

[Shri A. C. George]

published in Gazette of India dated the 27th April, 1971 regarding management of the Sri Bhara'li Mills Limited, Pondicherry, under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951. [Placed in Library. See No. LT-274/71]

- (2) A copy of the Export of Cast Iron Soil Pipes and Fittings (Inspection) Rules, 1971 (Hindi and English versions), published in Notification No. S. O. 1916 in Gazette of India dated the 6th May 1971, under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act 1963. [Placed in Library. See No. LT-275/71].

CIVIL DEFENCE (AMDT.) REGULATIONS

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHSIN): I beg to lay on the Table a copy of the Civil Defence (Amendment) Regulations, 1971 (Hindi and English versions), published in Notification No. G.S.R. 520 in Gazette of India dated the 7th April, 1971 under section 20 of the Civil Defence Act, 1968. [Placed in Library. See No. LT-276/71]

12.34 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS FIRST REPORT

SHRI G. G. SWELL (Autonomous Districts): I beg to present to First Report of the Committee on Private Members' Bills and Resolution.

12.35 hrs.

STATEMENT Re: APPOINTMENT OF ONE-MAN COMMISSION OF ENQUIRY BY THE SSP-LED GOVERNMENT IN BIHAR

THE MINISTER OF FOREIGN
TRADE (SHRI L. N. MISHRA) : Mr.

Speaker, Sir, I seek your permission to say a few words relating to the issue of a Notification by the former SSP-led Ministry of the Government of Bihar establishing a One-man Commission of Enquiry to look into certain allegations against me in connection with the working of public co-operation work of the Bharat Sewak Samaj in the Kosi Project.

श्री राम वेव सिंह (महाराजगंज) : अध्यक्ष महोदय, मेरा प्वाइन्ट आफ आर्डर है। जब एक मामला किसी न्यायकर्ता के मामले विचाराधीन है तो क्या उसके संबंध में यहाँ पर कोई बयान दिया जा सकता है ?

MR. SPEAKER : I have seen it. The statement was sent to me earlier I have seen it from that point of view and afterwards I have allowed him.

SHRI L. N. MISHRA : I was out of the country when the Notification was issued, and with out prejudice to further steps in connection with the said enquiry, I have been anxious, since my return, to place before the House a general account of the facts of the case.

I might mention, Sir that it is little odd that even the principles of elementary justice of seeking my explanation, much less consulting me, was not followed by the SSP-led Government of Bihar, before setting up this Commission of Enquiry.

Perhaps, if they had consulted me, looked into their papers a little more carefully, gathered some preliminary evidence, they would themselves have come to the conclusion that a Commission of this kind was uncalled for and infructuous. It is nothing but an act of political vindictiveness.

Within day or two on my appointment as parliamentary Secretary in the Government of India some time in May, 1957, I resigned from the Convenorship of the Kosi Section of the Bharat Sewak Samaj. This is not a matter which is unknown to this House. This was discussed on Shri Madhu Limaye's allegation in the Lok Sabha on 22nd March, 1968 and the replies furnished by me are available in the proceedings of this House.

The Notification issued by the Government of Bihar mentions mainly three allegations against me :

- (1) It has been alleged that accounts for a sum of Rs. 2,10,000 withdrawn from the Community Savings Fund some 12 or 13 years back have not yet been rendered by me to the Government of Bihar.

I might mention that the Bharat Sewak Samaj Community Savings Fund was not created from the money of the Government of Bihar nor the project authorities. It was entirely the result of deductions from the wage bills of the workers engaged by the local agencies of the Bharat Sewak Samaj. In other words, this fund represented the accumulation of a part of the money to be paid to the workers for the earth-work already done by them for the Project and for which regular bills were made and passed for payment by the Project officers concerned. This was hundred per cent workers money, Government having no right or claim over it.

Government having no connection with either the creation or the accumulation of this fund, naturally was not competent to enquire into the use or the disbursements of this fund.

The Community Savings Fund was started with the objective of raising local resources for local developmental work. These savings were left in deposit with the Project authorities on a clear understanding that the Bharat Sewak Samaj will be free to withdraw this money as and when it likes.

For disbursement of this fund, two different committees were constituted by the Bharat Sewak Samaj for Western and Eastern sides of the Kosi and these committees were authorised to withdraw money from this fund for community works like, construction, repairs of schools, hospitals, panchayat ghars, community halls and provision of tube-wells for drinking water.

I was authorised to withdraw from this fund for the various construction works on the western side of the Kosi. A sum of Rs. 2,10,000 was withdrawn in two instal-

ments sometime in the years 1959 and 1960 and not Rs. 23 lakhs as publicized by SSP leaders. This amount was sent to the various people concerned for the purposes it was meant on the recommendation of the committee fully constituted for the purpose.

I can categorically state here that no money drawn from this fund remains unaccounted for. Full accounts were submitted by me to the Convenor of the Western Embankment Community Savings Committee sometime eight years back and these accounts were duly accepted.

The Convenor of the concerned Committee, in accepting the accounts, submitted by me, in his letter dated June 15, 1963, addressed to me said : "As directed by you, your letter along with the statement of account was placed before the meeting of the Community Savings Fund (Western Embankment) held yesterday and it was accepted unanimously. The Committee has directed me to convey to you our sense of gratitude for your help and guidance. The Committee feels that you have acted not only as a treasurer to further the cause of the Community Savings but have also provided the leadership and we have been able to do justice to our work only because of your able guidance. Now that you have decided not to continue as the treasurer, we confirm that no balance of this fund is left with you. You are the leader of the people of this area and they would continue to have the right to look to you for guidance and help."

Before I go to the next point, I would like to reiterate here that the Government of Bihar had no claim or right over this money. It was neither a grant nor a loan ; it was not even an advance or a subsidy. This was hundred per cent Bharat Sewak Samaj money which has been fully accounted for as I have started earlier.

On my return from London, and on hearing about this Commission of Enquiry, I got in touch again with the concerned Organisation, and I have been re-assured that the accounts for this period have been checked and certified by the chartered Accountants.

[Shri L. N. Mishra]

(2) The second allegation is about the outstanding dues lying with the Unit leaders (Chiefs of the village panchayats and labour co-operatives).

This is a strange way of assigning responsibilities and liabilities to individuals. There was a well-defined procedure for allotting work, and hundreds of public spirited men were allotted specific areas of work on their entering into individual contracts in the areas of the Executive Engineers concerned.

These Unit leaders worked in a hierarchy of organisation, and were under a direct contractual obligation with the project authorities. For all practical and legal purposes, it was a relationship between a contractor and the authority awarding the contract between the Unit leaders and the Project authorities.

I was neither the guarantor, nor did I stand surety for the amount drawn by the Unit leaders for the construction work. Bharat Sewak Samaj too was only a catalytic agent for generating the spirit of public cooperation and involvement of lakhs of local people in gigantic work of immense local significance.

If any amount has been left unrecovered from the Unit leaders the Kosi Project is fully competent and free to take legal action against the defaulting parties as they are in the case of other private contractors. This is a bilateral question between the Project authorities on the one hand and the Unit leaders on the other.

I am informed that in some cases, the Project authorities have instituted certificate Proceedings under the Public Demands Recovery Act for the realisation of the outstanding amounts from some Unit leaders. This is, as you know, the normal procedure for dealing with the defaulting contractors,

It is, therefore very unfair and strange that I should be held concurrently responsible for the default of third persons in the contractual obligation between them and the Project authorities.

You will appreciate that I cannot be held responsible either legally or morally for such acts of commission, if any, on the part of Unit leaders who had direct relationship with the Project authorities.

(3) The third change is still more amusing—the Commission of Enquiry has been called upon to report on my assets and liabilities before the commencement of the works in the Kosi Project and for the period there after. I am not sure how far the Government of Bihar is competent in setting up a Commission of Enquiry to look into questions of this kind.

You are aware, Sir, that like my other colleagues in the Government, I have been submitting my Annual Statement of Assets and Liabilities to the Prime Minister.

I would be the last man to shirk from any investigation for comparing my assets and liabilities before and after I entered public life. Why should it remain confined to the period of my association with Bhatat Sewak Samaj alone ?

However, you will appreciate that this should not be confined merely to me or to the Members of the Treasury Bench. Should not such an enquiry include all those involved in public life including the former SSP Ministers of Bihar.

About myself, I say this with some feeling I entered public life as a young student in 1940 and today, after 31 years, I am left with not even one-tenth of the assets that I inherited from my father prior to my joining public life.

I do not wish to inflict these personal details on this House, but I seek your permission, Sir, to raise before this House an issue of far-reaching importance, arising out of this unilateral action of the former SSP-led Government of Bihar.

In a federal structure and in a free democracy, the type of Government and the Ruling Party at the Centre and the states may often vary. Would the different States have the freedom to politically black-mail Ministers of the Union Government by unilaterally setting up Commissions of Enquiry against their conduct and that

too without prior consultation with the President or the Prime Minister of the country ?

श्री राम देव सिंह अध्यक्ष महोदय, मैंने एक प्वाइंट आफ आर्डर रज किया था लेकिन जब हम बोलते हैं तो आप कह देते हैं कि यह बात मामले से सम्बन्ध रखती है तो क्या किसी मन्त्री को यह अधिकार है कि जब मामला न्यायालय के सामने विचागधीन हो तो उसके ऊपर यहाँ सफाई दे ।

MR SPEAKER I have already explained it. There is no need of repeating it. He has raised very important issues and, before raising all these issues, I think, all this background was very necessary as to whether, where in the State and at the Centre different parties are ruling, any action against a Minister here should be unilateral without any proper code or procedure or without any reference to the Prime Minister or the President and whether we can do it in respect of a State Minister without any reference to the Governor or the Chief Minister. These are very important issues and he had to give the whole background

12 41 hrs

ELECTIONS TO COMMITTEES

(i) **CARDAMOM BOARD**

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A C GEORGE) I beg to move

"That in pursuance of sub-section (3) (c) of Section 4 of the Cardamom Act, 1965, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Cardamom Board, subject to the other provisions of the said Act "

MR. SPEAKER . The question is .

"That in pursuance of sub-section (3) (c) of Section 4 of the Cardamom Act, 1965, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from

among themselves to serve as members of the Cardamom Board, subject to the other provisions of the said Act."

The motion was adopted

(ii) **COFFEE BOARD**

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A C GEORGE) . I beg to move :

"That in pursuance of sub-section (2) (b) of Section 4 of the Coffee Act, 1942, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Coffee Board, subject to the other provisions of the said Act "

MR SPEAKER The question is

"That in pursuance of sub-section (2) (b) of Section 4 of the Coffee Act, 1942, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Coffee Board, subject to the other provisions of the said Act "

The motion was adopted

12 44 hrs.

GENERAL INSURANCE (EMERGENCY PROVISIONS) BILL

MR SPLAKR . Item 11—Maharaja Martand Singh—absent

SHRI Y B CHAVAN

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) I beg to move

"That the Bill to provide for the taking over, in the public interest, of the management of general insurance business pending nationalisation of such business, be taken into consideration."