not done so, appears to have resulted in a novel argument being advanced as follows:

'G.I. Pipes of 6" diameter are manufactured in Class 'B' and above; so the quotations for Class 'B' have been considered.'

Then what happened? It is said here:

"Having rejected the other tenders, including Messrs. Amin Chand Pearey Lal, who were the lowest, on the ground of non-receipt of security money, and having decided that instead of Class 'A' pipes Class 'B' pipes were to be considered, the quotation of Orissa Agents was found to be the most favourable." What is more—

"An order was accordingly placed on them on 20-8-1962. Their security deposit was also short by Rs. 1690."

That was also overlooked. Then it says:

"There is no indication that they were required to make good this short payment. What is of special interest is the fact that the prevalent DGS & D rates....."

Shri Sen was saying that there were no such rates.

Shri A. K. Sen: I never said that.

Shri Surendranath Dwivedy: It is said here:

".....the prevalent DGS & D rates with the Indian Tube Co. for 6" diameter seamless pipes capable of withstanding high pressure and generally more expensive were Rs. 9.14 per rft. plus 1 per cent central sales tax. Further, only in June 1962, Superintending Engineer, Public Health Circle, Bhubaneswar, had on the basis of quotation of Orissa Agents themselves, placed an order with them for 6" G.I. Pipes at Rs. 15.25 per rft. According to Kalinga Tubes prices circular, their ex-works rate at the relevant time was Rs. 11.50. The order being of the order of over Rs. 10 lakhs sanction of the Government was necessary, but this also does not appear to have been obtained. On this single order alone, the State Government made excess payment to Orissa Agents, to the tune of over Rs. 10 lakhs, on the basis of the then available DGS & D rate, and nearly Rs. 4.50 lakhs on the basis of the lowest quotation of M/s. Amin Chand Pearey Lal. Even if Kalinga Tubes own price circular is considered, the State Government paid some Rs. 7 lakhs in excess."

This is one instance where he completely distorted the facts. Either these facts were not placed before the Cabinet Sub-Committee or Shri Sen, if I take his words as correct, or deliberately Shri Nanda or somebody in the Home Ministry, because of

these other considerations, did not place them before them. Otherwise there was no getting out of the fact that these persons and the Chief Minister of Orissa Shri Mitra, had done it purposely to benefit themselves and their families.

**Mr. Speaker:** He will try to conclude now.

**An Hon. Member:** Let it be placed on the Table of the House.

**Mr. Speaker:** Order, order. Let me hear the reply.

**Shri Surendranath Dwivedy:** I would like to clarify this point, because many hon. Members had got this idea as if the Accountant General of Orissa had given an Audit Report about the low-shaft furnace.

**Shri A. K. Sen:** I did not say that.

**Shri Surendranath Dwivedy:** Shri Hanumanthaiya mentioned about it, as if they gave a report and said what would be the proper value of it. So far as this low-shaft furnace is concerned, I have already, in my speech, referred to the point how the Planning Commission itself indirectly committed to this proposal.

Now, first I must clarify about the junk (*Interruption*)—please have patience. The allegation is:

“Sale of low shaft furnace at Barbil by Kalinga Industries to Orissa Development Corporation— it is alleged that the plant was running at a loss, and accounts were manipulated to show profits.”

Where is the junk I do not know. It says:

“It is also alleged that assets valued at about Rs. 30 lakhs were taken over for a sum of nearly Rs. 1 crore without proper valuation and with all contractual liabilities of Kalinga Industries being taken over by the Industrial Development Corporation. Mrs. Gian

Patnaik was the Chairman of Board of Directors of Kalinga Industries.”

This is the allegation.

That is the allegation. About this Shri Kohli, the Director of CBI has stated in his letter to Shri L. P. Singh:

“In the purchase of the Low Shaft Furnace at Barbil by the Orissa Industrial Development Corporation there are a number of features which raise doubts and suspicions about the transaction having been in the public interest as against the interest of Messrs. Kalinga Industries. Independent, careful and thorough investigation of the working of the plant, of its profitability, of its being an economic unit and about its value does not appear to have been conducted. The liabilities which were transferred to the Orissa Industrial Development Corporation along with the Barbil Plant and the actual terms and the execution of the arrangement indicate that the interests which received particular consideration were not those of the Orissa Industrial Development Corporation.”

Then I will read out from page 51 of this report.

**Shri Daljit Singh:** The same thing is being repeated and there should be a limit of time.... (*Interruptions*).

**Shri Surendranath Dwivedy:** I am not repeating the same thing. I will not read it because I have read it earlier. About the Planning Commission, to which a reference was made by Shri Hanumanthaiya, I want to ask only one question. I have given the details earlier. On the 5th Shri Nanda writes “further material should be collected”. No further material seems to have been collected. On the 6th Shri Patnaik himself approaches him with a manu-

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script letter saying that Rs. 20 lakhs are the profits out of this firm. On what basis? On what material? Till the day he wrote the letter, the profitability or the value of the low shaft furnace was never separately estimated or calculated or the accounts checked by any authority, either the Accountant-General or the Auditor-General. That is the position. And Shri Nanda, who writes on the 5th for further materials, says on the 6th, we do not know on what basis; that no further material is necessary. Then there is another very significant thing. What does Shri T. N. Singh say? He says that because the Deputy Chairman has raised no objection, nothing can be said in this matter.

**Mr. Speaker:** He has referred to it earlier.

**Shri Surendranath Dwivedy:** But it was again referred to in the debate.

**Shri C. K. Bhattacharyya:** Is he arguing a case *de novo*? (*Interruptions*).

**Mr. Speaker:** Now he should conclude.

**Shri Surendranath Dwivedy:** It is mentioned on page 51:

"Although the take over of the Barbil plant by the Orissa Development Corporation entailed an expenditure of nearly Rs. 90 lakhs and a further commitment for expansion of the plant of the order of Rs. 5.70 crores, even a proper technical valuation of the plant and Machinery does not appear to have been considered necessary.

There is no indication anywhere in the official records that the profitability of the low shaft furnaces was carefully examined at any stage. The combined balance sheet of Kalinga Industries Limited appears to have

been accepted as the basis for the assumption that the plant was running at a profit although separate financial results of this plant were no where available."

Then I want Shri Morarka to hear the last sentence.

"The Accountant-General, Orissa's audit report of Kalinga Industries Limited for the year 1960-61, which was referred to during the Corporation's Board meeting, also contains the observations that the profits of the plant had become inflated on account of the change in the method of calculation of depreciation and by the manner in which the value of finished goods had been arrived at."

Ultimately, what happened?

"The Industrial Development Corporation of Orissa Limited subsequent to take over, revised the previous agreement of Kalinga Industries Limited with their consultants..."

Here two things I want to say. How Patnaik was directly benefitted?

There was the Kalinga Otto Private Limited started and this Kalinga Otto Private Limited which was the technical consultants of the Kalinga Blast Furnace, also become the technical consultants of the Industrial Development Corporation after the transfer of this plant. Who are these consultants? They are, Shri Biju Patnaik, his wife, his daughter and his son. They form the consultants. What would they get from this? Really it is a virtual gift to the Government! They are getting this much.

"Industrial Development Corporation of Orissa Ltd., subsequent to take over, revised the previous agreement of Kalinga Industries Limited with their consultants, Kalinga Otto Private Limited, and under the revised agreement Kalinga Otto Private Limited in,

which Patnaik family has about 50 per cent interest became entitled to a total payment of Rs. 18 lakhs."

Further, there has been an agreement, before setting up this plant, with the Germans. There are four agreements. The agreements are not yet in the hands of the State Government, not even today. According to this agreement, even if this low shaft furnace fails, because it appears from the Government of India file.....

**Shri Ranga:** Sir, permit him to place it on the Table of the House.

**Mr. Speaker:** I have already explained that the object of placing it on the Table is that other Members might require to quote from other portions of the same document. When one hon. Member quotes from a document, there is a demand made that probably other portions might require to be quoted to contradict him, or it might be necessary to explain the real position. I have been watching whether any Member from the Opposition would like to quote from it or whether the Congress Members would make a demand that they want to quote from other portions. But nobody was there. Now that the whole debate is over, I have allowed Shri Dwivedy to quote.

**Shri P. K. Deo:** We want to quote during the Budget debate.

**Mr. Speaker:** It would be seen then; not at this moment.

**Shrimati Renu Chakravartty:** Unless you allow it to be laid on the Table, how can it be quoted?

**Shri H. P. Chatterjee** (Nabadwip): We wish to quote from it, but if the material is not available, how can we quote from it?

**Mr. Speaker:** When the whole debate is over and nobody has tried to quote from it either from the Opposition or from the other side, how can I ask myself whether it should be placed on the Table?

**Shri H. N. Mukerjee** (Calcutta Central): This is quite obvious that there are so many other extracts which, if only Shri Dwivedy had the time, he would quote before us. It is in the interest of the House, in the interest of Parliament... (*Interruption*). As Member of Parliament I am not supposed to know what is there. This is being referred to and I am being told many other quotable extracts which I ought to know. As a Member of this House. It is my responsibility to the country. Therefore, the House ought to take cognisance of this document and allow him to place it on the Table, so that I can go to the Library tomorrow and consult the document.

**Mr. Speaker:** There will be further discussions and if there are quotations, I can consider it then. Now that the debate is over, I cannot consider it at this moment. (*Interruption*).

**Shri Nath Pal:** May I bring it to your notice that the summary has been placed already at your behest on the Table of the House and it is the original that is now being quoted?

**Mr. Speaker:** Again that distinction is made between the two. The summary was being quoted and there was a demand that the other Members made that they wanted to quote from the other portions, that they must know and that this must be placed on the Table of the House. At once, immediately I allowed that to be placed on the Table of the House. Here when that demand was made that it should be placed on the Table, I said that I would observe and consider it.

**Shri Hem Barua:** Unless you allowed the papers to be laid on the Table of the House, how could people quote from it?

**Mr. Speaker:** No one asked that he wanted to quote from it during the whole debate.

**Shri Hem Barua:** Without being laid on the Table of the House, how can you expect people to look into it?

**Mr. Speaker:** There are other debates coming and I will see if it could be done.

**Shri J. B. Kripalani:** When a paper is laid on the Table of the House, the whole public knows of it. It is not a question only of the House. We want our masters to know this.

**Mr. Speaker:** When there is an opportunity, I will see to that. Now Shri Dwivedy might conclude.

**Shrimati Renu Chakravartty:** May I make a submission to you? You are saying that other Members have not wanted to quote from it. How is it possible for us to quote if you do not allow it to be placed on the Table? Shri Dwivedy has been trying for the last two days and you have said, "I will consider it; I will consider it". Now we want to use it during the Budget debate and you say, "You will consider it".

**Mr. Speaker:** If any of the hon. Member expressed a desire that he wanted to quote from it.... (*Interruption*). Not at this stage. It will be seen in future.

**Shrimati Renu Chakravartty:** Why? (*Interruptions*).

**Mr. Speaker:** If in any further discussion, this sought to be quoted, then I will see.... (*Interruptions*).

**Shrimati Renu Chakravartty:** It is very unfair.

**Mr. Speaker:** He might conclude now.

**Shri Surendranath Dwivedy:** I am sorry that this paper is not on the Table of the House. In that case, every Member would have seen it.

Now, I will finish with one quotation about low shaft furnace.

"It appears from the Government of India files that a scheme for an Industrial Complex at Talcher (Orissa) which includes production of pig iron low shaft furnace method, has also been

sanctioned. If Shri Patnaik continues to be entitled to royalty under the 1954 agreement, this will show that through Talcher Industrial Complex Shri Patnaik will arrange to fulfil his undertaking regarding installation of five low shaft furnaces within a period of 10 years, and accordingly continue to receive this royalty which would have otherwise would have otherwise lapsed."

This shows how it was a virtual gift to the Government of Orissa and this shows how honourable gentlemen of the Cabinet Sub-Committee in their wisdom came to the finding that so far as this is concerned, there was no pecuniary benefit to Mr. Patnaik. This is really surprising.

In conclusion, I want to say here that, as Acharya Kripalani said in this House, the Cabinet Sub-Committee had forgotten that they were dealing with clever men. I will cite one instance. In the year 1946, when Mr. Hare Krushna Mehtab was the Chief Minister and Mr. Biju Patnaik was an M.L.A., is it a fact or not that in the Telephone Directory it was published that Mr. Biju Patnaik was the Parliamentary Secretary to the Chief Minister just as he posed as the adviser to the Prime Minister here? That was even published. These are the people with whom they have to deal. Is that the manner in which they should have done it?

**Mr. Speaker:** The hon. Member should conclude now.

**Shri Surendranath Dwivedy:** Sir, I had put specific questions such as appointment of the judicial inquiry and the dismissal of the Ministry, and if really Mr. Lal Bahadur Shastri wants to establish a standard in the conduct of public affairs in this country, he should have agreed—I was thinking that he should not have any objection to this—in order to avoid all these difficulties in future, to create, as a permanent measure, an institution like the Public Service Commission

and the Election Commission which will deal with all matters of corruption so far as administration and public affairs are concerned. Even to this, he has remained mum—I do not know why. They have rejected the Santhanam Committee Report and they are also not prepared to accept this simple demand.

Sir, they may throw out my motion—they have a majority behind them—but let them not forget that the millions of our countrymen outside are watching them and they are seeing their misdeeds, however much they may want to cover them through secrecy, through this or that, and white wash them or soft-pedal them, and if this motion is thrown out, then the day is coming nearer when the people will throw them out also.

श्री हुषम खन्त कडवाय : बिहार के मुख्य मंत्रों के खिलाफ जो लाइन लगाए गए हैं उनके रिपोर्ट में यहाँ रख सकता हूँ ।

**Mr. Speaker:** The question is:

"That this House expresses its want of confidence in the Council of Ministers."

*Let the Lobby be cleared.*

The Lok Sabha divided:

**Shri S. M. Banerjee:** This is a Government of reads!

**Shri Vasudevan Nair (Ambalpuzha):** I wanted to vote for 'Ayes' Please add one more vote to the 'Ayes'.

### Division No. 7]

Alvarez, Shri  
Bagri, Shri  
Banerjee, Shri S.M.  
Barua, Shri Hem  
Bheel, Shri P.H.  
Chakravartty, Shrimati Renu  
Chatterjee, Shri H.P.  
Chaudhri, Shri Tridib Kumar  
Daji, Shri  
Dandekar, Shri N.  
Dasaratha Deb, Shri  
Deo, Shri P.K.  
Dwivedy, Shri Surendranath  
Gupta, Shri Indrajit  
Gupta, Shri Priya

### AYES

Kachavaia, Shri Hukam Chand  
Kamath, Shri Hari Vishnu  
Kandappan, Shri S.  
Kapur Singh, Shri  
Krishnapal Singh, Shri  
Mahananda, Shri  
Mahida, Shri Narendra Singh  
Manoharan, Shri  
Masani, Shri M.R.  
Mohan Swarup, Shri  
Mukerjee, Shri H.N.  
Nair, Shri Vasudevan  
Nath Pai Shri  
Pattnayak, Shri Kishen  
Pottekkatt, Shri

[18.55 hrs.

Raghavan, Shri A.V.  
Ramabadrnan, Shri  
Ranga, Shri  
Reddy, Shri Narayan  
Seahyan, Shri  
Shinkre, Shri  
Singh, Shri J.B.  
Singh, Shri Y.D.  
Solanki, Shri  
Utiya, Shri  
Vimla Devi, Shrimati  
Warior, Shri  
Yadhav, Shri Ram Sewak  
Yashpal Singh, Shri

### NOES

Abdul Wahid, Shri T.  
Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Anjanappa, Shri  
Arunachalam, Shri  
Babunath Singh, Shri  
Bajaj, Shri Kamalnayan  
Bakliwal, Shri  
Bal Krishna Singh, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Barman, Shri P. C.

Barua, Shri R.  
Barupal, Shri P.L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat, Shri B.R.  
Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L.N.  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M.B.  
Bhatkar, Shri  
Bhattacharyya, Shri C.K.  
Birendra Bahadur Singh, Shri  
Bisr, Shri J.B.S.

Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Chakraverti, Shri P.R.  
Chanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrabhan Singh, Dr.  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S.N.  
Chaudhry, Shri Chandramani  
Lal  
Chaudhuri, Shri D.S.  
Chaudhuri, Shri Sachindra  
Chavan, Shri D.R.  
Chavan, Shri Y.B.  
Chavda Shrimati Johraben  
Chuni Lal, Shri  
Daffe, Shri