

(ii) MINUTES

SHRI CHANDRIKA PRASAD: Sir, I beg to lay on the Table Minutes of the sittings of the Committee on Absence of Members from the Sit-tings of the House held on the 27th September, 31st October and 17 De-cember, 1974.

SHRI S. M. BANERJEE (Kanpur): Sir, where is Mr. Tulmohan Ram these days? He is not coming to the House. How does he get his salary and other allowances?

MR SPEAKER: It is much better that he has not come.

SHRI S. M. BANERJEE: For rail-way worers, the Government says, "no work, no pay". Even the DA instalments are not paid to them.

How is Mr. Tulmohan Ram being paid his salary?

MR. SPEAKER: His ghost is all the time pervading here.

SHRI S. M. BANERJEE: I am not afraid of ghosts. Let us know where he is these days.

MR. SPEAKER: I shall enquire where he lives these days.

13.43 hrs.

MOTION RE:REMOVAL OF SHRI L. N. MISHRA FROM MEMBERSHIP OF THE HOUSE FOR ALLEGEDLY COMMITTING IMPROPRIETIES AND MALPRACTICES IN AFFAIRS OF BHARAT SEVAK SAMAJ

SHRI JYOTIRMOY BOSU: (Dia-mond Harbour): Sir, I beg to move:

"That this House resolves that Shri Lalit Narain Mishra, a Member of this House and a member of Ca-binet be removed from the mem-bership of this House for committing serious improprieties and malprac-tices as could be seen from the

Report of the Commission of En-quiry into the affairs of Bharat Sevak Samaj and in particular as reported in the said Commission Reports in Volume II (Eleven) page 97, paragraphs 29.94, 29.95, 29.96, page 98 paragraph 29.100, page 103 paragraphs 29.128, 29.129, page 110 paragraphs 29.146, 29.147, page 126 paragraph (xxi) and page 127 para-graph 29.194."

13.44 hrs.

[SHRI JAGANNATH RAO JOSHI in the Chair]

Trust me, Sir, today it is a very important job....

SHRI D. N. TIWARY (Gopalganj): Sir, this report of the Kapur Commis-sion relates to a time when Shri L. N. Mishra was not a member of this House. According to the practice es-tablished here, no motion can come about charges concerning a member during the period when he was not a member of this House. So, how can this motion be moved?

MR. CHAIRMAN: Already the mo-tion has been admitted by the Speaker and it has come up for discussion. You can express your views when your turn comes to speak.

SHRI JYOTIRMOY BOSU: Sir be-lieve me, I am particularly unhappy because I have to do this unpleasant task to stand and impeach a fellow member of this House whom I have known for 9 years. I have nothing personal against him because I am neither a Congressman who would try to get his job if he goes nor am I in his organisation trying to fight him in his State or elsewhere. He has done a lot of drum-beating and tomtom-ming. This he is doing for years and I shall prove with documentary evi-dence as to what he deserves. If we go through the debates of 28th August 1973, Shri L. N. Mishra says:

"On my part, I would like to cate-gorically state that at no time did I have any precunary or other interest

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in any of the contracts of the Kosi Project or any other Government work. Further, I categorically deny any suggestion that I have interfered with the transfers and postings of officers relating to the Kosi Project or brought my influence to bear on the award of any contract relating to the project.

For the information of this hon. House, I would however, like to mention a personal matter—I have four brothers and during the life-time of my father, who died in May 1951—some 22 years ago—we effected separation among ourselves. Ever since then, we have separate establishments and are completely independent of each other. We have no joint financial interest in any shape or form."

I do not want to go into all those details here.

Recently he has stated:

"My revered father, the late Pandit Ravi Nandan Mishra, expired more than 23 years ago. We opened a charitable hospital for honouring his memory soon after his death. At the time this hospital was opened, I was not even a Member of Parliament.

Sir, I am compelled to strike a personal note. It has been a tradition in our family to commemorate the deceased by building, exclusively out of the family resources, some public institutions of a charitable nature. Accordingly, during the last some 100 years, the memory of my great grandfather, grandfather, grandmother, father and mother has been honoured by the family members by building hospitals, schools, public libraries and temples and naming them after the deceased family members...."

Now, let us get an account from the other side of the counter. Last session also he begged that he would quit if anything is proved against him. I sincerely hope that he will be able

to disprove what I should be stating today and have the benefit out of it. Otherwise, he should be true to his words and act as he has stated earlier.

I will now quote one or two things. A newspaper report says:

"Mr. U. S. Dikshit today assured the Parliamentary Consultative Committee attached to his Ministry that due procedure will be strictly followed and the charges against the Railway Minister, Shri L. N. Mishra, fairly and impartially gone into."

But, after that, we have never heard anything. Then I wrote to Shri L. N. Mishra a letter on the 25th July to which he never replied. I have said in that letter:

"I had brought widely publicised allegations on the floor of the House against you and in reply to the same you in your wisdom stated the following:—

"I am prepared for any probe. I am prepared to retire from public life."

The allegations could be proved or disproved only if a thorough and impartial enquiry is instituted in the matter. May I, therefore, request you to be good enough to come (within ten days) with a request that a Parliamentary Committee be constituted for speedy action? And till such time you are fully cleared of the charges remain outside the Government.

If you do not choose to do so, I shall be left with no other option but to take it that you are afraid to face a Parliamentary Commission of Enquiry because there is substance in my allegations.

Kindly do write to me by return of mail."

Believe me, nothing came out of this letter. I wrote to the Prime Minister and, as usual, that also did not bring me any reply in the sense no reply which has some substance.

My motion is not one where voting could decide the fate of it. Neither should we hurl words here. I am making an honest submission before my respected fellow members in the House today whether, after what I have stated and after you applied your mind to this, this gentleman should be allowed to continue as a Member of the House and also as a Minister of the Cabinet.

Sir, I regret to say that from the records which I am going to cite and from the debates that have taken place on the floor of the House during the last so many days—in fact, it started in the last session and continued the whole of this session—would we not be right in calling him a “perpetual offender”? They have been talking about “habitual offenders”. I would much rather like to use the term “perpetual offender” because from the documents it has been established by Mr. Justice Kapoor that everything has been done systematically from mid-50s to enrich some individuals, they have robbed the exchequer of the poor people of this country to enrich themselves. So, I shall say very little of my own.

The Kapur Commission, which was appointed under the Commission of Inquiry Act and, I suppose, based on the recommendations of the Public Accounts Committee of the House, was presided over by a Supreme Court judge, that is Justice Kapur and, therefore, its findings should be taken as good as a Supreme Court judgement.

Now I am reading from the Report of the Commission. This is from page 10, Vol. I:

“Both the Bharat Sevak Samaj and the Planning Commission agreed that the Consolidated Accounts showing the overall financial position was necessary but as no steps were taken to maintain the Consolidated Accounts, the matter was

commented upon in the Central Government Audit Report for the year 1964. The Public Accounts Committee, in its 34th Report (Third Lok Sabha) for the year 1964-65 commented adversely about the non-preparation of the Consolidated Audited Accounts of the Bharat Sevak Samaj showing the overall financial position and wanted the Planning Commission to insist on the submission of such accounts by the Bharat Sevak Samaj from the beginning. They allowed a time limit of six months for the submission of such accounts and recommended that no further grants should be given unless and until this was done.

“The Bharat Sevak Samaj could not render the requisite Consolidated Accounts within the six months allowed by the Public Accounts Committee and they requested for the release of grants and also asked for a proforma for the submission of the Consolidated Accounts to be prescribed by the Government.”

“The Public Accounts Committee of the Fourth Lok Sabha again reverted to this matter...” etc. etc.

That is how this Commission came into existence.

Shri L. N. Mishra had been the Convener of the Bharat Sevak Samaj at the crucial time and also, if I am right, the General Secretary of the Central Bharat Sevak Samaj. He gave this reply in the last Session when I wanted to raise this issue, equating it with the Mudgal case. I wrote to the Prime Minister that I wanted to move a motion for his removal from the membership of this House. He had given a reply at that time. I will prove that the reply has no substance; it is nothing but an empty vessel. He had said:

“A complete account of the disbursement of this amount was furnished by the Minister to Shri Lakshmi Narain Jha, Convener,

[Shri Jyotirmoy Bosu]

Community Savings Fund Committee, Western Embankment Side, Bharat Sevak Samaj, by a registered letter dated 23 May, 1963. A copy of the letter along with the enclosure is enclosed. The Kapur Commission has included the statement of the disbursement in its report as obtained by the Commission from the Planning Commission, but I regret to say that the Commission has not believed this..."

I will quote from the Commission's report extensively. You will kindly give me, Mr. Chairman, a little more time, so that I do not even look that I am doing something out of malice. I will dwell on the documents that I have here.

He says:

"The Kapur Commission has referred to facts without making any comments on the Minister's action. Then he says:

"But, as has been stated above, the evidence is not complete to enable the Commission to give a definite finding."

Then it goes on:

"To sum it up, it may be said that the Commission has at no stage given any adverse finding or conclusions against the Minister. Moreover, details of disbursements, etc....

Mr. L. N. Mishra contends..(Interruptions) I will prove from the documentary evidence as to what you are doing. I was not out of context. I am quoting one paragraph. Then I will cover extensively. This is paragraph page 126, volume XI:

"According to the statement made by Mr. L. N. Mishra before Parliament he ceased to be the Convener of the Kosi Project B.S.S. in 1957. But it is not clear in what capacity he withdrew Rs. 2,10,000 in the years 1959 and 1960..."

In 1957 he ceased to be the Convener but in 1959 and 1960 he draws Rs. 2,10,000 from out of the Community Savings Fund. Then,

"Mr. Mishra had also stated that he rendered the accounts of the amounts he had drawn to the Bharat Sevak Samaj and they were satisfied with those accounts....

Now, Sir,

"But those accounts have not been produced by BSS which, if produced and found satisfactory, would have been an adequate reply to the criticism levelled in the legislatures and even outside."

The Commission did not believe. That I have already mentioned. I want to ask. Why is it that after six years the accounts have to go to the people who have paid the money? They have published. Before I give details, I wanted to demolish the arguments he has put forward in his letter in on the last session and I will do further.

Strangely enough, he ran away from the Commission. That is a very serious matter. What does the Commission say?

Now, Vol. I page 6...(Interruptions) Now, I come to Volume I...

THE MINISTER OF PLANNING (SHRI D. P. DHAR): Which page?

SHRI JYOTIRMOY BOSU: Page 6. Mr. Chairman, they want to know the page. This report has been in their hands for more than a year. Haven't they processed it? Haven't they studied it? But now they want to know the page numbers.

SHRI D. P. DHAR: I must submit that I have not got such a great memory that I can memorise all the 25 volumes.

SHRI PILOO MODY: (Godhra): At the moment, the problem is: can you

read 25 volumes? But you have asked us to memorise the CBI report.

SHRI JYOTIRMOY BOSU: Mr. L. N. Mishra thought it to be wise to run away from the Commission because the inconvenient cross-examinations may bring out more skeletons from the cup-board. (Interruptions) I will read out from the paragraph.

"Notices were issued to the office-bearers of the Bharat Sevak Samaj who hold or held high offices in the Government of India whether as Ministers or in the Secretariat, to make their statements on affidavits and the following amongst them submitted their affidavits:—

Mr. Gulzari Lal Nanda.

Mr. L. N. Mishra

Mr. Krishna Prasada

Mr. A. N. Malhotra

Mr. H. K. D. Tandon

Mr. Nanda and Mr. Malhotra were also examined as witnesses but due to privilege provided in the Civil Procedure Code excluding the jurisdiction of courts to summon *inter alia* Ministers of the Central Ministry Mr. L. N. Mishra could not be summoned as a witness."

Shri Nanda, I thought....

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): That is not fair. I have filed affidavit before the Commission and I offered to appear before the Commission but the Commission did not send for me. That fact is mentioned in the report and I met Mr. Justice Kapur at least half a dozen times and told him that I wanted to appear.

14 hrs.

SHRI JYOTIRMOY BOSU: I am quoting from records. I can give it to you Mr. Chairman. Mr. Nandaji who appeared as a witness very readily was more of a Minister. And then I

will come to the rest of the things. I will come to Volume 11, page 98. It says:

"A special feature of the public cooperation scheme in the Kosi Project which has been taken credit for by the Bharat Sevak Samaj was the reservation of certain percentages of the running payments for works of community development and this fund was called the Community Savings Fund which was created by the Samaj specifically for the purpose "

Then it says:

"This negatives the claim of the Samaj that the money being of the Samaj, none else had the right to question them about its expenditure.' This is the Commission's findings.

That this negatives the claim of the Samaj has been borne out by the Commission's observations, findings and recommendations.

Then I come to Vol. 15, page 4. It says:

"From the information made available to the Commission it appears that for the works for which PWD has been able to furnish the figures the payments made amounted to Rs. 6,70,176,930.81; the amounts shown in the Accounts produced by the recipients in respect of those works amounts to Rs. 4,30,07,220.60 only, the details of the units have been given in Table 47-C annexed. In regard to the balance either the accounts have not been produced or in the accounts produced the receipts have not been fully accounted for. The amounts not accounted for comes to Rs. 2,40,69,710.01. Out of this a major part pertains to the Kosi project where according to the reports of the Bharat Sevak Samaj itself the value of work done should have been Rs. 2,26,09,753.81 whereas accounts have been produced only for 3 years, i.e. for the year 1963, 1964 and 1965 and the value of work done shown in those accounts comes to only Rs. 40,31,184. 61. No accounts have been pro-

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duced for the balance of Rs. 1,85,58,569.20. The Samaj has taken the stand before the Commission that the accounts of the Kosi project are outside the jurisdiction of this Commission. The Commission has discussed the question of jurisdiction at another place but suffice it to mention here that it is rather surprising that a society registered under the Societies Registration Act should have had no accounts for such large amounts. This is irrespective of whether this Commission can examine those accounts or not. This evidence on the record of the Central Bharat Sevak Samaj also shows that they could not obtain the accounts of the Kosi unit even in 1962 or later.

"If the Central Samaj claims credit for Kosi works, it should at least possess complete accounts."

And that is under the convenership of Shri Lalit Narain Mishra. Shri Mishra does not even fight the Bihar Government audit. I will read out. He was opposed to auditing by Bihar Government. This is a letter written to Shri Binodanandan Jha on 9th November, 1961 by Shri L. N. Mishra, Deputy Minister, Labour, Employment and Planning of the Government of India. I quote:

"On 9th November, 1961 Mr. L. N. Mishra, Deputy Minister, Labour, Employment & Planning of the Government of India also wrote to the Chief Minister that the Fund did not belong to the Government, that it was neither a grant nor a loan nor a subsidy given by the Government of India to the Bharat Sevak Samaj and that this was 100 per cent B.S.S. money earned by it. He contended that neither the Kosi Project nor any governmental agency had any right over the monies of the Samaj. To quote his letter—"

To that, this is the letter from which I am quoting another paragraph. This is from Shri L. N. Mishra to the Chief

Minister of Bihar Shri Binodanandan Jha:

"It will not be proper and fair for the Government to take upon itself the work of audit of the accounts of an independent organisation like the Bharat Sevak Samaj".

Kosi Project or any Governmental Agency have no right in any of these accounts. To this he says:

"Thus, the Bihar Unit of the Bharat Sevak Samaj neither submitted its accounts to the Bihar Government nor to this Commission on the ostensible plea that the money was its own and in the latter case that it was outside the jurisdiction of this Commission. So, in either case, there was a refusal to have the accounts checked up although these were the moneys, to say the least, placed with the Bihar Government, in trust for being expended for specific objects. Even the parent body, the Central Bharat Sevak Samaj, made vain efforts to get accounts from the Kosi Unit and they were put off by the latter."

Now I come back to some other things. Here it is said—page 99, Vol. XI, para 29.101:

"On February 7, 1956 this clause was amended the effect of which was that the whole amount was to be treated as community savings".

Then, Sir, it says: a very interesting para—

"90 per cent of the value of the work executed will only be paid to the Unit Leader and the balance of value of work done will be deemed to have been surrendered to the Government. The latter amount will be kept in deposit with the Government which will be spent on organisational expenditure of the Bharat Sevak Samaj and community development in a manner to be settled mutually between the Government and the Bharat Sevak Samaj. The Unit Leader shall not lay claim to the said amount kept in deposit and

shall not be entitled to raise any objection whatsoever as to the manner of its deposit".

Of course Unit Leaders are all very close to one person. That is known to everybody in that part of the country:

"The fact that money was surrendered to the Government further negatives the calim of ownership of the money by the Samaj. About the user of the money a resultant trust was created and the money had to be spent in a particular manner including payment to the Central and Regional Samajes for management which as has been said above is destructive of the position of the Samaj that the Bharat Sevak Samaj as such had no responsibility for the contracts or the monies or the accounts."

Then Sir, there comes a very vital portion. Page 103:

"A letter dated July 3, 1967 from the Director (Public Cooperation) in the Planning Commission to the General Secretary of the Bharat Sevak Samaj points out that during their visit to Bihar the Accounts Cell of the Planning Commission noticed that Kosi Project authorities had paid Rs. 2.10 lakhs to Mr. L. N. Mishra out of the Community Savings Fund and the details are given by him and to this letter is attached a statement showing the distribution of the amounts by Mr. L. N. Mishra to the various parties. This is given in Table 29-I. The Planning Commission wanted to know as to how these monies were accounted for by the payees, whether they were spent in accordance with the terms and conditions governing the use of Community Savings Fund."

Then, Sir, the Commission says:

"About 44 years ago, the Kosi Project Construction Committee had constituted an Enquiry Commission but the powers in the Bihar Pradesh Bharat Sevak Samaj and the then General Secretary, Central Bharat Sevak Samaj in 1963 did not allow

the Commission to function with the result that nothing came out.

"A little before the 1962, general elections there was a good deal of mud-slinging in the constituency from where Shri L. N. Mishra had stood as a candidate for the Lok Sabha"

SHRI D. P. DHAR: This is not an observation of the Commission. You are quoting from a letter of Mr. Khanna.

SHRI JYOTIRMOY BOSU: Khanna's letter. You read the para afterwards. It is under quotation.

SHRI D. P. DHAR: It is a quotation from Mr. Khanna's letter.

SHRI JYOTIRMOY BOSU: This is the observation;

"On this matter the Accounts Officer of the Bharat Sevak Samaj on August 28, 1967 recorded the following note:—

"M/s. L. R. Pandit & Co., Chartered Accountants, went through the Kosi Project Accounts upto the year 1962-63. They found the amount in the balance sheet against Shri L. N. Mishra but no adjustment thereof.

Kindly get that recorded clearly in your head:

"A reply was sent to the Planning Commission on September 2, 1967, to the effect that the Bihar Pradesh Chairman had stated that the payments made by Mr. L. N. Mishra had been duly entered as receipts in the cash books of the respective committees and properly accounted for and the accounts were being sent to a Chartered Accountant for audit. The files do not... .

Mr Dhar, Sir,

"show any audited accounts were prepared or sent to the Planning Commission nor have the accounts been produced in support."

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Mr. Dhar, this is the Commission's observation for your kind consideration.

Then, Sir, I come to page 104. Para 29.130. The man who does not sleep, you cannot wake him up. This is the Commission's observation. I am subject to correction, of course, by Mr. Dhar:

"On April 29, 1959 Mr. Mishra received Rs. 1,75,000 and on March 25, 1960, a sum of Rs 35,000 making a total of Rs. 2,10,100. The mode of payment....

It was a lot of money in 1959:

"Of these monies to whom is shown in Table 29-I which has been taken from the Planning Commission files. The statement shows that the two sums above mentioned are not traceable in the cash books of the Bharat Sevak Samaj."

This is the Commission's finding:

"Further, there is no indication as to the Bank on which these amounts were drawn and as the accounts team of the Planning Commission has said, all these amounts were not credited in the books of the Bharat Sevak Samaj."

Money was taken, but, was not credited in the books of accounts, found its way into convenient pocket or pockets. Then, Para 29.131:

"According to the statement made by Mr. L. N. Mishra in Parliament on June 2, 1971, he had resigned from the convenership of the Kosi Section of the Bharat Sevak Samaj in May, 1957. He also stated that this amount 'was sent to the various people concerned for the purposes it was meant on the recommendations of the committee duly constituted for the purpose' ... 'and there was no unaccounted money left. Who formed the Committee and what authority it had is not shown by anything on the record nor whether the payees were persons who could properly be the recipients of these moneys'."

This is a very serious matter. May be it is again a Tulmohan Ram story—false vouchers produced, ghost recipients. (Interruptions). I have a right to make comments. Shri Yamuna Prasad Mandal is one of the recipients. I see, in these books of account Better he does not come forward. He is one of the recipients I see here.

SHRI YAMUNA PRASAD MANDAL (Samastipur): He has made a very objectionable remark against me. He is a habitual offender against innocent members, making all kinds of frivolous remarks. One Harijan MP, illiterate, has been harassed, mentally tortured by this man. Again today he unnecessarily brings in the name of that innocent Harijan, illiterate, innocent and poor. I take strong exception to this.

इयाम बाबू इनको जरा तल्लू
न, जन सहयोग के सारे काम जो चल रहे थे
वह सारे रुक गये। देश में गुप्त काम बन्द हो
रहा है इसके चलने से।

SHRI JYOTIRMOY BOSU: So much noise for Rs 3,500?

The question is posed by the Commission.

"Who formed the committee and what authority it had is not shown by anything on the record nor whether the payees were persons who could properly be the recipients of these moneys".

I would like Mr. Dhar to make a note and give a reply particularly to this, amongst others.

The Commission says:

↓ "Mr. L. N. Mishra also stated that he sent full accounts to the Convener of the Western Embankment Community Saving Committee about 8 years previously (which would be in 1963)...."

Then see the next sentence—

"Unfortunately, whatever these accounts, they have been kept back

by the Bharat Sevak Samaj but the correspondence on the files of the Central Bharat Sevak Samaj tends to show that those accounts were unaudited"—

All cooked up accounts—

"But it is rather astonishing that in spite of the criticisms both in Bihar Assembly and in Parliament, these accounts have been kept back by the Samaj and have not been produced either before the Central Bharat Sevak Samaj or before this Commission".

Now I come to p. 105—if you are not tired.

"Another fact which has been brought out is that the claim of the Samaj was that the money belonged to it, but that is not a well founded claim. The money had been deducted from out of the payments to be made to unit leaders and it was deducted for the specific purpose of Community Savings and Organisational Expenses".

I am choosing to repeat this contention because I know you have been trying to say something different.

Now I come to p. 109.

"A number of schemes were completed in the course of two to three months' time even though no matching grants were paid by the State Government or by the Block Committees. It is not quite clear in what capacity Mr. L. N. Mishra prepared this note because he was a Parliamentary Secretary to the Labour Minister."—

I would like this to be clarified.

SHRI L. N. MISHRA: I was not Parliamentary Secretary.

SHRI JYOTIRMOY BOSU: It is stated in the Commission's report.—

All right.

"On June 2, 1971, Mr. L. N. Mishra while he was a Minister of Foreign

Trade made a statement in Parliament as follows".

"Within a day or two on my appointment as Parliamentary Secretary in the Government of India sometime in May, 1957 I resigned from the Convenership of the Kosi Section of the Bharat Sevak Samaj".

"But in the same statement before the Lok Sabha Mr. L. N. Mishra clarified the position regarding the Rs. 2,10,000 withdrawn by him in two instalments out of the Community Savings Fund as follows:—"

"I was authorise 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 instalments some time in the years 1959 and 1960 and not Rs. 23 lakhs as publicised by SSP leaders. This amount was sent to the various people concerned for the purposes it was meant on the recommendation of the committee duly 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 Convener of the Western Embankment Community Savings Committee sometime eight years back and these accounts were duly accepted. The Convener of the concerned committee in accepting the accounts submitted by me, in his letter dated June 13, 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."

It says further:

"This statement shows that Mr. L. N. Mishra had ceased to be the Convener of the Kosi Bharat Sewak Samaj in May, 1957 but he continued to be associated with the

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Kosi Section because he withdrew Rs. 2,10,000 from Community Savings Fund and he prepared a note on July 26, 1980 about the Community Savings Fund which was sent to the Planning Commission by the General Manager of the Central Construction Service. As has already been said Mr. Mishra had stated that he rendered accounts to the convenor of the Eastern Embankment Community Savings Committee which had been duly accepted by the Committee but it is very unfortunate that the Bharat Sevak Samaj has refused to produce its records before this Commission or even produce them before the Government of Bihar because that would have shown how the monies were spent and by whom and they would have been capable of scrutiny by the Commission.

It further says:

"The Commission would also like to observe that it was the duty of the convenor....."

You know who he is,

"duty of the convenor to produce the accounts at least to prove and corroborate the factum of proper expenditure of the monies withdrawn by different prominent office bearers of the Samaj both past and present."

That is the position with regard to Bharat Sevak Samaj and Mr. L. N. Mishra. Then comes the appointment of the Dutta Commission by the Bihar Government to inquire into the accounts of the Community Savings Fund of the Kosi Project Construction Committee and the advances given to the Unit Leaders.

"By a Notification dated the 26th May, 1971 the Government of Bihar, appointed a Commission of Inquiry headed by Mr. Justice K. K. Dutta, a retired Judge of the Patna High Court, to inquire into the following matters:—

Whether the Bharat Sevak Samaj through the Central Con-

Shri L. N. Mishra (M)

struction Committee and the Kosi Project Construction Committee, on the plea of public co-operation, obtained the construction work in the Kosi Project and through its unit leaders received advances of money between the years 1955 and 1962 out of which over 23 lakhs (twenty-three lakhs) rupees became irrecoverable on account of the non-existence of the unit leaders set up by Shri Lalit Narain Mishra and Shri Lahton Choudhury and whether the said sum of money or any portion thereof was defalcated thereby causing wrongful loss to the Kosi Project Administration and the Government."

"Whether funds to the extent of Rs 8,43,068 withdrawn by Shri Lalit Narain Mishra and Shri Lahton Choudhury...."

Mr. Lahton Choudhury is now a Congress Minister in Bihar.

".....detailed here in before and any further sum or sums out of the Community Savings Fund were spent in development schemes contemplated by the fund, and if not, who are the persons responsible for the misappropriation, if any?...."

"What was the extent of assets and the pecuniary resources owned by each of the said two persons, namely, Shri Lalit Narain Mishra and Shri Lahton Choudhury and their families, relations and other persons '—that is, what is called benamidars—' in whom they were interested prior to the commencement of works in the Kosi Project and thereafter?"

This was scuttled by a dear friend of ours, a minister now shunted out and a member of the other House, Shri Bhola Paswan Shastri. He was brought to Delhi on that understanding and he scuttled the Commission and the Commission could not proceed.

"The Commission has, therefore, examined the working of the Kosi

Unit of the Bharat Sevak Samaj for the purposes mentioned herein but unfortunately the Bharat Sevak Samaj refused to produce any records relating to their Kosi Unit. So it has not been possible for the Commission to come to definite findings about the claims made by the Bharat Sevak Samaj or about the proper utilisation of assistance given to them or about the maintenance of proper accounts for the organisation, except to the limited extent of what has been shown by the records made available by the Central Bharat Sevak Samaj and by the Bihar Government."

Now the very interesting part has come.

"Out of the community saving...

SHRI D. P. DHAR: What is the page number?

SHRI JYOTIRMOY BOSU: Page 126. I thought you have read the report. Why should I assist your civil servants?

SHRI D. P. DHAR: I thought since he is reading from a report, it is perhaps my right to know the page...

SHRI JYOTIRMOY BOSU: I am giving.

SHRI D. P. DHAR: Give it with a smile, give it generously. I hope he is not inviting me to a wrestling bout.

SHRI JYOTIRMOY BOSU: Am I any match for you? Here comes the juiciest part:

Convenership is gone so far as Shri Lalit Narain Mishra is concerned.

"Out of the Community Saving Fund, withdrawals were made between April 1959 and January 1963 by the following two persons:-

Mr. Lalit Narain Mishra: Rs. 2,10,000.00

Mr. Lahton Choudhary: Rs. 6,39,088.00.

No accounts have been produced showing whether these withdrawals were accounted for and how they were utilised. But Mr. L. N. Mishra has stated on oath that he rendered accounts which were accepted by the Samaj."

The Commission did not believe a word of what he said. This is a matter which the CBI should take charge of now.

"The Planning Commission also made attempts to get the accounts of the withdrawals of the Community Savings in 1967 and the Accounts Cell of the Planning Commission which went to Bihar obtained a statement showing the distribution of Rs. 2,10,000 received by Mr. L. N. Mishra to various parties but this shows only the distribution and does not show how and where the amounts were spent. Further the receipts of these amounts were not traced in the accounts of the Kosi Project Construction Committee by the Chartered Accountant of the Central Bharat Sevak Samaj who went to inspect the accounts."

Did you mark the words, Sir? Receipts were not traceable in the books of accounts.

According to the statement made by Mr. L. N. Mishra before Parliament, he ceased to be the Convener of the Kosi Project BSS in 1957. But it is not clear in what capacity he withdrew Rs. 2,10,000 in the years 1959 and 1960 from out of the Community Saving Fund.....

Thus, the Commission finds that in respect of Kosi Works no accounts have been produced for the following:

(1) Receipts and payments on account of works costing about Rs. 2.26 crores.

(2) Advances paid by the Bihar Govt. to the Bharat Sevak Samaj and its Unit Leaders out of which the balance outstanding are Rs. 19,01,520.26.

[Shri Jyotirmoy Bosu]

(3) Profits on Kosi works upto December, 1962 Rs. 16,00,000;00".

I do not understand how this man is at large, how this man is an M.P. and a member of the Cabinet and how the Prime Minister is anxious to shield this person. I really fail to understand it.

Then I come to another chapter of fraud and deceiving the poor peoples' exchequer, namely, Volume VI, page 6 He outwardly looks very pious but this is what the report says:

**"B. TRAINING CENTRES FOR
TRAINING OF SUPERVISORY
ACCOUNTS AND ORGANISER
STAFF"**

Amongst the schemes proposed and sponsored by the Bharat Sevak Samaj one was for starting 18 training centres 'at about 20 sites' costing about Rs. 2.25 crores. This scheme was proposed in a letter dated April 27, 1956 of Mr. Krishna Prasada to Secretary of the Ministry of Irrigation and Power. It sets out 5 benefits of the Public Co-operation Scheme under which they were working;

(1) Giving employment to agriculturists and not merely to professional labour.

(2) The exclusion of middle-man's profit.

(3) Eliminating graft and corruption."

If you ask me, this is the creation of graft and corruption.

"(4) Manual labour will get more for his work through the Samaj, than through contractors...."

It further says:

"This scheme for the Kosi Project was as follows:

(1) For training of 125 persons on each bank of the river, i.e. 250 persons in all, for supervisory and ac-

counts staff; the training was to be for three months....

Taking the first scheme--

(i) The file of the Samaj shows that it was to operate from October 16, 1956 to January 16, 1957. The audited accounts mention the period of training to be from October 1956 to December 1956 and in the report of the auditor it is stated that it operated for 1-1/2 months, i.e. for half the sanctioned period."

Where did the money go for the rest half of the period? The report further says:

"As there are no account books, nothing can be said as to the factum or the propriety of the expenditure after the scheme had terminated."

"They do not specify the period but presumably they must be from the commencement of the schemes upto the date of the accounts. These figures are at considerable variance with that were shown by the retired Accounts Officer acting as an Auditor.

Don't you call it fraud? Is there no provision in the IPC for this?

It further says:

"In this note attached to a letter dated November 7, 1956, Mr. Mishra said that at each centre one Superintendent, one Accounts Teacher and one social Instructor had been appointed who mostly were members of the teaching staff of the local high school. Against this on the margin Mr. K. Prasada wrote 'how can they find the time in proportion they may not be able to have the full appreciation of the needs of our trainees'."

The longer the list, the bigger is the outlay. And the bigger is the outlay, the bigger is the pocket. Then it says:

"Mr. Mishra's note also shows that the Kosi Project Department had allowed its Executive Engineers, Assis-

tant Engineers, Divisional Accountants, Medical Officers, Labour Welfare Officers....to take classes of subjects of their interest. Against this portion of the remark of Mr. Krishna Prasada is 'I hope this works; mostly such arrangements remain on paper'."

The report then says:

"It may also be observed that the scheme which was to be worked for three months with an estimated expenditure of Rs. 40,720 was actually worked for half that period and the amount spent was Rs. 40,024.02 i.e. about the same as for three months. Why it so happened is not explained...."

One Mr. Daya Shankar, a retired Assistant Accounts Officer, Accountant-General, Central Revenues, New Delhi, was appointed as the Auditor. The certificate of the Auditor was this:

"Audited and found correct to the best of my belief and knowledge.

Daya Shankar
Retired Assistant Accounts Officer,
New Delhi."

A very convenient person was found. And he writes his designation as 'Retired Assistant Accounts Officer'.

The Report of the Commission says:

"And this is unsatisfactory certificate of the correctness of the accounts. The report also shows that some trainees in Scheme No. 3 left the training centre before the completion but still grants were paid for those trainees."

People did not exist, but money was drawn by them under the command of my friend sitting opposite.

About accounts, the Report says:

"The Samaj has not produced any account books of the Kosi Training Centres but there is an audited ac-

count of the Training Centre which, as has already been said, was prepared and audited by a retired Assistant Accounts Officer of the office of the Accountant General, Central Revenues, at New Delhi. It is not in the usual form of audit reports usually prepared by the Chartered Accountants and shows only the expenditure and there is no proper certificate as to the correctness of the accounts prepared and what they are based on.

"On September 29, 1956, the Government sanctioned the first instalment of Rs. 65,000. This file of the Central Samaj shows that the Samaj had to contribute a sum of Rs. 30,000 and there is a note dated February 19, 1957, by Mr. Mithal in the file of the Samaj which puts a query as to how it was proposed to be done and that it would have to be paid out of the works executed by the Samaj."

Now, the most interesting thing is this:

"It is significant that, although the schemes, had terminated in June, 1957, Rs. 33,000 were sent after that upto January, 1958."

The scheme was over in June. But even after that, they keep on drawing money and they keep on receiving money:

"As the records and books of account of the Kosi Centres have not been produced, the utilisation of the sum of Rs. 78,150 is difficult to determine. Still less as to when the various amounts were spent and on what.

"The Auditor has shown in his audited accounts the actual expenditure on the scheme. . ." etc. etc.

Then he says:

"...Now the accounts above given show the total remittances by the Central Samaj to be Rs. 78,150.00 out of which Rs. 33,000 was remitted after end of June, 1957, i.e., after the

[Shri Jyotirmoy Bosu]

termination or close of the two schemes. How then could the Kosi Bharat Sevak Samaj have spent the total amount of Rs. 1,03,940.70."

"Then he says:

"Mr. Goela's inspection note on Public Cooperation work above referred to gives his assessment of the accounts. After recognising the good work economically done by..." etc., etc.

"Then he says:

"...an Accounts Officer was appointed for four months when the training centre was only for one and a half months; that Rs. 8,400 received by Kosi Centre on March 5, 1957, was in excess of the needs of the scheme, and that the cash book was full of overwritings which was a very serious defect."

"Can you understand this? This is forgery. Foreigners were committed. The cash books were full of overwritings.

Now, it goes on to say:

"In a note by Mr. Mithal dated May 31, 1957, it was pointed out that cash remained in the personal custody of Mr. L. N. Mishra, the Convener....

"The amount is quite considerable, not nowadays after Mr. Tulmohan Ram's business.

"...as there was no banking facility.

"It appears that the Samaj was anxious to get the second instalment of the grant even though this amount could not justifiably be asked for. Mr. Mishra in his note dated October 26, 1957 said that he had a talk with Mr. Venkataraman, Deputy Secretary of the Irrigation & Power Ministry and he had been

assured that the second instalment would be paid."

So, it may be noted that the second instalment of Rs. 24,900 was applied for without disclosing the correct facts.

At one place Mr. L. N. Mishra stated (page 15 of the same volume):

"...although Mr. Mishra had said that Rs. 18,000 was paid, no such contribution had been credited in the accounts."

I do not want to go very much into this. I would only say that this is not a matter to be taken so lightly. I want to produce one photostat for which I have written to the Speaker. This is from the Associated Engineering Corporation....

SHRI KRISHANA CHANDRA PANDEY (Khalilabad): *Bilkul Ghalat Hai*

SHRI JYOTIRMOY BOSU: They are contractors and when he was a Minister in Defence Production, this has happened. This is a telegram which quotes: "Laddubabu..." I take it that this gentleman is related to the Executive Engineer of the Project. It says:

"We are anxious to take up the above work and we have got equipment at our disposal and shall complete the work in time."

This is the photostat I want to place on the Table of the House because Shri L. N. Mishra talks of his relations and henchmen..

SHRI B. K. DASCHOWDHURY (Cooch-Behar): Is it relevant?

SHRI D. P. DHAR: The motion relates strictly to certain observations made in the Kapur Commission's report and there is a definite content of this motion. I do not know and I seek your guidance whether any document extraneous to this motion can be suddenly flung at our face at this juncture.

*The Speaker not having subsequently accorded the necessary permission the document was not treated as laid on the Table.

SHRI JYOTIRMOY BOSU: I am talking about the telex.

SHRI D. P. DHAR: You can go on mowling about the telex till the cow comes home and we will know who tells the lie. But I am at the present moment on this question and I do not think that Mr. Jyotirmoy Bosu would be within his rights to make this a part of the record.

SHRI JYOTIRMOY BOSU: I will help you, Sir.

MR. CHAIRMAN: I was about to ask him about the same thing. But when he read about, I heard him saying something about Kosi.

SHRI D. P. DHAR: He cannot even decipher it. He cannot even read it properly and he wants something to be placed on the Table of the House.

SHRI JYOTIRMOY BOSU: I am an illiterate.

SHRI D. P. DHAR: I do not question your literacy which is adequate for this purpose. Now, my submission is only this. This document has no relevance whatsoever to the point at issue. It is not only highly improper, but it is, I think, contrary to rules to quote from that.

SHRI B. K. DASCHOWDHURY: I am rising on a point of order. To what the Minister has just now said, I would like to add two points more.

Number one: I want to know whether it is related to the Commission's findings. I want to know whether that is part of the record of the Commission, whether they were seized of the matter. And number two is this: Please see this motion itself. This motion refers to specific paras of the Report of the Commission. You cannot bring in any extraneous matters here. The paragraphs mentioned are specific. It says: 'Commission Reports in Volume II "page 97, paragraphs 29,34, 29,35, 29,36, page 98, paragraph 29,120, page 103, paragraphs 29,123.

29,129, page 110, paragraphs 29,146, 29,147, page 126, paragraph (xxi) and page 127, paragraph 29,194" So, Sir, these are specific paragraphs which have referred to here in this Motion. So my submission is he cannot bring in any extraneous matter at this stage in this discussion.

MR. CHAIRMAN: I have understood your point, whether it relates to this.

SHRI JYOTIRMOY BOSU: This letter is addressed to the Executive Engineer, Birpur Division, Kosi Project. This is from Associated Engineering Corporation of which Shri L. N. Mishra's brother is owner, partner, etc. etc. It says:

'We beg to say that we are prepared to take up the above work that we have got labour at our disposal and we shall complete the same as per your time schedule.— K. N Mishra, Associated Engineering Corporation. . .'

I have written to the Speaker. .

MR. CHAIRMAN: It is for the Speaker to permit him. Mr. Speaker will come and see it. . .

SHRI D. P. DHAR: Till then it cannot become part of the record of the House.

SHRI JYOTIRMOY BOSU: Very inconvenient for you. . .

SHRI D. P. DHAR: No.

MR. CHAIRMAN: Mr. Speaker will come and decide. If Speaker will accept it, then only it will become part of the record.

SHRI JYOTIRMOY BOSU: Now, Sir, I have not only mentioned about Mr. L. N. Mishra but there is also another gentleman, Mr. Lahtan Chaudhury, a State Minister in the Bihar Government. (Interruptions).

SOME HON. MEMBERS: How is it relevant?

MR. CHAIRMAN: This is the motion relating to Shri L. N. Mishra. Please confine your observations to this motion only.

SHRI JYOTIRMOY BOSU: I won't even ask for a voting on this. It is a question of making submissions before the House and to draw your kind attention to them so that you are able to apply your mind and after a revelation by a Commission which was constituted under the orders or direction of the P.A.C. in this House and after those observations that I have read out, I have no doubt that you could have another three hours of reading, I can tell you that everywhere it has been clearly stated that Mr. Mishra has been mishandling public money.

In the circumstances, he has no right to remain as a Minister in Mrs. Indira Gandhi's Government. But, since her Government is wedded to corruption. . . (Interruptions).

SEVERAL HON MEMBERS: This cannot go on record.

DR HENRY AUSTIN (Ernakulam): Mr. Chairman, with respect to Mr. Bosu, I would say that we should not misuse the opportunity given by the Chair for raising some other matters. Let him confine his remarks to the motion (Interruptions).

SHRI JYOTIRMOY BOSU: Sir, I would only draw your kind attention to one thing. My hon friend Dr. Austin is learned and much more educated than me. In the case of Mr. Maudling in England, he had taken a little money for the charity purpose but that person was involved in a racketing. And so Mr. Maudling did not remain and he resigned from the House of Commons. He resigned as a gentleman. Tell me what are the crimes that one should commit to be thrown out of this House or the Cabinet. That is my final submission.

MR. CHAIRMAN: Motion moved:

"That this House resolves that Shri Lalit Narain Mishra, a Member of this House and a member of Cabinet be removed from the membership of this House for committing serious improprieties and malpractices as could be seen from the Report of the Commission of Enquiry into the affairs of Bharat Sevak Samaj and in particular as reported in the said Commission Reports in Volume 11 (Eleven) page 97 paragraphs 29.94, 29.95, 29.96, page 98 paragraph 29.100, page 103 paragraphs 29.128, 29.129, page 110 paragraphs 29.146, 29.147, page 126 paragraph (xxi) and page 127 paragraph 29.194."

MR. Sathe, your name is first. But Mr. Bhagat wants to speak.

SHRI VASANT SATHE (Akola): All right.

MR. CHAIRMAN: Shall I call Mr. Bhagat?

SHRI VASANT SATHE: Yes, Sir.

MR. CHAIRMAN: Mr. Bhagat.

SHRI H. K. L. BHAGAT: rose;

SHRI JYOTIRMOY BOSU: May I place this on the podium?

MR. CHAIRMAN: You please give that to the Secretary.

Now, Mr. Bhagat.

SHRI JYOTIRMOY BOSU: I am placing* it. Let it go on record.

SHRI H. K. L. BHAGAT (East Delhi): Mr. Chairman, Sir, . . .

SHRI JYOTIRMOY BOSU: The Hazarwala Aa gaya.

The Speaker not having subsequently accorded the necessary permission, the document was not treated as laid on the Table.

SHRI H. K. L. BHAGAT: Shri Bosu has got a tendency. . . *Tis Hazariwala* is much more real than the fictitious and imaginary James Bond. I was respectfully submitting that Mr. Bosu has got a tendency to play something like James Bond and he is an expert in confusing the issues.

Now, Sir, what is his motion? We have listened to him for one hour. Please listen to me. I have also gone through the Kapur Commission Report to the extent I could possibly go. And I have seen most of the relevant reference relating to Mr. Mishra. Let us be clear about one thing. His motion is against Mr. L. N. Mishra in the light of the recommendations made by the Kapur Commission. Now, in this motion, we are considering what has been the role of Mr. Mishra and what he has done and what has the Commission said about that? Now, he has drawn his own inference. For the time being I am not commenting on that. I am not also discussing Bharat Sevak Samaj as such because that is not the scope of the discussion. The scope of discussion is very limited as to what Mr. Mishra did in this matter.

Briefly speaking, the situation is something like this. The Bharat Sevak Samaj through their local branch took a contract for this Kosi project earth work and involved some local people to do some earth work. There they appointed some unit leaders and the contract was signed with the Bihar Government by these unit leaders. It was decided that these unit leaders will be paid by the Bihar Government and will in turn distribute the money to the labourers. Now, the unit leaders, who were the contractors, told the Government to pay them 80 to 90 per cent of the amount and keep in reserve 5—10 per cent with them and the Bharat Sevak Samaj will use this amount on some welfare community schemes in the area. That was the point. Now, that money as a matter of contractual obligation was to be paid to the Bharat Sevak Samaj, that is, the unit leaders who were the contractors.

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Now, I come to the point where Shri Mishra comes in the picture. They appointed a Savings Committee for community projects at the western bank of that project. At certain point of time he was the Convener of that Committee but he resigned and he was the Treasurer also. Now, when he was Treasurer he had withdrawn a sum of Rs. 2.9 lakhs through drafts and cheques. That money he had withdrawn on the authority of that Committee which was authorised to draw the amount. The contention of the Bharat Sevak Samaj was—which all along was accepted by the Bihar Government—that the Government had nothing to do with this money and that they are holding this money in trust.

15.00 hrs.

Later on a question arose whether legally this 5—10 per cent of the money could be retained by the Government. Now, Bharat Sevak Samaj said this money is part of our contractual earning and this does not belong to the Government. This was the decision taken by the Bihar Government also but they claimed only some control as to how this money was going to be spent. But, I am only mentioning a question of fact, as it is clear. The amount of Rs. 2,09,000 and odd which was taken by Shri L. N. Mishra through drafts and cheques has been paid by him through drafts and cheques except a small amount of Rs. 1,200. Now, this is all on record. Rs. 2,09,000 and odd were drawn by drafts and cheques by an authorisation of the Committee itself. He disbursed that amount to the various parties whose names are mentioned, cheque numbers are mentioned, draft numbers are mentioned and that is placed on the record of the Commission itself along with a statement of Shri L. N. Mishra. That small amount of Rs. 1,200 which is given without cheques, even that is also accounted for. Now, Sir, the limited question was, so far as Mr. L. N. Mishra was concerned, he withdrew

[Shri H. K. L. Bhagat]

the amount. So far as he is concerned, he has accounted for it, by its disbursement to various parties. Bharat Sevak Samaj itself accepts that it has got the account from Mr. L. N. Mishra and that he has paid the amount. They have said so in a letter which they wrote to Mr. L. N. Mishra. That letter has been placed on record, that no money is due from Shri L. N. Mishra. Then, Sir, what happened? Shri L. N. Mishra submitted an affidavit to the Commission and he explained the position and at the same time, in his affidavit, he says that if any assistance is required from him, which the Commission would like to have from him, he will be at the disposal of the Commission. Now, Sir, he makes an offer to the Commission that he has disbursed the money and if anything more is required from him, he will be at the disposal of the Commission. He is not summoned by the Commission. Now, the question is not whether Shri L. N. Mishra has given an account of the amount disbursed by him. What the Commission has been asking for is, how that amount was spent, whether it was spent for community projects or not. There, the Bharat Sevak Samaj took the position and they said that this was their money and therefore they were not bound to produce the accounts on this. Here, I would make a further statement. When this matter came up, the Commission told Mr. Nanda that he should satisfy himself whether this money has been spent or not. Mr. Nanda saw the accounts and he told the Commission—this is on record—that he was satisfied. Now, so far as Shri L. N. Mishra is concerned, he withdrew Rs. 2,09,000 and odd on authorisation, he disbursed to the various people and he submitted an account to the Committee. He informed the Commission, and gave all details to the Commission. The Commission did not call him for any further account. Sir, I will be very brief. The difficulty is that these are matters, which apart from commonsense, require some

kind of a legal knowledge at least. The difficulty with him is that he does not know, or if he knows, he deliberately ignores it. Now, the question is, there is no observation, whatsoever, nowhere by the Commission that Shri L. N. Mishra was bound to produce these accounts, that Shri L. N. Mishra was asked to produce these accounts or that it was his responsibility to produce these accounts, this particular account. The Commission has certainly said about the convener of Bharat Sevak Samaj. Shri L. N. Mishra was not the convener. It was one Shri L. N. Jha. The responsibility for producing the audited accounts was of that man. The Commission's observation is that the consolidated accounts were not produced. The Commission has unfavourably commented on it and said that they should have produced. But, at the same time, if you go through the remarks of the Commission, you find that the Commission says that since these things were not with them, they cannot make any observations and apportion any responsibility on any particular person. The observations of the Commission are very clear and this is all on record. So, it is absolutely wrong to say that the Commission has made any unfavourable or unsavoury observations against Shri L. N. Mishra. Now, here, it is not even a case where somebody has said that this money was defalcated, that the work on Kosi project—I am not talking about the community projects—was not done properly or anything of that kind. I do not know. I saw the Evaluation Report in regard to the Third Five Year Plan. There, on page 294, it is mentioned that this work was done long before the scheduled date of completion and with much lesser expenditure than was anticipated. This is mentioned in the Evaluation Report of the Planning Commission itself, whatever its worth may be. So, the issue is simple. Shri L. N. Mishra has in a certain capacity withdrawn a sum of Rs. 2,09,000 and odd and he disbursed it and the disbursement has been disclosed to the Commission on oath by L. N. Mishra

supported by the Bharat Sevak Samaj itself. Now, whether the money was spent in a particular manner or not is the question. The BSS took up a legal contention—they said not only about this—on a principle. If you see the report, even the Commission does not say that it was government money. The Government say that according to the agreement, the Government had a right to see how it was being expended because it was mentioned in the contract. There were no straightforward observations in the Report that the money was not BSS money. I am not going into the question whether the BSS should have produced the accounts or not. If I were in their place, I would have produced the accounts. But to make a story out of this and to say all that he has said and to ask for all that he has asked is, to say the least, very impetuous.

We are in this House. I do not know how far in the atmosphere that has been prevailing here it is possible to be objective. But I know that determinedly some people are doing something which is injurious to all of us. I would not like to say either this side or that side, but they stand here against all rules and regulations and say what they like. Somebody told me that some servant of somebody came to Shri Vajpayee and said something to him. So he came here and said every thing. He said something about the CBI. First he said it is bad; they say it is good and want to see their report.

I am only commenting about one thing that was done. During all these ten fifteen days all the opposition leaders have not been able to add even a single clue of evidence to what the CBI has collected. They have only been harping on the CBI, what it said. As the Speaker very rightly said, we should not make this House a mass slaughter house. But we are digging the grave of sound principles of democracy, whether on this side or that side. But that side has taken the initiative in this.

Now what has the Commission said about the Prime Minister? We are considering the Commission's Report. But Shri Jyotirmoy Bosu brings in this breath or that the Prime Minister, The Prime Minister is not going to be reduced by what he says. If she were to depend upon this certificate, she would have been out long ago; if her fate was to be determined by his abuses, she would have been out long ago. But she does not depend upon his certificate or appreciation; she depends on the confidence of the people of which she has ample.

I do not know whether a midterm poll is coming. But the Opposition is nervous. Everyday they are saying that a midterm poll is coming. You do not have confidence in yourselves.

This is the usual technique of mudslinging and character assassination. I am sorry to say this is a diversion. By this the Opposition has done a great disservice to this country by diverting the attention of the nation and the law makers of the nation from major issues of national and international importance which should have been discussed in this House. This month has gone, I say without any disrespect, it has not been utilised for the benefit of the people as could have been done, and the responsibility for this is on a wayward, theatrical, irresponsible, mudslinging and character-assassinating Opposition.

MR. CHAIRMAN: Shri Madhukar. I would like to bring to the notice of members the scope of the debate. It is a limited one. We should not bring in extraneous matters like reference to the Prime Minister or elections, this and that. Let us confine ourselves to the report on the Bharat Sevak Samaj.

श्री कल्ल मिश्र 'मनुकर' (केसरिया) :
अध्यक्ष महोदय, माननीय ज्योतिर्मय बाबु
जो मोशन लाए हैं और उस मोशन के ऊपर
हम लोग जो कह रहे हैं उसमें मुख्य जो आशय

[श्री कमल मिश्र 'मधुकर']

उनके कहने का है वह यह है कि श्री एल० एन० मिश्र ने बहुत भ्रष्ट सारे काम किये हैं और उसके कारण उनको लोक सभा का मेम्बर नहीं रहना चाहिए। मैं समझता हूँ और हमारी पार्टी की यह समझ है कि किसी भी भ्रष्ट भ्रामरी को चाहे वह लोक सभा का मेम्बर हो या मिनिस्टर हो या कोई भी हो उसकी प्रोटेक्शन करने के लिए हमारी पार्टी नहीं है। और किसी किस्म के करप्शन का हम समर्थन नहीं करना चाहते। लेकिन हम यह भी समझते हैं कि जो हमारे देश में व्यवस्था है पूँजीवादी व्यवस्था है दुनिया का कोई भी देश ले लीजिये, वहाँ करप्शन होता है। इसलिये अगर हम सही माने में करप्शन को हटाना चाहते हैं और डिसपैशनट दृष्टिकोण है तो हमें समाज के उस मूल आधार से लड़ना चाहिये जहाँ से करप्शन पैदा होता है। करप्शन के नाम पर बहुत सारे ऐसे लोग हैं जो कहते हैं कि करप्शन से लड़ना चाहते हैं। लेकिन उनकी नीयत लड़ने की नहीं होती। क्योंकि करप्शन से लड़ने का सवाल पार्टी का सवाल नहीं है, सरकार का भी सवाल नहीं है बल्कि जनमत इतना जगाया जाय कि अगर कोई मंत्री एम० पी० या एम० एल० ए० अगर करप्ट है तो उसके खिलाफ कार्यवाही होनी चाहिये। अभी हाल में श्री गोयन्का का सवाल उठा था उन्होंने जवाब दिया जिसमें प्रश्न यह था कि उन्होंने लोक सभा के मेम्बर की हैसियत से कुछ किया था कि नहीं। माननीय ज्योतिर्मय बसु ने जो बातें कही हैं उनसे उन्होंने अपने केस को बनाया नहीं है बल्कि और बातों को जोड़ कर इस बात से रक्षने की कोशिश की है जिससे सारा भीम माननीय एल० एन० मिश्र पर लग जाए। मैं कहना चाहता हूँ कि आप जब दृष्टिकोण अपनाते हैं करप्शन दूर करते के लिए तो आपको उतने ही जोरदार शब्दों में और भी बिरोध करना चाहिये कि यहाँ भी करप्शन है इसलिये मेरा निवेदन है कि करप्शन को दूर करने

के सिलसिले में जो दृष्टिकोण सबन में चल रहा है वह करप्शन को दूर करने का नहीं है बल्कि राजनीतिक प्रश्न बन गया है-। देश में चुने हुए लोगों को हर तरह से बदनाम किया जाय जिसके मूल में ग्रान्ड भ्रालायंस काम कर रहा है जिसमें दक्षिण पंथी और बाय पंथी लोग शामिल हो रहे हैं और वे चाहते हैं कि जब कोई और राजनीतिक प्रश्न नहीं है तब ऐसे प्रश्नों को उठाया जाय जिससे देश में जनतन्त्र पर हमला हो और वह कमजोर हो।

माननीय भगत जी ने कानूनी दृष्टि से बहुत बातें कही हैं। अगर इसके बाद भी किसी सदस्य को संदेह हो तो सरकार की बहुत सी कमेटियाँ हैं जो जांच कर सकती हैं कि श्री एल० एन० मिश्र उसमें कैसे इनवाल्ड हैं। लेकिन मैं नहीं समझता कि यह प्रश्न डिसपैशनट ढंग से उठाया गया है, इसलिये हम इस मोशन का बिरोध करते हैं क्योंकि इसमें कोई बुनियाद नहीं है, तथ्य नहीं है। केवल राजनीतिक दृष्टिकोण है। और पोलिटिकली मोटिवेटेड हो कर किसी बात को कहने से समस्याओं का समाधान नहीं हो सकता। इसके लिये तमाम दलों को कोई ऐसी मशीनरी इवाल्ब करनी चाहिये जिस के जरिये चाहे मिनिस्टर हों, एम० पी० हों, एम० एल० ए० हों या अधिकारी हों उन पर अगर कोई करप्शन के चार्ज हों, तो उनकी जांच होनी चाहिये। लेकिन जहाँ हम समझते हैं किसी व्यक्ति पर करप्शन के चार्ज राजनीतिक उद्देश्य की पूर्ति से लगाये जा रहे हैं तो हमारा दल उसके साथ सहयोग करने के लिये तैयार नहीं है। इसलिये इस बात को मानते हुए अगर सरकार या सबन समझता है कि नहीं उन्होंने कुछ गड़बड़ की है तो जांच की जानी चाहिये। लेकिन जो बातें माननीय बसु जी ने कही हैं वह आधार नहीं बनती हैं उनके मोक्षन को सपोर्ट करने के लिये और इस बात को मानने के लिये कि श्री एल० एन० मिश्र इन अचानक पर लोक सभा से हटा दिये जायें।

श्री नवल किशोर सिंह (मुजफ्फरपुर):
सभापति महोदय, आप ने सामाजिक जीवन
आइडोपस का नाम सुना होगा जिसे हमारे
यहां झठसूड़ा कहते हैं। इस की तागीक यह है
कि जब गेताखोर उस को पकड़ने जाता है
तो अपनी छाटों सूड से काने प्रकार का एक द्रव्य
छोड़ता है और उस की वजह से गेताखोर उस
को खोज नहीं पाता है और वह झठसूड़ा भाग
जाता है। हमारे माननीय ज्योतिर्ममयि बसु ने
अपने भाषण में उस के एक गुण का प्रयोग
किया है और वह यह कि कपूर आयोग का प्रति-
बदन पड़ते समय कही कपूर कमीशन की
पक्तिया और कही उन्होंने अपनी टिप्पणी
इस खूबसूरती के साथ पढ़ने चले गए कि सदन में
सभी के लिए और प्रेम के लिए यह जानना
मु.स्वल् हो गया कि कौन सा अश्र उन के भाषण
का कमीशन की रिपोर्ट का है और कौन सा अश्र
उन की अपनी टिप्पणी का है।

श्री ज्योतिर्ममय बसु. नहीं भाई।
I did not except it from you.

श्री नवल किशोर सिंह : कपूर आयोग
की जो टिप्पणी है वह पूरी भयानकता के
साथ सदन में उपस्थित हो जाय यह उन का
प्रयास रहा। उस विषय के सम्बन्ध में विचार
करते समय मैं सदन का ध्यान, जो माननीय
भगत के उस परिवेश की ओर ले जाना चाहता
हूँ जिस परिवेश में भारत सेवक समाज
की स्थापना इस देश में हुई। उस ने जो जो
काम किए उस के सबंध में तृतीय पंचवर्षीय
योजना का एक पैराग्राफ आप की अनुमति
से पढ़ना चाहता हूँ और उस से आप को यह
मालूम होगा कि जो कुछ कोसी में हुआ वह कोई
अलग एक उदाहरण नहीं था। उस तरह की
सारी विचाराधारा इस देश में थी और को.शस
की गई थी उस तरह के और भी काम सारे देश
में हों। एक निश्चित उद्देश्य को प्राप्त करने
के लिए खर्च कम करने के लिए, विचोसियापन
दूर करने के लिए, समय के भीतर, नर्माण कार्य
हो और उसमें जनसहयोग प्राप्त हो सके इसको

ध्यान में रखते हुए भारत सेवक समाज की
स्थापना हुई।

"The Bharat Sevak Samaj was
formed to provide a common plat-
form with the object of drawing
out the available unused time and
energy of the people and directing
them into various fields of social and
economics activity. The Samaj had
adopted a comprehensive pro-
gramme and has branches all
over the country. It has a
large cadre of trained worker.
Its association with the Kosi Pro-
ject during 1955 to 1959 has brought
forth evidence of lar the large pos-
sibilities of reducing cost, improv-
ing quality of performance and
speeding up completion of various
projects through public participa-
tion."

अब कोसी के बारे में इसी पैराग्राफ में
लिखा हुआ है कि कोसी में भारत सेवक
समाज के जनसहयोग का आयोजन करने में
उस क्षत्र में क्या हुआ :

"Against the original estimates of
Rs. 11.5 crores, the actual expendi-
ture on the Kosi Embankment Schem-
e came down to Rs. 6.5 crores.
The work has completed in 1958
against the target date of 1960, i.e.
2 years in advance. This unique
achievement was also overlooked by
the Commission "

मैंने इस पैरे का जिक्र इस लिए किया है कि
मैं उन विचारों की पृष्ठभूमि दे दूँ कि जिस
पृष्ठभूमि में भारतसेवक समाज की स्थापना हुई
थी, और उस तरह के काम इस को दिए
गए थे।

सभापति महोदय, शायद आप ने
कभी देखा होगा, कोसी के दोनों तरफ बहुत
बड़ी लम्बाई के बांध बांध गए हैं। इतनी
बड़ी लम्बाई में अगर सरकार को बांध बंधाना
पड़े तो उस क लिए सैकड़ों, हजारों एकड़ जमीन
का अधग्रहण करना होता है। कोसी में

[श्री नवल किलौर सिंह]

जनसहयोग की वजह से एक ऐसी हवा बन गई कि "एक भी मुकदमा लड़-नबीजीशन का ध्यान ही नहीं हुआ, किसी ने कोई मुकदमा नहीं किया। मैंने खासकर दो बर्बवाली बात पढ़ी है—इस हवा नवहां दो बर्ष पहले ही योजना को पूरा करने में मदद दी और करीब करीब सरकार का 5 करोड़ रुपया बचा दिया।

समापति महोदय, एक समाजिक कार्यकर्ता होने के नाते मैं उन कार्यों को बहुत मास से देखने की कोशिश करता था। उन क्षेत्र में उस जमीन में स्वर्णीय पं० जवाहर लाल नेहरू गए थे, हमारे उस जमाने में बिहार के चीफ मॉन्टर थे—डा० श्रीकृष्ण सिंह—वे गए थे और ये लोग एक बार नहीं गए थे, कई कई बार गए थे और गांववालों को, पचायतवालों को जमा कर उन का हिसला बढ़ाया था, आशीर्वाद दिया था।

अब, उस समय यह काम किस प्रकार कराया गया? यह जो योजना थी, यह उस प्रकार की थी कि जितनी पचायत है उन के जो मुखिया हैं, या जहां पचायत नहीं है वहायूनिट लीडर बना कर, उस गांव के उस क्षेत्र के एक आदमी के जिम्मे यह काम दिया जायगा। वह आदमी रिड्यूस्ड रेट पर, उस रेट पर जिस का मैंने अभी उल्लेख किया है, जिस में पांच करोड़ रुपए की बचत हुई, उस रेट पर वह काम करायगा। उस का 90 प्रतिशत मजदूरों को देने के लिए होगा—मैं बहुत विस्तार में नहीं जा रहा हूँ—शेष 10 प्रतिशत जो बचेगा उस को एक जगह जमा किया जायगा। और उस पैसे से क्षेत्र में सार्वजनिक उपयोग की स्थापन बनेगी। कहीं सड़क बन, कहीं पुल बने, पुस्तकालय बने, पंचायत भवन बने, स्कूल या कालिज बने। उसी पैसे का एक कालिज अभी चल रहा है—मेरे एक साथी ने बताया है कि उस

का नाम "जनसहयोग कालिज" है या भारत सेवा समाज कालिज है।

उस तरह की योजना लोगों के दिमागमें थी और उस के कन्विनर बने—श्री ललित नारायण मिश्र। मेरा खयाल है ये दोनों तट के कन्विनर थे, क्योंकि उस क्षेत्र में ये बहुत बड़े सामाजिक कार्यकर्ता थे और उन का सबब काफी लोगों में था। यह उस क्षेत्र से लोग सभा के सदस्य भी थे, इसलिए भी इन को कन्विनर बनाया गया, क्योंकि जहाँ-पहयोग का आयोजन इस में करना था, जो एक जिम्मेदार आदमी ही कर सकता था। इन्होंने बड़े पैमाने पर वह जन-सहयोग का सारा काम हुआ, उस से मजदूर भी बहुत प्रसन्न हुए, उन को अच्छी मजदूरी मिली। नाम-जोख में उन के साथ कोई बर्झमानी नहीं हुई। अब उस का जो 10 प्रतिशत रूपया बचा—उस 10 प्रतिशत रुपए को लेकर ही आज यह सारी बहन चल रही है और उस में भी उस 10 परसेंट में से केवल 2 लाख 9 हजार रुपए का प्रयत्न है—समापति महोदय, आप ने इस बात को देखा होगा। अब जहां इतने करोड़ का काम हुआ, उस में 2 लाख रुपए को लेकर हम इस सदन का समय खर्च कर रहे हैं।

कुछ दिनों के बाद ललित बाबू ने कन्विनर के पद से इस्तीफा दे दिया और उन के स्थान पर दूसरे व्यक्ति कन्विनर हो गए उस के बाद ये ट्रेजरर रहे। जिस काल में ये ट्रेजरर थे—उस में इन का काम इतना था—चूंकि ट्रेजरर के दस्तखतों से पैसा निकल सकता है इसलिये सामंदायिक उपयोग की योजनाओं के लिये ये पैसा निकालें और यूनिट लीडर या पचायत के मुखिया या दूसरे लोगों को उनके हिस्से का रुपया दें—बस इतना काम था। आगे यूनिट लीडर्स का काम था जिन को कोसी प्रोजेक्ट प्रचारिटी ने जिसने कि कान्ट्रैक्ट साइन किया था नियुक्त किया था वे अपने क्षेत्र में सार्वजनिक उपयोग के क्वच

को कराये । उसमे दो लाख रुपया इन्होंने निकाला और सम्बन्धित लोगों को दिया । मैंने कपूर कमीशन की रिपोर्ट को पढ़ा है मैंने इस बात को इस लायक नहीं समझा जितना ज्योतिर्मय बसु जी ने समझा है । लेकिन कपूर कमीशन की रिपोर्ट में यह रुपया किस किस को दिया गया— उस बात का उल्लेख है । इसमें एक सब से बड़ी बात यह है कि ललित बाबू ने यह रुपया लिया और यूनिट लीडर्स को दिया— यह सारा काम ड्राफ्ट या चैक के द्वारा हुआ । ऐसा नहीं हुआ कि अपनी जेब से निकाल कर किसी की जेब में डाल दिया गया बँक के द्वारा चैक से या ड्राफ्ट से यह काम हुआ । इस सारी बहस के मूल में इतनी ही बात है ।

अब आडिट का सवाल आता है—कम्प्यूनिटी डेबेलपमट सेविन्स का आडिट कैसे होगा ? इस सम्बन्ध में वहाँ के जो कोसी प्रोजेक्ट के एडमिनिस्ट्रेटर थे और तत्कालीन बिहार सरकार का भी यही रुख था— यदि आप कुछ समय दें तो मैं पढ़ कर सुना सकता हूँ । मैंने सब पता लगा कर रखा है—तत्कालीन बिहार सरकार और कोसी प्रोजेक्ट के जो एडमिनिस्ट्रेटर थे जो एक बहुत बड़े आई० सी० एस० आफिसर थे—उन्होंने यह स्टैंड लिया उन का यह कहना था कि इसका आडिट करने का अधिकार सरकार को नहीं है क्योंकि कान्ट्रैक्टर के रूप में यूनिट लीडर्स ने जो नफ़ा कमाया है यह उनका है

SHRI JYOTIRMAY BOSU: On a point of clarification. Is that high officer, Mr. T. P. Singh, the father of Mr. N. K. Singh?

श्री नवल किशोर सिंह : उन्होंने कहा कि कंट्रैक्टर का हिसाब से सरकार आडिट नहीं करा सकती है ।

श्री विभूति मिश्र (भोतीहारी) : बसु जी हमने आपकी बात को ध्यानपूर्वक सुना है, अब आप इनकी बात को भी ध्यानपूर्वक सुनिए ।

श्री ज्योतिर्मय बसु : मैं तो नीचे में भी आप की बात सुनता हूँ ।

श्री नवल किशोर सिंह : मैं निवेदन कर रहा था कि उस पैसे से उस क्षेत्र में जन-सहयोग की भोर विकास की बहुत सी योजनाएँ बननी ।

सभापति महोदय, आप जानते हैं—हमारी जो प्रथम तीन योजनाएँ थीं, उन में हमारे गांवों में विकास के कितने काम हुए, क्योंकि उस समय लोगों में बहुत जागृति थी, इच्छा थी, खास कर उनके पास इस कमीशन का पैसा था, इसलिये उनके यहाँ ये सब काम हुए ।

मुमकिन है—एक बात हुई हो—मैं नहीं जानता और मैंने पता भी नहीं लगाया है—जहाँ इतने बड़े पैमाने पर दो तरफ़ तटवर्ती बांध बने, सैकड़ों मीलों में, वहाँ सम्भव है कि सभी यूनिट लीडर्स ने ठीक से काम नहीं किया हो । आप इस बात से इन्कार नहीं कर सकते कि जब हम नीचे की ओर जाते हैं तो मोर की तरह पैर देखते हैं, तो हमें कुछ कमजोरियाँ महसूस होने लगती हैं—यह बात सदन के सारे सदस्य जानते हैं, केवल मैं ही नहीं कह रहा हूँ । इसलिये मुमकिन है कि कुछ यूनिट लीडर्स ऐसे हों जिन्होंने अपना काम उसी नेकनीयती और ईमानदारी से न किया हो, जैसा दूसरों ने किया । अब सवाल यह है कि क्या इसका दोष ललित नारायण मिश्र पर आता है ? क्या यह उनकी कस्ट्रक्चर रेस्पॉन्सिबिलिटी है । जब तक कन्विनर रहे तब तक जितने पंचायतों के मुखिया थे, लीडर्स थे, सब को आयोजित कर देना उनका काम रहा, खास कर पंचायतों के मुखिया को, जिनको बनाना उनका काम नहीं था, पंचायतें अपना चुनाव करती थीं, ललित नारायण मिश्र उनको नियुक्त नहीं कर सकते थे—ज्योतिर्मय बसु चाहे उनको इतना शक्तिशाली समझें, लेकिन हम नहीं मानते हैं, कन्विनर के रूप में ऐसे लोगों को

[श्री ज्योतिर्मय बसु]

आयोजित करना उनका काम था, उस के बाद शायद 1959 में उन्होंने कान्बनर का काम छोड़ दिया और फिर एक साल तक ट्रेडरार रहे, जिसमें रुपया निकाल कर देने का काम उन्होंने किया। इस रिपोर्ट के जितने पन्नों का उन्होंने जिक्र किया है—आज सुबह ही मैंने उन पन्नों का पढ़ा है—कहीं भी मुझे ऐसा दिखलाई नहीं दिया कि ललित बाबू को सीधा ज़िमेदार कहा हो।

मैं बड़े दुख के साथ यह बात कहता हूँ—जन सहयोग की जितनी योजनाएँ हमारे देश में होती हैं उन के सम्बन्ध में—आप सुझे क्षमा करेंगे—हम सब लोगों का दिमाग साफ़ नहीं होता है। जनसहयोग का कार्य लेना है तो आकाशो शुरू में ये प्रारम्भिक दिक्कतें उठानी होंगी बरदास्त करनी होंगी। जितने आदर्शियों से आप सहयोग लेंगे—जल्द नहीं है कि सब के सब अच्छे हों नेकनीयत या ईमानदार हों। लेकिन इस आधार पर उन कामों को बन्द नहीं किया जा सकता है। आज यह सवाल ललित नारायण मिश्र पर उठा है—मैं तो कहता हूँ कि एक अर्थ में वे बड़े भाग्यशाली हैं यह सारा सेशन खत्म हो गया एक दिन भी ऐसा नहीं गया जिस दिन उनका नाम न लिया गया हो। यह मामूली सौभाग्य नहीं है यह सौभाग्य किसी दूसरे को प्राप्त हुआ हो ऐसा मैं नहीं जानता। लेकिन इस देश में एक साजिस चल रही है कि किसी तरह से कांग्रेस के ऐसे व्यक्तियों का चरित्र हनन किया जाय जो कभी कांग्रेस के लिये उपयोगी रहे हैं या उपयोगी सिद्ध हो सकते हैं और इसी कारण खास तौर से हमारे विरोधी दल के मित्रों ने वे अपना एक कार्यक्रम बना लिया कि किस तरह से उनको बदनाम करें।

सेरा क्याल है कि जो बातें मैंने कही हैं—इनको यदि कोई भी गौर से देखेगा तो कोई भी व्यक्ति इस प्रस्ताव के खिलाफ़ ने में एक मिनट भी नहीं लगायिगा।

SHRI YAMUNA PRASAD MANDAL (Samastipur): You would kindly permit me a few minutes more because I want to go into details about the man behind the motion.

I have been hunting and hunting papers to know what is working in this brilliant mans, brain behind this motion and when I went to the library and got this copy of Who is Who, I found one thing and what was 'a tea-taster, assessor, valuar' and son on. I was surprised how this brilliant man who has got this brilliant record could have gone to the length of dishonouring the very noble work, the very laudable work done in India by the Bharat Sevak Samaj. Perhaps China did not know about this much which is a form of public co-operation. I will not call Bharat Sevak Samaj. I may also it "CCC"—Construction—"calamity control." Lakhs and lakhs of people were employed in their works. This great Justice Shri Kapur who inquired into the whole affairs and brought out voluminous reports had no words to mention about the calamity wrought by this great river, 'Kosi' and the work done by the Bharat Sevak Samaj in minimising the havoc. This is the calamity My friend over there knows only "tea-tasting". The operative part of this motion should have come last after giving the reasons because from 1957-58 this work was taken up at the instance of Prof. Hiren Mukerjee who is now not here but hon. Atalji and Shyamnandan Babuji know it. I requested Shyam Babu in the Central Hall to come here and say what to do in the field of public co-operation. This motion will certainly discourage selfless workers in the country. Shyam Babu was the Deputy Planning Minister and he had himself seen the working Atalji is a Dronacharya—a Brahmanchari Dronacharya.

So, if we go deep into the motion we find some doubts, some aspersions and some suspicions. He has launched a crusade against the poor Harijans. A Harijan MP is needlessly

being victimised. By this he is only bringing down the dignity and prestige of this Parliament and its Members...

SHRI S. M. BANERJEE (Kanpur): A point of order, Sir The hon Member is supposed to be speaking in English, but I want that it should be translated in English

श्री यमुना प्रसाद मंडल बनर्जी साहब
टी० टेस्टर की भाषा को नहीं जानते हैं।
मैंने टी० टेस्टर की स्पीच को सुनने के बाद
उनकी भाषा में ही उनको जवाब देने की
बात सोची थी।

श्री एस एम बनर्जी : हिन्दी में अच्छा
लगता है।

श्री यमुना प्रसाद मंडल : आप कानपुर
के रहने वाले हैं। मैं हिन्दी में और अपनी
राष्ट्र भाषा में अपने विचारों को व्यक्त करता
हूँ। ऐसा करने के लिए आपने मुझे प्रेरित
किया है, इसके लिए मैं आपको धन्यवाद
भी देता हूँ। यह रेजाल्यूशन, प्रस्ताव
जो मैं टेबल पर रखने की इजाजत चाहता
हूँ इससे आपको पता चल जाएगा कि किस
तरह से और क्या क्या रेफरेंस इस में हुए
हैं। इस सब को आप देख लें। मुझे इनको
पढ़ने में समय लग जाएगा और कुछ ज्यादा
लग जाएगा और इतना समय शायद आप
चेयरमैन महोदय, मुझे नहीं देंगे। इस
बास्ते मैं इसको टेबल पर रख देता हूँ।
इसमें सेंट्रल असिस्टेस की बात है।
सारी ग्यारहवीं रिपोर्ट में सभी स्टेट्स की
बात रखी गई है। जस्टिस कपूर साहब
ने बिन्दुन जस्टिस किया है। उसके
सम्बन्ध में मैं यह पत्र जो लोक सभा में
रखा गया है, रखता हूँ —

श्री अटल बिहारी वाजपेयी (गालियर)
जब रखा जा चुका है तो फिर क्यों रख रहे
हैं।

श्री यमुना प्रसाद मंडल पेज 80 जो
“कुरान” का उन्होंने पेश किया है, जिस पर
उनको बड़ा नाज है... (इंटरपोज) आप
मुझे क्षमा करें अगर मैंने आवेश में आ कर
धार्मिक पुस्तक के बारे में कुछ कह दिया
हो। आप रामायण कह सकते हैं। हमारे
बसु साहब ने प्रेजेंट्स से काम लिया है।
अप्रेंटिस पाठ नीचे आना चाहिये था। पहले
ही उन्होंने कहा है कि इनको हटा देना
चाहिये। सेंट्रल असिस्टेस की बात है।
सेंट्रल असिस्टेस की जहाँ तक बात है, सारी
स्टेट्स में धूम मचाई है, आंध्र प्रदेश, असम
होते हुए वह बिहार में आए और उन्होंने
दो चार लाइनें लिखीं।

Kosi which is a river of sorrow of
Bihar can be compared to the river
Huang He of China

SHRI JYOTIRMOY BOSU: On a
point of submission I seek clarification
from Mr Y P Mandal He is
mixing up so many things I want to
know whether they have any propo-
sal for going for Tea Plantation on
the embankments of Kosi river

श्री यमुना प्रसाद मंडल सारे विश्व
के नेताओं ने आर जवाहरलाल जी ने क्या
क्या लिखा है इस सब के बारे में यह मैं
आपके सामने पेश करना चाहता हूँ।
(व्यवधान)

SHRI JYOTIRMOY BOSU Sir, on
a point of order The rule says that
anybody who has any pecuniary in-
terest in the matter which is being
discussed on the floor of the House
should inform the Speaker and it is
desirable that he does not participate
in the discussion That is the rule
Now, it is on the records of this Com-
mission that my esteemed friend Mr.
Yamuna Prasad Mandal, Member of
Parliament, received money from the
same source Sir, this is a very
serious matter

*The Speaker not having subsequently accorded the necessary permission, the paper was not treated as laid on the Table. It was laid on the Table by Government on 22-12-73

SHRI YAMUNA PRASAD MANDAL: This gentleman should resign. I throw a challenge if he can prove. I shall vacate with the permission of the people and go to them and ask for. . . (Interruptions).

SHRI L. N. MISHRA: rose.

SHRI JYOTIRMOY BOSU: Sir, I am drawing your kind attention to one thing. The provision in the Rules of Procedure is that if a Member has pecuniary interests in a matter which is being debated on the floor of the House, the Speaker is intimated. This is Number 1. Number two is that he is not expected to participate in the debate. Now, Sir, in this Report of this Commission, you will find Mr. Yamuna Prasad Mandal, M.P., who has received Rs. 3,500 in one stroke, if I remember a right—I am subject to correction. I am not say-

ing for a moment that Shri Yamuna Prasad Mandal has done anything wrong with the money. I am saying—knowing him for the last nine years—that Mr. Mandal is a man whom I know and he must have used that in the best interests of the people whom he represents. I am not saying anything. The accusation is not against Shri Mandal. I am only raising an issue of propriety whether it would be desirable for him to participate in this debate and plead for one or the other.

Thank you. Your ruling must come.

श्री अटल बिहारी वाजपेयी (ग्वालियर):

सभापति महोदय, जहां तक तथ्यों का सवाल है, कपूर कमीशन की रिपोर्ट के पेज 169 और 170 पर यह जानकारी दी गई है :

सीरियल नं०	डेट	टू हूम पेड	मोड	एमाउंट	परपच
7	23-1-1960	मि० जमुना प्रसाद मांडल बैंक	3,000.00	फार कम्प्यूनिटी सेविंग्स स्कीम बाढ़ स्कूल	
29	17-4-1963	मि० जे० पी० मंडल एम० पी०	कैश 500.00	राजाराम पट्टी लाइब्रेरी अंडर कम्प्यूनिटी सेविंग्स स्कीम	

इस में उन का नाम है । लेकिन फिर भी मैं समझता हूँ कि वह बोल सकते हैं। यहां सब को बोलने की आजादी है ।

श्री यमुना प्रसाद मंडल : माननीय सदस्य मे मेरे बारे में कहा है । मैं कहना चाहता हूँ कि अगर साढ़ू तीन पैसे भी मैंने अपने व्यक्तिगत काम में खर्च किये हैं, तो जनता से पूछ कर मैं यहां से रिजाइन कर दूंगा । और अगर माननीय सदस्य इस को सब साबित नहीं कर सकते, तो उन को रिजाइन करना होगा ।

SHRI PILOO MODY (Godhra): Sir, you have not given your ruling.

सभापति महोदय : मैं समझता था कि श्री वाजपेयी ने जिस खूबसूरती के साथ बात को खत्म कर दिया है, उसके बाद किसी रूलिंग की जरूरत नहीं है । लेकिन अगर आप इनसिस्ट करते हैं, तो मैं यह दरखास्त करूंगा कि हमारे यहां जो ट्रेडीशन है, उस को आप सामने रखें । हमारी ट्रेडीशन यह है कि रेफरेंस भी दिये जाते हैं, अपनी बात भी कही जाती है और इस के बाद अगर कोई क्वेश्चन करना होता है, तो क्वेश्चन भी किया जाता है । इस बात की

ज्यादा से ज्यादा कोशिश की जाती है कि हर एक मेम्बर को ज्यादा से ज्यादा लिबर्टी मिल सके ।

श्री जगन्नाथ मिश्र (मधुबनी) : सभापति महोदय, श्री ज्योतिर्मय बसु का कहना है कि श्री यमुना प्रसाद मंडल का नाम इस रिपोर्ट में है । इस का अर्थ यह है कि श्री मंडल इस विषय को अच्छी तरह जानते हैं । मेरा आग्रह है कि उन को य : ष्ट समय दिया जाये ।

सभापति महोदय : मैं उन को पूरा टाइम दूंगा ।

श्री यमुना प्रसाद मंडल : सभापति महोदय, मैं उम्र अभागे इलाके से आता हूँ, जहा के हजारों गांव पिछले सैंतीस सालों में कई बार सैलाब में बह गये हैं । मैं एक छोटा सा किसान था, लेकिन नदी के कटाव की वजह से मैं बारह छटो के भीतर रंक बन गया । चीन की बागहों की तरह की उस नदी पर हिन्दुस्तान में पहली बार पब्लिक को-प्रोपरेशन के जरिये काम किया गया । इस मे सारे हिन्दुस्तान में एक बड़ी लहर आई कि किम तरह से लोगों मे सैलैफसनेस के साथ काम किया जाये । इसी वजह से आज टीटैस्टर साहब की खयाल आता है कि इतना बड़ा काम कैसे हो गया । (श्रवण) इस सारे मामले के पीछे कन्ट्रैक्ज और वेस्टिड इन्ट्रेस्ट्स का हाथ है ।

श्री गुलजारीलाल नश, श्री कृष्ण सिङ्ग, डा० के० एल० राव आदि बड़े बड़े लोगों ने कन्ट्रैक्ज के बजाये जन-महबोग से और पंचायत समितियों और जन समितियों से, काम लेना शुरू किया । भारत सेवक समाज ने कोसी क्षेत्र में जो काम किया उस ने न केवल देश भर में सेवा की एक लहर पैदा की, बल्कि कई जिलों और कई लाख लोगों की रक्षा भी की, वहाँ उत्तर बिहार का नामो-निजान न होता । “भारत सेवक समाज” के बिस्व, जो कि घसल में “कलेमिटी कन्ट्रोल कमीशन” है कई बातें कही गई हैं ।

जब कन्ट्रैक्ज और वेस्टिड इन्ट्रेस्ट्स ने देखा कि उन का भविष्य अन्धकारमय है, तो उन लोगों ने बिहार एसेम्बली में भी और यहाँ भी उस के बिस्व साजिश की । पी० ए० सी० की 34 वीं रिपोर्ट में, और सामन्त कमेटी और प्रशोक मेहता कमेटी के द्वारा, भारत सेवक समाज के काम की सराहना की गई है । देश के एक बड़े इंजीनियर और सी० डबल्यू० पी० सी० के चेयरमैन, श्री कुवरसेन, ने कहा :

“The progress of work on the Western Embankment is ahead of schedule and its quality has also been....”

I had a lot of respect for the M.P. before and now for some reasons it has come down.

“Found superior to that of the work done by usual run of public works contractors.”

Then, Pandit Jawaharlal Nehru wrote to be then Chief Minister of Bihar. . .

SHRI HAMENDRA SINGH BANE-RA (Bhiliwara): Sir, on a point of order. Kindly see Rule 356. It says:

“The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.”

Now, I would request to ask him to sit down.

MR. CHAIRMAN: This is not point of order. This is only a request I permit Mr. Mandal.

SHRI YAMUNA PRASAD MAN-DAL: Sir, one of the greatest leaders of humanity, Pandit Jawaharlal Nehru wrote to the then Chief Minister of Bihar, Bihar Kesari Shrikishen Singh,

“Ever since the BSS started working in a big way, such as at the

[Shri Yamuna Prasad Mandal]

Kosi Dam in Bihar, all kinds of criticisms were made and obstruction raised. This was inevitable because BSS were attacking a traditional way of doing things in which vested interests had grown. They have now a good record for the people who participated and the more we accept the more we profit from it financially and in the sense of public partnership."

Sir, when the BSS started the work in the Kosi area, it opened the eyes of the Indian contractors. They became alarmed and they found that their vested interests will be affected. Now, the then Union Minister, Shri Hathi says:

"The Association of the BSS with the Kosi Project during 1955-59 has indeed brought forth in a telling manner, evidence of the great possibilities in the matter of reduced costs, improved quality and speedier completion of certain types of schemes through public participation. To mention a few notable examples, against the original estimate of Rs. 11.5 crores, the actual expenditure on the Kosi Embankment Scheme came to Rs. 6.5 crores."

Rs. 5 crores were saved. This was saved from the "looters" and "robbers" like contractors. Otherwise, this money would have gone to the vested interests. Mr. Hathi has also said:

"The work was, besides, completed in 1958, two years in advance of the target date of 1960."

Mr. Chairman, Sir, the work was completed in 1958, instead of in 1960, two years in advance.

हमारे द्रोणाचार्य सत्येन्द्र बाबू इस के बचाव हैं जो जानते हैं कि किस तरह का काम हुआ है। अशोक मेहता कमेटी ने क्या कहा और उन के साथी द्रोणाचार्य श्री श्याम बाबू के साथी हैं वह, उन्होंने क्या कहा यह भी मैं रखना चाहता हूँ... (व्यवधान)... देश के सब से बड़े शहर कलकत्ता के रहने

वाले ज्योतिर्मय बसु को मैं "यह" प्रजेंट करता हूँ। अगर वह तुलसीदास राम जैसे अच्छे काम करने वाले वर्कर्स के बंड को खत्म करने का काम कर रहे हैं तो मैं कहता हूँ अब कोई भी काम करने के लिए तैयार नहीं है। यह मैं उन्हें प्रजेंट करता हूँ.....

Shri Yamuna Prasad Mandal handed over a booklet to Shri Jyotirmoy Bosu across the Table.

जो काम उन के देश चीन में किया गया वह यहाँ भी किया गया.. (व्यवधान) लेकिन मैंने जब उन का कच्चा चिट्ठा देखा "हुं हुआ हुं" तो उस में कहीं नहीं दिखा..

SHRI JYOTIRMOY BOSU: This is a booklet about Calcutta Traffic and Transport. Is Calcutta connected with Kosi?

(Interruptions)

SHRI S. A. SHAMIM (Srinagar): On a point of order. I want a ruling about this exchange of document. This document is about Calcutta Traffic and Transport. What is to be done with it?

समापति महोदय उस डाक्यूमेंट का रेकार्ड में कोई ताल्लुक नहीं है।

SHRI S. A. SHAMIM: Is it the property of the House?

MR. CHAIRMAN: No.

Shri Vajpayee.

SHRI S. M. BANERJEE: If there are going to be other speakers like this, I should rather request him to withdraw his Resolution.

16.00 hrs.

श्री अटल बिहारी वाजपेयी (बालियार): समापति महोदय जी, सब जित प्रस्ताव पर विचार कर रहा है उस का आधार कयूर कमिशन की रिपोर्ट है। यह रिपोर्ट

14 जुलाई, 1963 को सरकार को प्रस्तुत की गई थी। 13,000 पृष्ठों की यह भारी भरकम रिपोर्ट भारत सेवक समाज से सम्बन्ध रखती है। सभापति महोदय, अच्छा होता अगर सरकार कमीशन आफ इनक्वायरी एक्ट 1952 के सेक्शन 3 और 4 के अन्तर्गत कपूर कमीशन की रिपोर्ट के बारे में उस ने जो फैसला किया है और जो कार्यवाही की है उस की सूचना भी सदन को देती। कानून के अनुसार यह काम 6 महीने के भीतर होना चाहिये। रिपोर्टें 1963 में आयी हैं, 1974 में हम चर्चा कर रहे हैं, अगर सरकार इस रिपोर्ट पर क्या कार्यवाही करना चाहती है शायद इस का पता 1975 में पहले नहीं लगेगा।

सभापति महोदय, भारत सेवक समाज 1950 में रजिस्टर किया गया था। जिन उद्देश्यों को ले कर समाज का गठन हुआ था उन से किसी का मतभेद नहीं हो सकता। विकास के कार्य में मज्जा अपनी स्फूर्ति से भाग ले और इस दृष्टि से उस को सगठित किया जाय यह नितात आवश्यक है। मैं तो यहा तक कहने के लिये तैयार हू कि अगर हम राज्य के पूर्णाधिकार से बचना चाहते हैं तो समाज को अपने पैरों पर खड़े होने की किसी व्यवस्था का हमें विकास करना होगा। भारत सेवक समाज का गठन उसी सही दिशा में एक कदम था।

लेकिन सभापति जी, आप जानते हैं कि बहुत से अच्छे काम गलत लोगों के हाथ में पड़ कर बुरे हो जाते हैं। आज भारत सेवक समाज के नाम के साथ सम्मान जुड़ा हुआ नहीं है। यह स्थिति मुझे प्रसन्नता नहीं देती यह स्थिति मुझे दुखी करती है। लेकिन ऐसा क्यों हुआ? 15 साल में सरकार ने तीन करोड़ रुपये भारत सेवक समाज को विभिन्न मंत्रालयों की ओर से सहायता के रूप में, अनुदान के रूप में सारे देश में विभिन्न काम करने के लिये दिया था। क्या भारत सेवक समाज का यह कर्तव्य नहीं था कि इस रुपये

का हिसाब रखता? यह बनता की गाड़ी कमाई का पैसा है। भारत सेवक समाज स्वयंसेवी संस्था है। लेकिन इस का मतलब यह नहीं है कि वह किसी के प्रति उत्तरदायी नहीं है। उसे सारे देश के प्रति अपने उत्तरदायित्व को निभाना होगा पाई पाई का हिसाब देना होगा। जो सार्वजनिक सेवा के तौर पर चलते हैं उन्हें और भी कठिन कसौटी पर कसा जायगा। उन की चादर पर लगा हुआ छोटा सा दाग भी माथे पर बड़ा कलक का टीका बन जायगा। इस देश में हमने ऐसे ही आदर्श स्थापित किये हैं।

लेकिन भारत सेवक समाज उन आदर्शों के अनुसार नहीं चल सका। यह कपूर कमीशन तो बाद में बना है। सब से पहले तो पब्लिक अकाउन्ट्स कमेटी ने भारत सेवक समाज के मामले को लिया 1965 में। मैं उस समय पब्लिक अकाउन्ट्स कमेटी का मेम्बर था, श्री मोरारका उस के अध्यक्ष थे। कमेटी में हम पार्टी के नाते विचार नहीं करते। लेकिन इस से कोई इन्कार नहीं कर सकता कि समिति में कांग्रेस के सदस्यों का बहुमत है, भले ही माननीय ज्योतिर्मय बसु उस के अध्यक्ष हों। लेकिन हम अल्पमत, बहुमत की दृष्टि से समिति में नहीं सोचते। कप्टीलर और आडिटर जनरल ने भारत सेवक समाज के बारे में टिप्पणी की जिस पर विचार करना उस समिति के लिये आवश्यक था। जब भारत सेवक समाज की हम ने जांच की, विभिन्न मंत्रालयों के द्वारा दिये गये अनुदानों की तह में जा कर हम ने देखा तो हम बर्बाद गये। श्री ललित नाटायण मिश्र उस समय प्रकाश में नहीं थे। श्री गुलजारी लाल नन्दा जरूर थोड़ा सा चमक रहे थे। लेकिन प्रश्न व्यक्तियों का नहीं है। व्यवस्था का है; संस्थाओं का है। भारत सेवक समाज से संबंधित अपनी रिपोर्ट में पी० ए० सी० ने सिफारिश की थी, मैं उद्धृत कर रहा हूँ, पेज 123 :

[भटल बिहारी बाजपेयी]

"In view of the large transactions and amounts of Government funds made available to the Bharat Sevak Samaj, preparation of consolidated annual accounts duly audited by the C. & A.G. giving an overall financial position of the organisation should be insisted upon."

फिर कमेटी ने कहा है :

"Here the committee would like to reiterate the following observation made in para 51 of their 8th Report (Third Lok Sabha):

"It would be advisable for the Government to lay down certain broad and healthy conventions to be observed by the persons holding high official posts when they are either participants or patrons of non-official organisations which have any financial dealings with the Government "

आगे कमेटी ने कहा है .

"No Minister of the Central Government should be associated with a private organisation which enters into contracts with departments of Central Government. The same principle should normally apply in the case of private organisations receiving grants. If any exceptions are to be made, they should be made only with the approval of the Cabinet...."

सभापति महोदय, यह रिपोर्ट जब कैबिनेट के सामने गई तो मंत्रिमंडल ने कपूर कमीशन को जांच करने के लिये नियुक्त किया ।

रेल मंत्री (श्री एल० एन० मिश्र) बाजपेयी जी, आप को ठीक स्मरण नहीं है । जब बहस हो रही थी पी० ए० सी० में श्री नन्दा जी का नाम आया तो उन्होंने वोलेंटेरीली श्रीकृष्ण किया कि कमीशन द्वारा जांच होनी चाहिये ।

श्री भटल बिहारी बाजपेयी : सभापति जी, मेरे हाथ में एक कापी है, मैं इस में से उद्धृत कर रहा हूँ :

"At their meeting held on 12-11-68, the Union Cabinet considered the summary dated 22-11-68 and approved the proposal for appointment of a commission to enquire into the affairs of the Samaj."

श्री एल० एन० मिश्र : उन्होंने माग की थी कमीशन की ।

श्री भटल बिहारी बाजपेयी : मैं जिस बात पर बल दे रहा हूँ वह यह कि मंत्रिमंडल के निर्णय के अनुसार कमीशन का गठन हुआ, जस्टिस कपूर इस के अध्यक्ष बने । वह एक सम्मानित व्यक्ति है, आज भी वह डीलिटेशन कमीशन के अध्यक्ष है । सरकार ने उन में अपनी अनास्था प्रकट नहीं की । आज उन का प्रतिवेदन, उन की सिफारिश, उनकी जाच के कुछ परिणाम कुछ सदस्यों को पसन्द नहीं आते इसलिये आज कमीशन पर छीटाकशी की जा रही है । यह किसी भी सम्मानित सदस्य को शोभा नहीं देता ।

सभापति महोदय, मेरा निवेदन है कि यह अच्छा होता अगर इस प्रस्ताव का दायरा बड़ा होता और केवल श्री ललित नारायण मिश्र जी को ही लक्ष्य न बनाया जाता । लेकिन प्रस्तावक महोदय अपनी भाषा में प्रस्ताव देने के लिये स्वतंत्र हैं । लेकिन प्रस्ताव के कारण मेरे सामने एक कठिनाई हो गई है कि मुझे धूम फिर कर वहीं आना पड़ेगा जहां प्रस्ताव लाना चाहता है ।

सभापति महोदय, यह बात कांग्रेस के सदस्यों ने बड़ी सरलता से हंसी में उठाने की कोशिश की है कि जो 2 लाख 3 हजार 880 रुपया श्री ललित नारायण मिश्र के पास था, उसके बारे में श्री ललित नारायण मिश्र बता चुके हैं कि कहाँ से आया था, वह यह भी बता चुके हैं कि उन्होंने किसकी दिया था, लेकिन इसके साथ ही कमीशन ने जो कुछ कहा है, क्या उसको दृष्टि से अंगीकार किया जा सकता है ? बायद

मेरे मित्र श्री ज्योतिर्मय बहु ने उद्धृत किया होगा और यह पुनरावृत्ति होगी, लेकिन मैं विवश हूँ —

"According to the statement made by Mr. L. N. Mishra in Parliament on June 2, 1971, he had resigned from the convenorship of the Kosi Section of the Bharat Sevak Samaj in May, 1957. He also stated that this amount 'was sent to the various people concerned for the purposes it was meant on the recommendations of the committee duly constituted for the purpose' and there was no unaccounted money left."

अब कमीशन पूछता है—

"Who formed the committee and what authority it had is not shown by anything on the record nor whether the payees were persons who could properly be the recipients of these moneys. Table 29-I sets out in figures what was stated by Mr. L. N. Mishra."

अब धारा चैप्टर 29 को देखें—किन किन को रुपया दिया गया है—श्री एल० एन० झा—1,36,306 रुपया, श्री डी० एन० झा, श्री जे० पी० मण्डल, एम० पी०, श्री जगन्नाथ मिश्र, श्री मुरलीधर कजडीवाल, श्री देवी प्रसाद कजडीवाल, श्री राधाकान्त मिश्र, श्री तेजनारायण सिंह, इण्डियन नेशन, पटना—इन को भी 589 रुपया मिला है, सेक्रेटरी, माधोपुरा हाई स्कूल, श्री विददेव झा—
Advances given to Eastern Side Kosi on different dates for Community Savings Scheme and Bharat Sevak Samaj Work, Bank charges, postage, stationery etc.

प्रश्न यह है कि श्री मिश्र को यह रुपया कब मिला ? यह रुपया कितने दिन उनके पास रहा ? ... (व्यवधान) ... ये मंडल से मिश्र कैसे हो गये हैं ?

श्री यमुना प्रसाद मंडल : जब से धारा प्रोक्लामेशन हो गये ।

श्री प्रदल बिहारी बाजपेयी : क्या श्री मिश्र की रक्षा के लिये सब मंडल बाध कर आ गये हैं ?

श्री यमुना प्रसाद मंडल : जब प्रोक्लामेशन खड़ा हो जाये, तब हम क्या करें ।

श्री प्रदल बिहारी बाजपेयी इस पर कमीशन ने और भी टिप्पणी की है— वह टिप्पणी भी सुनाई गई होगी—मैं भी उद्धृत करता हूँ—कमीशन ने आग कहा है—

"Unfortunately, the records have not been produced before this Commission to show the persons to whom these monies were paid or the personnel of the Committee which had made the authorisation and the details of the works for which these amounts were disbursed are also not there."

(4) Mr. L. N. Mishra had said in his statement that he had given full accounts of the Western Embankment in 1963 and the accounts had been accepted, whether they were audited or not is not shown. But, in the absence of any contradiction of this statement by Government the Commission is unable to adjudicate on the correctness or otherwise of this Statement."

समापति महोदय, यह मामला केवल कपूर कमीशन के सामने ही नहीं आया, बिहार की विधान सभा ने भी नदी बाढ़ी योजना (कोशी योजना) विभाग के बारे में अपनी प्राक्कलन समिति की रिपोर्ट पर विचार किया था । यह रिपोर्ट 24 अगस्त, 1973 को बिहार की विधान सभा में प्रस्तुत की गई । इस रिपोर्ट को एक अंश से पढ़ना चाहता हूँ—

"दिनांक 26 मई, 1973 को प्राक्कलन समिति की मुख्य समिति ने नदी बाढ़ी योजना विभाग (कोशी) पर पचासवाँ प्रतिवेदन अनुमोदित करने के पूर्व यह विचारित

[श्री घटल बिहारी बाजपेयी]

की कि क्या उक्त प्रतिवेदन में गाइड बांध, बाढ़ नियंत्रण और तल सफाई पर भरपूर प्रतिवेदन है, क्योंकि उपर्युक्त तीनों मधों पर अत्यधिक अपव्यय हुआ है और एक ही परिवार के लोग अधिकतर लाभान्वित हुये हैं। नवी चाटी योजना विभाग उप-समिति के संयोजक श्री विनायक प्रसाद यादव ने स्थिति स्पष्ट करते हुये कहा कि समयाभाव के कारण उपर्युक्त तीनों मधों पर अधिक गहराई में उप-समिति प्रतिवेदन नहीं दे सकी है पर फिर भी इसमें जगह जगह पर इसका उल्लेख है। इस पर समिति ने नवी चाटी योजना विभाग (कोशी) पर प्रस्तुत प्रतिवेदन स्वीकृत किया और उपर्युक्त तीन मधों पर सर्वसम्मति से एक विशेष उप-समिति गठित की जिसके संयोजक श्री विनायक प्रसाद यादव बनाये गये।...

श्री कृष्ण चन्द्र पांडेय : आप विधान सभा की प्रोसीडिन्स से पढ़ रहे हैं—विधान सभा और लोक सभा का क्या मतलब है ?

श्री घटल बिहारी बाजपेयी : पाण्डेय जी और मिश्र जी का क्या मतलब है ? अब सभापति महोदय, इस उप-समिति ने क्या कहा—मैं उद्धृत कर रहा हूँ—

“जहां तक कोशी योजना में अधिकतर एक ही परिवार के अधिकांश सदस्यों को ठेका देने एवं लाभान्वित करने का प्रश्न है, स्थानीय अभियन्ताओं, स्थानीय व्यक्तियों के समक्ष एवं उपलब्ध अभिलेखों के आधार पर उप-समिति इस निष्कर्ष पर पहुंची है कि वस्तुतः इस योजना में अधिकांश ठेका बलुआ बाजार के मिश्र परिवार” के सदस्यों अथवा उनके अभिकर्ताओं को दिया गया है। ये सारे साक्ष्य शपथ पर लिये गये।...

बीजना मंत्री (श्री डी० पी० चर) : मुझे मानरेबिल मेम्बर आफ फरमावेंगे—

बात यह है कि इस वक्त जो मोशन हमारे सामने है, उसमें कपूर कमीशन में जो तजाकिया हुआ है, उस पर बहस करनी है। मैं समझता हूँ कि मेरी नाबीज राय में अगर बिहार असेम्बली या बिहार गवर्नमेंट या उस सिलसिले में जो कोई और रेजोल्यूशन बगैरह हुये हों, उनको इस वक्त बहस में लाना मेरे ब्याल में रूल्ड और रेगुलेशन के खिलाफ है और ना-मुनासिब भी है। जैसा घटल जी ने खुद फरमाया है—इस बहस का दायरा महदूद है, जो मोशन ज्योति बाबू ने पेश की है, उसी हद तक रहना चाहिये, उस दायरे से बाहर जा कर बिहार असेम्बली में या यू० पी० असेम्बली में या ब्रिटिश पार्लियामेंट को कार्यवाही की यहां कोट करेंगे तो यह ना-इन्साफी होगी।

सभापति महोदय : जैसा घर साहब ने कहा है—अच्छा यही था, लेकिन मुश्किल यह है कि हमारे यहां ऐसी ट्रेडीशन बन चुकी है, इतने ज्यादा रेफ्रन्सेज और उसके जवाब में इतने ज्यादा रेफ्रन्सेज दिये जा चुके हैं और चूकि यहां बाजपेयी जी जो चीज पेश कर रहे हैं, वह भारत सेवक समाज के ही मुतालिक है, इसलिये मेरे लिये इस वक्त उनको इस रेफ्रन्स से रोकना मुमकिन नहीं है।

श्री बिरंजीब झा (सहरसा) : सभापति महोदय, मेरा प्वांट आफ ऑर्डर है...

सभापति महोदय : मैंने रूलिंग दिया है—क्या आप रूलिंग पर प्वाइंट आफ ऑर्डर उठा रहे हैं ?

श्री बिरंजीब झा : जी नहीं।

सभापति महोदय : अगर आप हाउस का टाइम न लें तो अच्छा होगा। जो रूलिंग मैं दे चुका हूँ उसको बदलना नहीं।

श्री बिरंजीब झा : मैं यही अर्ज करना चाहता हूँ कि वह रिजॉल्यूशन भारत सेवक समाज

से सम्बन्धित नहीं है। अगर वह रिपोर्ट सम्बन्धित होती तो मुझे कोई उर्ज नहीं होता। लेकिन चूँकि वह सम्बन्धित नहीं है, वह असेम्बली की पब्लिक एकाउण्ट्स कमेटी की रिपोर्ट है, इसलिये वह नहीं आती चाहिये।

सभापति महोदय यह भारत सेवक समाज के बारे में है।

श्री अटल बिहारी वाजपेयी : मिश्र जी के बारे में कपूर कमीशन ने जो कुछ कहा है, वह कोसी परियोजना से सम्बन्धित मामला है और कोसी परियोजना के बारे में बिहार की असेम्बली ने जो अपनी रिपोर्ट बनाई थी, उसका हवाला इसलिए दे रहा हूँ—आप जरा कपूर कमीशन की रिपोर्ट के पृष्ठ 119 को देखें—

“The appointment of Dutta Commission by the Bihar Government to inquire into the Community Savings Committee, Kosi Project Construction Committee and the advances given to the union leaders.”

कपूर कमीशन ने, स्वयं बिहार की सरकार द्वारा, बिहार की असेम्बली द्वारा इस मामले में जो कुछ कार्यवाही की गई उसका हवाला दिया है—

श्री डी० पी० धर : बिल्कुल नहीं।

SHRI PILOO MODY: Are you challenging the ruling of the Chair?

SHRI D. P. DHAR: I am not challenging the ruling at all. I also do not want Mr. Mody to provoke a discussion on this question. The only thing is that whatever it may be, I am just making a submission for your consideration and for the consideration of Mr. Vajpayee that whatever references have been made in the Commission report to any other body, whether it be the Dutta Commission or any other body, certainly, they can be

brought within the purview of the discussion in this House, but not any other body which has not been mentioned in the report of the Commission.

SHRI HAMENDRA SINGH BANERAJA: He is challenging the ruling. How can he do that?

SHRI D. P. DHAR: I would beg you not to feel provoked. I am only making a submission.

SHRI JYOTIRMOY BOSU: Let me make it clear that Shri L. N. Mishra wanted the Bihar Government to scuttle the Dutta Commission and with the help of Shri Bhola Paswan Shastri he accomplished it.

SHRI L. N. MISHRA: What are you talking? It is nonsense.

SHRI D. P. DHAR: I might agree that the hon. Member is entitled to draw any conclusion about the dissolution of the Dutta Commission, but we are not competent to discuss any resolution or make it the basis for any of our discussion here.

SHRI JYOTIRMOY BOSU: This is a motion involving Mr. L. N. Mishra. Mr. D. P. Dhar is nobody to reply on his behalf. The Minister is present and he should reply. (*Interruption*) No, no. This is a motion against Shri L. N. Mishra, his misconduct and improprieties in connection with the Kosi project. Therefore, the only person who can speak as far as the Cabinet Minister is concerned, is Mr. L. N. Mishra. We would tolerate his atrocious language, but he should speak.

सभापति महोदय : मैं रुलिंग दे चुका हूँ।

भारत सेवक समाज के बारे में कहीं से भी अगर कोई रेफ़रेस दिया जाता है तो मैं उसको रोक नहीं सकता हूँ। लेकिन आप इस बात का लिहाज रखें कि जो भारत सेवक समाज से ताल्लुक नहीं रखता है उसको आप न लाएँ।

श्री अटल बिहारी वाजपेयी : योजना मंत्री बोल सकते हैं क्योंकि भारत सेवक समाज को सबसे ज्यादा पैसा प्लानिंग मिनिस्ट्री या प्लानिंग बोर्ड ने दिया है। उस पैसे को भारत सेवक समाज ने मिट्टी में मिलाया है। इसीलिए मैं तो इन पर भी हमला करना चाहता था। लेकिन श्री बसु ने खाली मिश्र जी के खिलाफ ही मोशन रखा है। उन्होंने श्री लालत नारायण को ही कदाचार का दोषी ठहराया है। यह बिहार एसेम्बली की एग्जिस्टिंग कमिटी की रिपोर्ट है। क्या इस रिपोर्ट का कोई बजन नहीं है? क्या यह रही की टोकरी में फेंके जाने वाली चीज है? यह मामला बहा उठा था। कासी परियोजना का यह मामला है और श्री लालत नारायण मिश्र कासी परियोजना में सम्बन्धित रहे हैं—

श्री डी० पी० धर : अगर एग्जिस्टिंग कमिटी ने भारत सेवक समाज का नाम लिया हो तो जरूर आप तथ्य कहें।

श्री अटल बिहारी वाजपेयी : भारत सेवक समाज ने कासी परियोजना को हाथ में लिया। कासी परियोजना में मिश्र जी थे। उन्होंने उसमें गड़बड़ की। उस गड़बड़ पर बिहार की एसेम्बली ने विचार किया। यह कमिटी की रिपोर्ट सामने है। जोड़ने को हर चीज जोड़ी जा सकती है। लेकिन अगर आप सच्चाई जानना नहीं चाहते हैं तो कोई चीज नहीं जोड़ी जा सकती है।

श्री डी० पी० धर : वाजपेयी जी का गुस्ता बिल्कुल बेजा है। आपकी रूनिंग का शायद यह मकसद था कि भारत सेवक समाज के मिलसिले में अगर बिहार एसेम्बली में भी कुछ बातें कही गई हैं, वे चाहे सही हों या लगे हों, अच्छी हों या बुरी हों हम सुनने के लिये तैयार हैं। लेकिन जिस बात का हवाला अटल जी दे रहे हैं उसका ताल्लुक भारत सेवक समाज से नहीं है।

सभापति महोदय : भारत सेवक समाज के मिलसिले में जो भी रेफरेंसेस दिये जायेंगे मैं कह चुका हूँ कि उनको मैं रोक नहीं सकता।

श्री अटल बिहारी वाजपेयी : कासी योजना को भारत सेवक समाज ने हाथ में लिया था या नहीं लिया था?

श्री डी० पी० धर : अगर योजना जैसा आप कहते हैं भारत सेवक समाज ने ली और उसी भारत सेवक समाज वाली योजना के बारे में एसेम्बली ने कहा है तो आप जरूर कह सकते हैं।

श्री अटल बिहारी वाजपेयी : मैं आपका कर्तव्य करूँगा। इस रिपोर्ट में से ही निकल कर आपको बताना है। यूनिट लीडर्स की बात हो रही है या नहीं? श्री ज्योतिर्मय बसु ने यूनिट लीडर्स की बात कही है और वह रिपोर्ट में भी है। यूनिट लीडर्स का कितना रुपया दिया गया है इसका सारा विवरण इस रिपोर्ट में है। अब उसका हवाला नहीं दिया जा सकता है? बिना बात के झगड़ा खड़ा आप न करें। यह रिपोर्ट छपी हुई है। सच्चाई को यह कह कर आप दबा नहीं सकते हैं कि सदन में बोल नहीं सकते हैं।

श्री एल० एन० मिश्र : उत्तर भी छपा हुआ है।

श्री अटल बिहारी वाजपेयी : आप पढ़ दीजिये। मैं नहीं रोकूँगा।

धर साहब को मालूम नहीं है। वह दिल्ली में जन्मी जाने की तैयारी कर रहे हैं।

श्री डी० पी० धर : जहाँ तक जल्दी का ताल्लुक है अटल जी और मैं दोनों विचार कर रहे हैं। अगर वह चाहे तो एक ही तारीख मुकर्रर कर सकते हैं।

वह मुझसे ज्यादानी करे यह अलग
 मबाल है, गुम्मा करे यह अलग सवाल है।
 लेकिन इस वकन जो वह काट कर रहे हैं
 जिसका हवाला दे रहे हैं वेजा है, उसका
 ताल्लुक कपूर कमीशन के साथ नहीं है।
 जनाब वाला यह देखेंगे कि हमजें आफ
 रेफरेंस में यह है कि जो रकूम भारत सेवक
 समाज का हकूमते-हिन्द में शामिल हुई
 उनकी जाच-पडताल की जाये। इसलिये
 जनाब की कलिंग निहायत सही है कि भारत
 सेवक समाज का जो रकूम भारत सरकार में
 शामिल हुई कपूर कमीशन न उनमें आए म
 जाच-पडताल की कमनिय विनार असेम्बली
 नहीं नहीं आनी है। उसमें मरा रणन्दार
 आय १८ पञ्च पल्ले संगत है। लेकिन
 चूकि मरा रणन्दार पार इसलिये बहारा
 असेम्बली की कायवाहा या सम्बन्ध कपूर
 कमीशन के साथ नहीं आता है।

श्री अटल बिहारी वाजपेयी. मेरा ख्याल
 है कि धर साहब क्या कह रहे हैं यह शायद
 वह भी नहीं समझ रहे हैं। उन्होंने यह
 रिपोर्ट नहीं देखी है और न उन्होंने कपूर
 कमीशन की रिपोर्ट पूरी पढ़ी है। पेज
 128 और 129 पर अचल 1 अचल 2
 और अचल 3 के बारे में उच्चा की गई है
 किना रुपया खर्च हुआ कौन कौन व्यक्ति
 नियुक्त थे, इसका उल्लेख है। और इन
 सब बातों की एस्टिमेट्स समीची की रिपोर्ट
 में उच्चा की गई है। दोना का विषय एक
 ही है।

PROF. NARAIN CHAND PARASHAR (Hamirpur). On a point of
 order We have to determine whether
 the Estimates Committee Report can
 be quoted. In the Report, if it has not
 been mentioned or quoted, then it can
 not be referred to here. Let us find
 that out.

सभापति महोदय मैं श्री वाजपेयी से फिर
 कहना चाहता हूँ कि भारत सेवक समाज के

सिलसिले में वह जहां कहीं भी रेफरेंस दे,
 मैं उसको हरगिज नहीं राकगा और उसको
 ऐलाउ करूंगा। लेकिन वह इस बहस
 को इस तरह बढ़ाने की कांजिशन न कर कि
 श्री लालित नागयण गिरा उसमें थे और अब
 वह रेलवे मिनिस्टर हैं।

श्री अटल बिहारी वाजपेयी सभापति
 महोदय उस पद पर बैठ कर आप इस तरह
 की बात न करें। रेलवे मिनिस्ट्री की बात
 नहीं हो रही है। क्या कोमी प्रोजेक्ट कपूर
 कमीशन की जाच या विषय है या नहीं ?
 कासी प्रोजेक्ट के बारे में और जो रिपोर्ट्स
 हैं उनका हवाला क्या नहीं दिया जा सकता
 है ? (व्यवधान) जरूर दिया जा सकता
 है। (व्यवधान) दिया जायगा। (व्यवधान)

सभापति महोदय मैं श्री वाजपेयी से
 बड़े अदब के साथ कहता हूँ कि मैं नहीं
 चाहता हूँ कि इस बारे में मेरी और उनकी
 बहस हो।

श्री अटल बिहारी वाजपेयी आप एक
 बार कलिंग दे चुके और उनके कहने पर
 आपन अपनी कलिंग को बदल दिया। क्या
 कपूर कमीशन की रिपोर्ट मार भारत सेवक
 समाज के बारे में है ?

सभापति महोदय कपूर कमीशन की
 रिपोर्ट भारत सेवक समाज के बारे में है।
 वह मेरे सामने भी मौजूद है—'रिपोर्ट आफ
 दि कमीशन आफ गन्ववायरी इन्टू दि फेयर्ज
 आफ दि भारत सेवक समाज। मरी
 दरखवास्त यह है कि भारत सेवक समाज
 के सिलसिले में जो भी बातें आए जायें
 उनका रेफरेंस दे। लेकिन किसी चीज का
 लेकर अननसमझती बयान खरान न कर।
 मैं जानता हूँ कि आपने पाम इन्तर्मी
 सैटीग्रिल है कि आप भारत सेवक समाज
 के बारे में बहुत काफी कह सकते हैं, और
 बहुत काफी कह भी चुके हैं।

श्री अटल बिहारी वाजपेयी : मैंने शुरू में कहा है कि इस प्रस्ताव का दायरा बहुत सीमित है। मैं चाहता कि सारे भारत सेवक समाज पर बिकार हो। तब घर माहव चुप बैठे रहे। अब वह कहते हैं कि सारा भारत सेवक समाज ने आघात लेकिन कोसी वाल मामले के बारे में मत कहो, जिसमें श्री लालित नारायण मिश्र के बारे में टिप्पणी की गई है।

श्री डी० पी० धर : जहां तक कोसी प्रोजेक्ट का ताल्लुक है वह स्टेट गवर्नमेंट का प्रोजेक्ट है। वहां की एंटीमेड्स कमेटी उन रकूमात की जांच-पड़ताल कर सकती है, जिनका ताल्लुक बिहार की सरकार के साथ है। यह जो कपूर कमीशन बना वह इस बुनियाद पर बना कि जो रकूमान सरकार की सरकार से भारत सेवक समाज की मिली है, उनकी तहकीबान और जांच-पड़ताल हो। जिस प्रोजेक्ट का तर्जिकरा श्री बाजपेयी फरमा रहे हैं, वह तो बिहार गवर्नमेंट का प्रोजेक्ट था।

श्री अटल बिहारी वाजपेयी : दोनों एक ही प्रोजेक्ट हैं।

श्री डी० पी० धर : प्रोजेक्ट तो एक ही है, लेकिन कपूर कमीशन का जूरिस्डिक्शन उस पर नहीं है। भारत सेवक समाज को जो रकूमात हासिल हुई हैं, उन पर उसका जूरिस्डिक्शन है। इसलिये माननीय सदस्य एक हल्के से धोखे में भुगतिला है, जिसमें से मैं उनको निकालना चाहता हूँ।

सभापति महोदय अपनी राय देने से पहले मैं सिर्फ यह जानना चाहता हूँ कि श्री बाजपेयी जिस कोसी प्रोजेक्ट का जिक्र कर रहे हैं, क्या उसका कंस्ट्रक्शन भारत सेवक समाज की देख-रेख में हुआ या नहीं।

श्री डी० पी० धर : वाक्या यह है कि कोसी प्रोजेक्ट एक स्टेट प्रोजेक्ट था। पार्लियामेंट स्टेट के बजट तो पास नहीं कर

सकती है, हालांकि स्टेट्स को पसा मरकज से जाता है। जहां हम स्टेट प्रोजेक्ट का तर्जिकरा करते हैं, वहां स्टेट एसेम्बली का अख्तियार है और उसकी एंटीमेड्स कमेटी उसमें जा सकती है। भारत सेवक समाज एक वालेंटरी ऑर्गनाइजेशन है, जिसको मरकज की सरकार ने कुछ पैसे दिये। उसके मुताबिक उसने कोसी प्रोजेक्ट में काम किया। (व्यवधान) मैं नहीं कहता कि वहां घपला नहीं हुआ होगा। कहा घपले नहीं होते हैं? (व्यवधान) हर जगह घपले होते हैं।

श्री जनेश्वर मिश्र (इलाहाबाद) : कहां घपले नहीं होते हैं, यह जब का तर्क है। कहा घपले नहीं होते हैं, इसलिये श्री मिश्र को माफ कर दिया जाये। जहां उनके पर पड़त है, वहां घपले हो जाते हैं।

SHRI D. P. DHAR: I am taking the liberty of talking to a reasonable Member of this august House and that is why I want him to draw the distinction between the affairs of the Bharat Sevak Samaj and the affairs of the Kosi project as they fell within the jurisdiction of the State Government of Bihar and, therefore, State Assembly. The two are different.

अगर वह इसका मानकर चले तो कोई दिक्कत नहीं होगी।

सभापति महोदय अगर श्री बाजपेयी इस बारे में मतमईन है और इस बात की रेस्पॉसिबिलिटी लेते हैं कि जिस कोसी प्रोजेक्ट का वह जिक्र कर रहे हैं, उसका कंस्ट्रक्शन भारत सेवक समाज के जरिये हुआ है, तो वह जरूर बोल सकते हैं।

श्री अटल बिहारी वाजपेयी : मैं पूरी जिम्मेदारी के साथ कह रहा हूँ। जो प्रस्ताव विचाराधीन है, उसमें श्री एल० एन० मिश्र पर आरोप लगाये गये हैं। उन आरोपों की पुष्टि केवल कपूर कमीशन के प्रतिवेदन से नहीं होती है, उसके अतिरिक्त भी मन्तावा है।

में अपने उद्धृत करता हूँ —

जाब पड़ताल के दौरान उपसमिति इस नज्द पर पहुँची कि अधिकतम स्थानीय सम्मानित व्यक्ति मिश्र परिवार से लुप्त हूँ दिनांक 6 अगस्त 1973 को बैठक से अलग हो गया। कुल तीन गैर सरकारी व्यक्तियों ने सपथ पर साक्ष्य दिया। अन्य व्यक्ति या तो उप समिति के समक्ष आ नहीं सके या उन्हें भ्रान से मना कर दिया गया।"

कांग्रेस के सचिव कह सकते हैं कि 2 लाख 10 हजार का मामला श्री ललित नारायण मिश्र के लिए कोई बड़ा मामला नहीं है। मैं उस से सहमत हूँ। श्री ललित नारायण मिश्र इस समय लक्ष्मी के लाइल सालों में हैं। वे करोड़ों में श्रीड़ा करते हैं। लेकिन 1959 में जब सार्वजनिक जीवन में उन का उदय हो रहा था और मुझे यह कहते में बिलकुल सकोच नहीं कि ललित बाबू से उस समय जो मेरा परिचय हुआ तो उन के प्रति मेरे हृदय में आदर उत्पन्न हुआ एक नौजवान जनता को जुटा रहा है परिश्रम करने के लिए लेकिन मुझे खेद है कि उस आदर की वे रक्षा नहीं कर सके। मैं स्नेह माज भी करता हूँ, आगे भी कहूँगा? मैं विश्वास दिलाता चाहता हूँ कि मैं किसी की चरित्र हत्या में रूचि नहीं रखता। लेकिन एक बात स्पष्ट है कि सार्वजनिक जीवन में जो व्यक्ति हूँ उन को आचरण का एक मानक रखना होगा। बद अक्ल बदनाम बुरा। हम राजनीति में हैं आखिर लाइसेंस छोटाला अब आप कहेंगे कि इस की चर्चा नहीं कर सकने में नहीं करूँगा

एक सार्वजनिक सचिव . नहीं, नहीं, इस का भारत सेवक समाज में लाइए और करिए।

श्री अटल बिहारी वाजपेयी : यह स्वयं सेवक समाज है, अगर भारत मरक समाज होता तब तो कोई बात ही नहीं थी।

श्री० नारायण चन्द्र बरालार : स्वयं सेवक संघ कहिए।

श्री अटल बिहारी वाजपेयी : स्वयं सेवक संघ पर चर्चा करने का मौका आप को अब तक नहीं मिला। वह सरकारी पैसे पर नहीं चलते हैं। वह अपना खून पसीना बहा कर जीते हैं।

आखिर एक के बाद एक छोटाले ये क्या कहते हैं? क्या वह मिश्रा जी की कीर्ति को उजागर करते हैं? क्या केवल कानूनी दावपेची से यह लड़ाई जीती जा सकती है? मैं सहमत नहीं हूँ श्री ज्योतिर्भय बसु से कि इन को हटा देना चाहिए। मैं तो मिश्रा जी से अपील करता हूँ कि आज की परिस्थिति में उन को स्वयं लोक सभा से इस्तीफा देकर अपने को, अपनी पार्टी को और अपनी पार्टी की नेत्री श्रीमती इंदिरा गांधी को सारी बुराइयों से बचा लेना चाहिए।

SHRI B. R. SHUKLA (Bahraich):
 Mr. Chairman, Sir, for the past few months, witch-hunting and character assassination have been the obsession of some hon. Members of the Opposition. Failing in their attempt to assail the policy and principles of the ruling party they have now started to assail the character of distinguished Members of the ruling party. Now, you have learnt nothing but to laugh and ridicule. Now, this charge against Shri L. N. Mishra is based presumably on certain portions of the Report of the Kapur Commission. Before I go into the various aspects of the allegations made against Shri L. N. Mishra I would like to draw the attention of the hon. Members of this House to certain portions of the Report. On Page 103, in Para 29,129 it says

"The Commission wishes to express no opinion on the various allegations made whether against the persons named in these statements or any one else"

Then, further, I would like to draw the attention of this hon House to Page 110, Para 29,147

"But as has been said above, the evidence is not complete to enable the Commission to give a definite

[Shri B R Shukla]

finding. All it can do is to point out the points which require elucidation. The Commission would also like to observe that it was the duty of the convenor to produce the accounts at least to prove and corroborate the factum of proper expenditure of the moneys . "

It further says.

"The statement shows that Mr. L. N. Mishra had ceased to be the convenor... in 1957, but he continue to be associated with the Kosi section As has already been stated. Mr. Mishra had stated that he rendered the accounts to the convenor of the Eastern Embankment Committee which had been duly accepted by the Committee. But it is unfortunate that the Bharat Sevak Samaj has refused to produce its records before this Commission or even produce them before the Government of Bihar "

From all this, it is clear that no categorical or definite finding has been arrived at by Mr Kapur in his voluminous report which may go to show that any charge or any allegation has been proved against Mr L N Mishra. Therefore my submission is that according to the terms of the report, it requires further elucidation on certain points which could not be substantiated because of lack of evidence before the Commission

Now what was the position? Hon. members of the Opposition have confused the issue. The point at issue was, who was responsible for rendering accounts of the moneys advanced by the Central Government to the BSS? Money was allocated for construction works in the river of sorrow, that is, Kosi, in the Kosi project. In order to enlist the enthusiasm of the local people, the BSS was entrusted with propaganda work and also to eliminate the role of contractors who wanted to take the work of construction on a profit motive basis. Therefore, the

work was entrusted to local panchayats, to local labour co-operatives and also to unit leaders. By agreement these agencies which were entrusted with the work of construction agreed that a certain portion out of the contractual money would be deposited in a Community Saving Fund that would be utilised for the purpose of the local people. The position of Mr. L. N. Mishra in the entire project was that for some time he was the convenor and probably from 1959 to 1963, he acted as the Treasurer.

In any case of embezzlement or misappropriation of funds or falsification of accounts, three issues primarily arise; first, who received the money, for what purpose the money was entrusted to him, whether the work entrusted was done in accordance with the directions or not, and if the work was not done according to specifications and directions where the money has gone, whether the persons entrusted with it has given a reasonable account of the expenditure or he had not done the work as he was directed to do. The work was entrusted to the BSS. The money was given to Mr Mishra through cheques and drafts. He made payments by means of cheques and drafts. He was responsible for rendering accounts to the BSS or to the Community Savings Fund Committee, and that he has done. He has said on oath before the Commission that he had rendered the account. Even in that report it has been noted by Mr Kapoor that Mr. Guizarilal Nanda himself had admitted it. The Commission says that Mr. Nanda had seen the accounts but those accounts were not produced before it. If the accounts were not produced before the Commission of enquiry by Bharat Sevak Samaj the blame cannot be laid at the door of Mr L. N. Mishra because he was not responsible according to the terms of reference. According to the agreement between the Saving Fund Committee and the Treasurer, he was not only liable to account to the Committee. Then he wrote a letter to the Convenor of that Com-

mittee The Convenor of that Committee wrote back a letter saying that nothing was due from the side of Mr. L. N. Mishra that he had given a complete and correct account, and the convenor also placed on record, the services rendered by him. The matter ends there. If the hon. Members are very enthusiastic in support of a public cause in demanding the removal of hon. Minister Mishra they should have come with a categorical allegation; so much amount was given to him and that amount has not been spent in the manner in which he was directed to spend. Nothing of the sort has come forth. Therefore my submission is that all these allegations and wish-pering campaign in direct and indirect form are nothing but futile attempts to denigrate the personality of Shri L. N. Mishra.

I do not want to defend him on the basis that he is a distinguished leader and the Member of the Cabinet. I want to confine my remarks only to the conclusions and findings arrived at by the Commission itself. There is nothing in the report of the Commission which goes to show that he was in any way responsible for embezzlement or falsification of the account in the entire episode. Then why is he made the target of attack in season and out of season and inside Parliament and outside Parliament? The reasons are obvious. Those who could inflict a smashing defeat on the opposition all combined, they become the target of attack. The opposition parties forget their principles and policies. (Interruptions). I do not want to know who defeated you or who defeated him, but I know that opposition groups are a microscopic minority in the House. They were given the first innings in 1971 to play. They were not only defeated but were routed. In 1972 again they were given a second innings to play but they were again routed. Failing in those attempts they have resorted to character assassination because if they attack our policy nobody is going to listen to them and they

would get no publicity in the Press or Platform. If you begin to criticise our principles and policies you will be dividing yourself because the CPM has got one set of policies, the Swatantra has another set of policies and the Jan Sangh has got third set of policies. You forget your policies conveniently in order to forge a common grand alliance against us who are marching with the masses and who are progressive in outlook.

SHRI PILOO MODY: In your Government Shri Malviya has one policy, Shri Jagjivan Ram has another policy and Shrimati Indira Gandhi has a third policy.

SHRI B. R. SHUKLA: You would have shone more brilliantly by sticking to one seat instead of going in the company of those who have nothing to do with you.

SHRI PILOO MODY: I do not want to live in borrowed light.

SHRI B. R. SHUKLA: I am interrupted so much. It means that my voice has some effect on them. Otherwise, I would not have been so much interrupted.

This House could have utilised its precious time in discussing many more important and urgent matters than confining its attention for the whole of this session to Shri Tulmohan Ram and in character assassination of the Prime Minister and Shri L. N. Mishra, who is dynamic and progressive in outlook. He is a stout politician who can smash all the opposition combined.

SHRI SOMCHAND SOLANKI (Gandhinagar): Sir, I support the motion moved by Shri Jyotirmoy Bosu regarding the Kapur Commission of Inquiry into the affairs of Bharat Sevak Samaj in connection with the Kosi project. In the beginning, Mr. Madhukar said that this motion is politically motivated. He

(Shri Somchand Solanki).

said something correct and something false. Mr. Dhar said:

बहु बचला दूसरी जगह भी होता ह ।

I want to give an example. So many passengers are travelling in a train without tickets. One person is caught by the ticket collector and he says, "So many are travelling without tickets." The ticket collector will say, "First of all, you are responsible. You must either pay or go to jail." In the same manner, there is nobody involved in anything said against any member in the opposition party. It is only a scandal against Shri L. N. Mishra. He is the hero of the scandal and so it is necessary to say even more than what we have to say against Shri L. N. Mishra.

This session is full of scandals and it has created a good alliteration in this House. It has created good music and song in the House. The word 'scandal' starts with 'S' and ends with 'L'. 'L' means Lalit Narain Mishra; it is not difficult to find that out.

This Commission was appointed by the Government of India and Justice Kapur was the Chairman. Instead of 6 months, the Commission took more than 4 years to complete its work. I want to discuss the activities of the Bharat Sevak Samaj regarding the Kosi Project. As regards the construction work of the Kosi project, it was decided that the instrumentality for the construction was to be the ordinary contractors and the agency executing it was to be the Central P.W.D. Later on it was decided that the operation and the construction work should be done through public cooperation and for that purpose, the Bharat Sevak Samaj was selected. The plea taken was that it will eliminate the contractors, who would only have it for profit motive.

On page 82 it is mentioned:

"A matter which must be mentioned at this stage is that the cost

through contractors, including amenities given to the workers, came to Rs. 34 per thousand cft., and what is called voluntary labour (Shramdanies) cost the department Rs. 59 per thousand cft. on the western side and Rs. 41½ on the eastern side."

The execution of this work by this voluntary organisation, BSS, has cost more than what it would have cost through contractors.

17 hrs.

When this agency was selected, the Kosi Project Administrator, Shri T. P. Singh, said that he was doubtful as to the political parties agreeing to this work being done by BSS, which had been nominated by the Union Home Minister, Shri G. L. Nanda to take charge of public cooperation. In this connection, I want to quote the findings of the Commission, which states on page 81 what I have mentioned above. It further says:

"This shows that before the scheme was discussed, the Union Minister had chosen the Bharat Sevak Samaj for the purpose of promotion of public cooperation and the other political parties were not willing to participate or cooperate with the Samaj."

Moreover, it may be mentioned here that regarding bungling etc. the CPI had submitted a memorandum, highlighting the bungling to the Central Government and the Central BSS to get the accounts of the cash unit of the Samaj checked but it was refused on the plea that the money belonged to the samaj and not to any individual person. In this connection, I would like to quote the observations of the Commission, which says on page 104:

But it is rather astonishing that in spite of the criticisms both in Bihar Assembly and in Parliament, these accounts have been kept back by the Samaj and have not been produced either before the Central

Bharat Sevak Samaj or before this Commission."

On page 105 it is mentioned:

"In this statement dated June 2, 1971, made in the House of the People Mr. L. N. Mishra said that he had resigned from the Kosi Section Convenership in May, 1967 and that he was authorised to withdraw from the Community Savings Fund for various construction works on the Western side of Kosi and had withdrawn Rs. 2.10 lakhs in two instalments, which was sent to different people for construction purposes, and that this money was sent on the recommendation of a committee duly constituted for the purpose and no part of the money withdrawn had remained unaccounted for."

These records have not been produced before this Committee to show the persons to whom these moneys were paid. So, the report says:

"Unfortunately, the records have not been produced before this Commission to show the persons to whom there monies were paid or the personnel of the committee which had made the authorisation and the details of the works for which these amounts were disbursed are also not there."

It clearly shows that everything is not above board. Shri L. N. Mishra did not expose himself for scrutiny by the Commission to decide whether there was bungling. Does it not throw some suspicion on the conduct of Shri L. N. Mishra that he has not come forward to state to whom the money was paid?

SHRI L. N. MISHRA: I have furnished that. It is in the report.

SHRI S. M. SOLANKI: Lastly, I am very sorry to say that a Commission was appointed with Mr Justice Dutta as Chairman to go into the conduct of Shri L. N. Mishra. As far as the Kosi unit of Bharat Sevak

Samaj was concerned, Mr. L. N. Mishra was afraid of exposure and, therefore, he pulled down the Government of Mr. Karpuri Thakur and succeeded in getting a State Government of his choice installed. This was the role played by Mr. L. N. Mishra. To protect himself from exposure, he tried and got the Bihar Government changed.

There is a series of scandals where Mr. L. N. Mishra is involved. He must boldly come out and prove before the House that he has not done anything in this regard. We have produced before the House many documents, including the Commission's report. Instead of remaining in the Government shamelessly, he must resign from the Government. Let him prove before the House that he is innocent and he has not done anything. I am sorry, Mr. L. N. Mishra is only arguing. Let him prove that he has not done anything.

PROF. NARAIN CHAND PARASHAR (Hamirpur): Mr. Chairman, Sir, it is in the interest of the discussion that one or two issues are clarified. One is about the terms of reference of the Commission.

The Commission was appointed under the Commission of Inquiry Act, 1952 to do a particular job, and the terms of reference, according to the Commission's own findings, were vague and indefinite. I would not comment on the working of the Commission, but I would refer to the specific nature of the task which was assigned to the Commission by the Government. In this connection I would like to refer to an answer given by the then hon. Minister for Agriculture, Shri Jagjivan Ram on 22nd March, 1968. The question was asked by Shri Kanwarlal Gupta. His reply was:

"The inquiry is only limited to the loans, grants and advances given by the Central Government to the Bharat Sevak Samaj. The grants, loans or other assistance from the State will not cover the

[Prof Narayan Chand Parashar]

jurisdiction of the Kapur Commission

It is clear that the Kosi Project was being executed for a long period with two types of assistance one coming from the State Government and the other given from the Central Government but channelised through the Bharat Sevak Samaj. The Commission of Inquiry which was set up under Justice Kapur was only for one specific task, that is, the Central Government money in the shape of loans, grants and other assistance which was given to the Bharat Sevak Samaj. No responsibility can be taken for the money given to the State Government because it was not earmarked by the Central Government for being given to the Kosi Project by the State. It was given as a grant to the State Government, and the State Government was at perfect liberty to do anything with it they could spend it on the Kosi Project or they could spend it on roads or anything else. Therefore, we have to be very precise and specific about what the terms of reference are, what the Commission of Inquiry was supposed to do. In that connection I have referred to the reply given by Shri Jagivan Ram, who was then in charge of the Agriculture portfolio.

The Kosi Project was a novel experiment. It was expected to be completed in a much longer time than was done in other words, it was completed sooner than was expected. The agency of the Bharat Sevak Samaj was brought in order to help the people of Bihar who were suffering from the ravages of the Kosi river which is popularly known as the River of Sorrow. The Bharat Sevak Samaj was helpful in reducing the cost as well as the time period which was required to execute it. According to my information, the original estimate of the Project was Rs. 115 crores and it was executed at a cost of Rs. 65 crores. It was expected to be completed in 1960, but it was completed in 1958. It only

shows that the work of Bharat Sevak Samaj and the work of all those people who were there were very helpful were in the interest of the project, in the interest of the State Government, in the interest of the public, in the interest of the welfare of the people of this country.

Now I come to the particular point which has been hammered again and again, i.e., the role of Shri L. N. Mishra. In this has been a leading Member of the Bharat Sevak Samaj and from a particular date he resigned from the Convenership of the State Unit. But he continues to be the Treasurer of the Community Savings Fund. In that connection the Governing Body of the Bharat Sevak Samaj, the State Unit or the Central body has the liberty or authority to authorise anybody to draw or disburse or spend any amount of money that it may think proper in that context. It is normally accepted that if somebody becomes a Member of Parliament and if he is a member of any social organization or cultural organization he does not sever his connection and that is also not contemplated under the Societies Registration Act under which the Bharat Sevak Samaj is registered. Secondly, it is also the responsibility of the central Bharat Sevak Samaj and it is in that connection we would call him into account. I would invite your kind reference to the reply given by Shri Gulzari Lal Nanda to the references made by the commission. Shri Gulzari Lal Nanda was called upon to explain and he is reported to have said that he was satisfied with the accounts as they were shown to him. Shri Nanda was the light of this important agency known as Bharat Sevak Samaj and his reply I will quote for clarification.

'I would like to place before the Commission

Shri Nanda was appearing before the Kapur Commission

"a submission in regard to the scope of the inquiry. If the Central

Government has given a loan to the State and is charging interest also and the State Government has given money to any organization, no inquiry can be made into the working of that organization but only into the working of the State."

He, however, added:

"The monies that were given to the Bihar Government were not earmarked to Kosi. Under the Plan already certain amounts were allocated for irrigation and these were divided among the various States and the State of Bihar got its share in this way, in the form of loans which were given in a lump-sum repayable by the State Government."

Now, Shri L. N. Mishra also in one of the letters sent to Shri Laxmi Narayan Jha has clearly stated that the accounts of the amount involving Rs. 2.10.000 have been rendered.

Now, after all this, we have to see how far the hon. Minister is responsible for all this. There is a project which is executed through two sources, the State and the Centre. In the centre, the Bharat Sevak Samaj plays a leading role and it is the duty of the Bharat Sevak Samaj to ensure the audit of these accounts. However, if the Bharat Sevak Samaj is not able to produce the audited accounts, it is not the responsibility of Mr. L. N. Mishra and he cannot be held responsible for it.

Secondly, there is a graver aspect to which I would invite your kind attention and that aspect is that Mr. Mishra continued to be helpful to the State works in the capacity of the Treasurer and he was signing cheques and drafts. He does not put any money into his pocket nor into anybody else's pocket. It is not a transaction in black money or the currency going down the river Kosi. It is very clear that everything is spent through cheques and drafts which, of course, are subject to check by the Commission or the BSS to settle the accounts. They could have seen whether any cheque has been sent to

a wrong person or it has been sent for a purpose which was not specified or which was not connected with the development and construction of the Kosi project.

There is again another point. The Commission in its judgment observed that not much evidence was available to it and on the basis of the incomplete evidence available before it the Commission was constrained to say that it was unable to give any finding. In that case, even on the basis of the Roman law, the law that no person shall be held guilty unless he is proved to be so, unless we are sure that Mr. L. N. Mishra has committed any embezzlement or any defalcation as suggested by the other side or unless there is a finding by the Kapur Commission to that effect, we cannot call Mr. L. N. Mishra's integrity into question. This is not a court in which we can refer to all sorts of evidence, subsequent and prior. Even the Law of Evidence would require that the evidence relevant to a particular case is only that evidence which is prior to that case. But, here we find a strange spectacle of hon. Members of this House referring to reports of committees which were formed much later.

This was submitted much later after the Commission's report was published. The floor of the Assembly in Bihar is as sacred as the floor of the Lok Sabha. And we on this side will not allow any violation of this sacredness. If the Estimates Committee of that House says something it can be answered and discussed on the floor of that House. Discussion can be held there. But what I submit is, anything unconnected with the Report of the Kapur Commission should not be brought up here for discussion. They cannot cast any kind of slur on this score. What I feel is that this is done in order to serve their ulterior motive, to tarnish the image of the congress party and to indulge in mud-slinging. But I warn the friends from the opposition that this may recoil upon them and they may be the victims of this very dangerous game. This is character assassination. Looking at the

[Prof Narain Chand Parashar]

opposition I am reminded of the lines of Tennyson who spoke about a person—

'His honour rooted in dishonour
stood;

Faith unfaithful kept him falsely
true"

Mr Mishra is not at all at fault. Even the Kapur Commission did not hold him guilty. This Motion should be thrown out lock, stock and barrel and opposed tooth and nail by all parties who love the spirit of democracy and justice

श्री जनेश्वर मिश्र (इलाहाबाद)

मैं यह चाहता हूँ कि मेरे नाम से मिश्र शब्द हट जाए। जब बार बार इस सदन में मिश्र पर आरोप लगते हैं और वह अपने को उन आरोपों से मुक्त नहीं कर पाते हैं तो कभी कभी मुझे अशुभव होता है कि अपने नाम से मिश्र शब्द में हटा दू।

सब से पहले सत्तारूढ़ दल के लोग हमारे बारे में एक बात कहते हैं कि हम लोग चरित्र हत्या पर उतरा हैं और जिस सज्जन का नाम हम लोग ले रहे हैं वह कांग्रेस पार्टी के नेतृत्व में एक उदीयमान तारे की तरह है और हम लोग जानबूझ कर उनकी चरित्रहत्या कर रहे हैं। हम यहाँ पर दो नाम लेना चाहते हैं और दोनों को बधाई देना चाहते हैं? एक श्री तुलसीमोहन राम और दूसरे पंडित ललित नारायण मिश्र हैं। तुलसीमोहन राम को हम हवाई के लिए, शर्मदारी के लिए बधाई देते हैं उनकी तारीफ करते हैं क्योंकि जिस दिन उन का नाम लिया गया उस दिन से वह इसने शर्मदार है कि यहाँ दिखाई नहीं पड़ता है। पंडित ललित नारायण मिश्र की दिल्ली की हम तारीफ करते हैं और उनको बधाई देना चाहते हैं कि बार बार आरोप लगाने के बाद भी वह इसकी मोटी चमड़ी के हैं कि सरेआम आ कर बैठे रहते हैं और मुसकाने रहते हैं।

नेहरू जी की कुछ खूबियाँ थी। देश में जब कुछ अर्थ-सरकारी संस्थान रहते थे और कार्यकर्ता जो सीधे सीधे कांग्रेस पार्टी के नाम पर नहीं खड़े कमाते थे उनको भारत सेवक समाज, भारत साक्षु समाज, भारत युवक समाज और पता नहीं कितने ऐसे समाजों के नाम पर खाने कमाने और मोज लूटने का मौका दिया करते थे। आजकल के जमाने में उस तरह के अर्थ-सरकारी संस्थानों का बहुत महत्व नहीं रह गया है क्योंकि अब तो सीधे सीधे लूट मचाने की बहुत छूट है। बार बार कहा जाता है कि क्यों श्री मिश्र का नाम लिया जाता है? मैं एक पुराना मसल छेड़ना चाहता हूँ। मैं पूछना चाहता हूँ कि क्या वजह है कि केवल श्री एन० एन० मिश्र का नाम लिया जाता है कोई मंत्री और यहाँ पर बैठे रहते हैं उनके बारे में क्यों नहीं कहा जाता है। आप लोगों का दिल टटोल कर सोचना चाहिये कि क्या वजह है कि इन्हीं का बार बार नाम लिया जाता है? इसका साफ मतलब है कि कहीं न कहीं कोई कमी होगी। जवाहर लाल जी के जमाने में चाहे केलाव देव मालवीय हों या टी० टी० कृष्णन-माचारी हों जब भी किसी का केम उठा तो तत्काल उनको सरकार से हटा दिया जाता था। लेकिन श्रीमती इंदिरा गांधी जानती हैं कि अगर श्री ललित नारायण मिश्र हटाए जाएंगे तो नम्बर उन्हीं का आगगा। इसलिए जब भी श्री मिश्र के बारे में विरोधी पक्ष के लोग हल्ला मचाते हैं तो सत्तारूढ़ दल के लोग उनको बचाने की कोशिश करते हैं।

भारत सेवक समाज लगातार लूट का साधन बन रहा है। कोशी प्रोजेक्ट के बारे में जो कुछ भी रिपोर्ट आई है, चाहे इंसान की तबाही की नहीं हो तो उस तबाही में भी गुलछरे उड़ाने का काम इन लोगों ने किया है। अपनी जेब भरने का काम इन्होंने किया है। ये लोग बेकार हल्ला मचा रहे हैं। केवल तीन बार प्वाइंट्स हैं जिन का जवाब इन लोगों के पास होगा यह मैं नहीं जानता हूँ।

रिपोर्ट की 11वीं बाल्यूम के पेज 83, 95 और 97 पर यूनिट लीडर्स की सिक्कुरिटी या जमानत के बारे में कहा गया है। अब मैं पहले श्री ललित नारायण मिश्र और दूसरे लोगों ने यह चाल चली कि उन लोगों को ग्राम पंचायत की या दूसरी जमानत पर रुपया दिया जायेगा। लेकिन धीरे-धीरे वह जमानत भी इतनी बग कर दी गई कि रिजल्ट पर उन लोगों का नाम और पता तक नहीं रह गया और जो ज़िम तरह-चाहे रुपया लेकर चला गया।

भारत सेवक समाज इस कोसी प्रोजेक्ट में कैसे आया, इस बारे में श्री टी० पी० सिंह का बयान इस रिपोर्ट में दिया गया है। तुलमोहन राम केश में जिन श्री सिंह का नाम आया है, श्री टी० पी० सिंह उनके पूज्य पिताजी है। मिनिस्टर साहब से उनका प्रगना रिश्ता है। श्री टी० पी० सिंह ने खूद कहा है

"Bharat Sevak Samaj was inducted into the construction at the request of the Central Minister or leadership."

वह कौन सेंट्रल मिनिस्टर थे ? भारत सेवक समाज के अब से बड़े नेता, गुलज़ारीलाल नन्दा, ने जिनको वदाम चेहरा कहा जाता है किमने पैग्वी कर्गई होगी ? कनबीनर साहब ने। श्री ललित नारायण मिश्र ने कई जगह पैरवी की कि भारत सेवक समाज को भी कोसी प्रोजेक्ट में काम करने का मौका दिया जाये। इस रिपोर्ट में कहा गया है

"Mr. Mishra suggested that the works in the different reaches of the Kosi embankment should be allotted not only to the Mukhtas and to the representatives of the Gram Panchayats but also to the Bharat Sevak Samaj Units."

श्री मिश्र ने यह सजेस्शन दी, यह मिफ़ारिश की। यह 1955 की बात है। उस वक़्त वह छोटी हूँसियत के नेता रहे होंगे, जिस तरह के छोटे नेता पटना और दिल्ली तक घूम घूम

कर पैरवी करते फिरते हैं। आज वह बड़े नेता हैं, जो सीधे सीधे हुक़्म दे दें। आज वह कांग्रेस पार्टी का फ़ैसला इधर से उधर बदलने की स्थिति में है। एक तरफ़ टी० पी० सिंह कहता है कि भारत सेवक समाज को कोसी प्रोजेक्ट में सेंट्रल मिनिस्टर या लीडरशिप के कहने पर इनडक्ट किया गया और दूसरी तरफ़ रिपोर्ट के पेज 89 पर लिखा हुआ है कि श्री ललित नारायण मिश्र ने यह सजेस्ट किया कि ग्राम प्रधान या ग्राम पंचायत से, जो जनतः द्वारा चुने जाते हैं, काम न कराया जाये, बल्कि भारत सेवक समाज भी इस ठेके में आये।

कही न कही यह साजिश लग रही है या नहीं ? माननीय सदस्य यह सोचने बिना कि वे कांग्रेस पार्टी के हैं और वे श्री मिश्र को बचाना चाहते हैं अपने दिल पर हाथ रखें और बताये कि क्या इस में कोई साजिश लग रही है या नहीं।

पंडित एल० एन० मिश्र ने लाइसेंस कांड में भी इस्तीफ़े का बहाना लिया था। उन्होंने कहा कि 5 फरवरी, 1973 को मैं रेलवे मंत्रालय में आ गया। वह इस्तीफ़े का बहाना अक्सर किया करते हैं। इस रिपोर्ट में पेज 104 पर बताया गया है कि उन्होंने कहा कि मैंने भारत सेवक समाज की कनबीनरशिप में इस्तीफ़ा दे दिया। माल उठाने के बाद इस्तीफ़ा देना उनका पुराना टेकनीक है—जहाँ कहीं चोर पकड़ा जाने लगा, भ्रष्टाचार पकड़ा जाने लगा, वहाँ दूसरे दिन यह बहाना बना लेना कि मैंने इस्तीफ़ा दे दिया है।

श्री बिभूति मिश्र : सम्पादित महोदय, माननीय सदस्य ने श्री ललित नारायण मिश्र के बारे में कहा है, "माल उठाने के बाद"। यह अनपार्लियामेंटरी है। आप इन शब्दों को हटा दीजिये।

श्री जनेश्वर मिश्र : मैंने नाम नहीं लिया है, लेकिन कहा है।

[श्री जनेश्वर मिश्र]

मैं इनके इस्तीफे के टेकनीक के बारे में कह रहा था। अक्सर जो बड़े शांतिर किस्म के लोग होते हैं—शांतिर से मेरा मतलब काबिल लोगो से हैं—, जो अपनी कला में माहिर लोगो होते हैं, उन लोगो को मजबूत खूबसूरत टेकनीक और एलिवाइ इस्तीफा का हुमा करता है। मंत्री महोदय उस टेकनीक में माहिर लग रहे हैं। इस रिपोर्ट के पेज 104 पर कहा गया है

"According to the statement made by Shri L. N. Mishra in the Parliament on June 2, 1971 he has resigned from the Convenership of the Kosi section of the Bharat Sevak Samaj in May, 1957."

इतनी बारोकी में यह इस्तीफा दिया करने है कि जब कभी कोई बज्र होने लगी भ्रष्टाचार की (व्यवधान)। सम्भाषित महोदय, इनको बोलने दीजिये। ये सब लोग भारत सेवक समाज में रहे हैं। मैं श्री नवल किशोर सिंह का भाषण सुन रहा था। वह भी भारत सेवक समाज में रहे हैं। (व्यवधान)

श्री नवल किशोर सिंह : आप को कस्टडियन एक्टिविटीज से क्या मतलब है? आप तो सारी उम्र कुछ और ही काम करते रहे हैं।

श्री जनेश्वर मिश्र : जहां तक पैसा निकालने का सम्बन्ध है, कई माननीय सदस्यों ने उसके बारे में पहले कह दिया है। मैं उसको दोहराना नहीं चाहता हूँ। 11वीं किताब के पेज 104 पर कहा गया है

"The Samaj took the position that these moneys belonged to the Bharat Sevak Samaj and it was no concern of the Government to ask for the utilisation and the same, according to the Samaj, applied to the Commission"

इन लोगो ने जो रकमा लिया, उसके बारे में भारत सेवक समाज ने यह दावा किया कि

यह हमारा रकमा है, इस पर सरकार को, और कमीशन को, विचार करने का अधिकार नहीं है। चोरी और उसके साथ सीनाजोरी इसी को कहा जाता है। भारत सेवक समाज ने पूरी ताकत के साथ कहा है कि यह हमारा रकमा है, इस पर आप बहस नहीं कर सकते हैं, हम कोई सरकारी संस्था नहीं हैं, हम इंडिपेंडेंट संस्था हैं, अगर रकमा लिया है, तो उसका आउट नहीं हो सकता है।

कमीशन ने अपनी रिपोर्ट में कहा है

"It is unfortunate that Government has not taken any definite or unequivocal position on the matter and left the Commission to fend for itself."

यह कमीशन की अपनी नोटिंग है। उनमें कुछ महसूस करते हुए कहा है कि सरकार ने इस पर कोई कार्यवाही नहीं की। आज माननीय सदस्य, श्री ज्योतिर्मय बसू, ने प्रस्ताव रखा है कि सरकार उस पर कार्यवाही करे और श्री एल० एन० मिश्र को सरकार में मन्त्रिमंडल में और पार्लियामेंट की मेम्बरशिप से भी बरखास्त करे। इतने दिनों के बाद विरोधी पार्टियों की तरफ से यह प्रस्ताव आया है जबकि वह आना चाहिए था सरकार की तरफ से।

रिपोर्ट में कहा गया है

"The review of the material made available to the Commission leads to the following conclusions:

मैं नहीं जानता कि सरकार उसको पढ़ने के लिए तैयार होगी या नहीं, लेकिन कमीशन का तीसरा नतीजा यह है

"3. In his statement dated June 2, 1971 made in the House of the People Mr. L. N. Mishra said that he had resigned from Kosi Section convenership in May 1957."

कमीशन का चौथा नतीजा यह है

"4. Mr. Mishra has said in his statement he has given full accounts

of the Eastern Embankment in 1963 and the accounts had been accepted, whether they were audited or not were not shown."

इससे धाक जाहिर हो जाता है कि श्री मिश्र बिना घाड़ि के, बिना जाच के, हिमाब दे देते हैं। वह छोटी रकम है, 30 लाख की या कम लाख की रकम है, मैं उसकी चर्चा नहीं कर रहा हूँ। अगर बहुत छोटी रकम भी हो, तो क्या उसका कहीं कोई हिसाब नहीं होगा? श्री मिश्र सार्वजनिक जीवन में हैं। मैं कई बार यह कह चुका हूँ कि जब सार्वजनिक जीवन में गये वाले लोग सड़क पर निकलते हैं, तो आम जनता उन पर डगली उठाती है। और अगर उसका कोई सब से बड़ा कारण है, कोई बेमौज्जब कारण है, तो इस वजह से श्री एल० एन० मिश्र हैं। वही कोई हिसाब नहीं। यह कमीशन की व्यू है, हमारी अपनी नहीं। जाच नहीं काराया, एक चिट्ठा लिख दिया कि मैंने इतना दे दिया, मंडल जी को कितना दे दिया—5 हजार, किसी जगन्नाथ मिश्रा को दे दिया—3 हजार, किसी जगन्नाथ मिश्रा को दे दिया—1 हजार, अपने मन में बागल पर लिख दिया। लिख कर के फिर उस तरह से बिया कि हम ने जितना लिखा था सब पूरा कर दिया। (व्यवधान) . .

श्री जगन्नाथ मिश्र (मधुबनी) यह गलत बयानी कर रहे हैं। मुझे एक पंसा नहीं दिया गया। इनको विदग्धा करने के लिए पहिए। (व्यवधान) .

श्री जनेश्वर मिश्र जगन्नाथ मिश्रा यही है या श्री लालत नारायण मिश्र के भाई का नाम भी जगन्नाथ मिश्रा है, मैं नहीं कह सकता। कोन है, इसमें जो लिखा हुआ है वह नाम में बता रहा हूँ। (व्यवधान) . यह तो नाम सुनाया गया है, ये बेकार हल्ला मचा रहे हैं। जब मैं वह रुपया रखना चाहता हूँ

"Rs. 2,10,000 were advanced to Mr. L. N. Mishra and Rs. 6,33,068 to Mr. Lahtan Choudhary."

यह तो हमारी किताब नहीं है न, यह हमसे मैं पढ़ रहा हूँ।

सभापति महोदय जगन्नाथ मिश्रा के बारे में क्या है? आप जरा वह पज पढ़िए। (व्यवधान) अगर किसी का नाम लिया गया है तो वह नाम बतलाना होगा। हमें से करना एकसुपज करना होगा।

श्री जनेश्वर मिश्र वह पज में निर्गल देता हूँ। (व्यवधान) समय के चल गया। करोड़ों रुपये का गोलमान हा गया, उसमें समय नहीं गया और उसकी चर्चा हान लगी तो समय चला गया। वह नाम मैं बताना चाहता हूँ ये हैं

"The amounts stated to have been disbursed by Mr. L. N. Mishra to the various persons were as follows—

Mr. L. N. Jha

Mr. D. N. Jha

Mr. J. P., Mandal, M. P.

Mr. Jagan Nath Misra

Mr. Murlidhar.

यह पज 103 पर है। आप इसको पढ़ लीजिये। . . (व्यवधान) .

श्री एल० एन० मिश्र . एक बात मुझे बहने दीजिए (व्यवधान) यह स्टेटमेंट आफ एंजाउन्ट्स जो दिया हुआ है मेरी तरफ से मैंने दिया है उन द कैरेसिडो एंज नृजय। हमारा यह कहना है कि जगन्नाथ मिश्र ज. पहले हैटमास्टर थे भोल. गई स्कूल के, जमुना प्रसाद मंडल जी हेड मास्टर थे बढई हाई स्कूल के जो कोसी क्षेत्र में पठा है। उन्होंने आन नाम म गही। क्या है वह नाम स्कूल को दिया गया है।

श्री समर गुह (कन्टाई) यह कौन जगन्नाथ मिश्रा है?

श्री जगन्नाथ मिश्र : मैंने केवल उन का नाम उसमें से सुनाया। मैं जानबूझ कर नाम नहीं लेना चाहता। मुझे खुद बड़ी बुरी है कि किसी गरीब स्कूल मास्टर को 'जन्मदा' इन्होंने बना दो, बड़े पाबल काम वाले आदमी हैं।

(व्यवधान) . . .

श्री जगन्नाथ मिश्र : इन्होंने फिर गन-बयानी कर दी है। इन्होंने कहा कि किसी गरीब स्कूल के मास्टर के जीवन को इन्होंने बना दिया। वह बात नहीं है। बात यह है कि इन्होंने उस फंड से स्कूल को सहायता की। स्कूल का मरामत बनाने के लिए। मैं आशा करूँ कि मेरी बात आपके भ्रान्त पड़ चुकी है ?

श्री जनेश्वर मिश्र : कहीं नहीं लिखा है कि श्री एल० एन० मिश्र ने स्कूल बनाने के लिए रुपया दिया या नहीं दिया। यह कहीं नहीं लिखा है जो ये सफाई दे रहे हैं। स्कूल के निर्माण के लिए किसी हेडमास्टर या मास्टर को रुपया नहीं दिया जाता, ठेकेदार को रुपया दिया जाता है। मास्टर अपना स्कूल नहीं बनाया करता, मास्टर बच्चों को पढ़ाया करता है। मास्टर स्कूल का इन्तजाम का निर्माता नहीं होता। इसलिये ये लोग छिड़ता बलील न दें तो अच्छा है। . . . (व्यवधान)

सवाल यह है कि क्या इसी तरह से मत्तारुद्ध दल के मंत्री लोग आम जनता का पैसा—यह पैसा कांग्रेस पार्टी के फंड का होता तो मैं कुछ न बोलता, आम जनता का पैसा, उसकी अमानत में खयाल त इस कहा जाता है।

श्रीमती इंदिरा गांधी ने लखनऊ में जो लखनऊ दी है कि कांग्रेस पार्टी हाथी है और विरोधी दल के लोग कुत्ते हैं, यह भाषण उन्होंने दिया है . . . (व्यवधान) . . . मैं जानता हूँ कि कुत्ते कभी हाथी को संतुष्ट नहीं कर सकते, लेकिन कुत्ता अगर नाराज होगा, गुस्सा करेगा, पागल होगा तो बाट सनता है, भुँक सनता है, लेकिन अगर हाथी पागल हो जायगा तो

पूरे जम्हूरी जमान को बरबाद कर देगा, रोंद देगा। वह तनख्वाह बन जायेगा। आज ललित नारायण मिश्रा के भ्रष्टाचारी स्वयं कमाने के तौर तरीके की बुनियाद पर हिन्दुस्तान की मालकिन विरोधी पार्टियों को कहती हैं कि ये कुत्ते की तरह भौंक रहे हैं और अपने को हाथी समझ रही हैं, हाथी के ऊपर भी मामूली सा अंकुश होता है जो उसको शका दिया करता है, मैं यही कहना चाहता हूँ कि ललित नारायण मिश्रा . . . (व्यवधान) . . . आप ही लोगों की हिकाजत करते हैं, उनके जाने के दिन भी नज़दीक आ गये हैं, वह बहुत जल्दी चल जायेंगे।

श्री मुहम्मद जमीलुर्रहमान (किशनगंज) : सभापति महोदय, मैं इस बात के ऊपर आप से खल्लिग चाहता हूँ कि हाउस में चाहे अपोजीशन के लोग हों या खल्लिग पार्टी के लोग हों, अगर वह बोलते हैं तो क्या यह कुत्तों की आवाज होती है और अगर होती है तो आप खल्लिग दीजिये कि यह कैसी अनर्गल-यामेंतरी बात है और क्या आर्डर में यह बात है ? क्या पोजीशन है इसकी यह में जानना चाहता हूँ। . . . (व्यवधान) . . . मेरी बात सुनी जाय। ये गुस्तेखाना अलफाज मे बदतमीजी वाली बातचीत, यह सिर्फ उन्हीं के मुँह से शोभा देती है। आप जरा रेंकाड उठा कर देख लीजिए, उन्हीं ने कहा कि कुत्तों की तरह भौंकते हैं, क्या मतलब है इसका ?

श्री जनेश्वर मिश्र : यह बयान प्रधान मंत्री का लखनऊ वाला बदतमीजी का था, निहायत बदतमीजी का था, यह मैं कहना चाहता हूँ।

श्री रामसहाय पांडेय : (राजनंदगांव) : सभापति महोदय, माननीय सदस्य मिश्रा जी ने प्रधान मंत्री की लखनऊ की तकरीर का हवाला देते हुए कहा कि उन्होंने कांग्रेस दल को हाथी कहा और विरोधी दल के लोगों को

कुत्ता कहा, यह बिलकुल गलत है, कुत्ता नहीं कहा।

श्री जनेश्वर मिश्र : मैं भ्रष्टाचार ला कर दिखा दूंगा लखनऊ का, कानपुर का।

श्री राम सहाय पांडेय : बूक उन्होंने यह बात नहीं कही और किसी भ्रष्टाचार में शायी नहीं हुई, ऐसी बात कही नहीं, बे-बुनियाद बात है, गलत है, लगी है, इसको रेकार्ड से निकाल दिया जाय।

श्री भागवत झा आजाद (भागलपुर) : प्रधान मंत्री ने लखनऊ में यह जहर कहा है कि कांग्रेस हथी है, उसे जगने में या काम करने में देर लगती है, लेकिन प्रधान मंत्री ने कही भी यह बात नहीं कही कि विरोधी दल कुत्ते है। यह अपने मन से ये जोड़ते हैं और इस तरह में देश के अंदर भावण देकर ये गुमराह करना चाहते हैं। हम लोग . . . (व्यवधान) . . . यह आप दिखा दीजिए कहा उन्होंने कहा है ? वही श्री उन्होंने नहीं कहा है। हम लोग भी भ्रष्टाचार पढ़ते हैं। आप शायद सुन कर बोलते हैं।

श्री जनेश्वर मिश्र : हम लाइब्रेरी में जाकर दिखा देंगे।

श्री भागवत झा आजाद : फर्क आप से और मुझ में यह है कि हम पढ़ते हैं और आप सुनते हैं। आप कान से देखते हैं और हम मन से देखते हैं। . . . (व्यवधान) . . .

श्री जनेश्वर मिश्र : हम भ्रष्टाचार पेश करेंगे। . . . (व्यवधान) . . .

अगर हमारी बात कुत्तेपन की है तो आपकी मालकिन की बात कुतियापन की होगी, यह मैं साफ कहना चाहता हूँ।

श्री ज्योतिर्मय बोसु : श्री लालत नारायण मिश्र, श्री बसुना प्रसाद मंडल और श्री जगन्नाथ मिश्र, श्री कम्पनी बहुत पुरानी कम्पनी है।

समापति सहोदय : मैं समझता हूँ जो पीट इस वक्त उठाया गया है, यह बहुत जहरी है कि हमारी जवान बहुत अच्छी होनी चाहिए जो पार्लियामेंट की शान के मुताबिक हो। कितना ही कोई जोश में हो, किसी जगह पर हो, इसका ध्यान रखना चाहिए। लेकिन यह भी सही है कि अगर कहीं पब्लिक में कोई स्पीच दी गई है और उसमें कोई इस तरह का शब्द इस्तेमाल किया गया है तो यकीनन उसका यहाँ पर कोट करने से नहीं रोका जा सकता। कोट किया जा सकता है। लेकिन किसी भी जिम्मेदार मेम्बर के लिये जहरी है कि वह जब इस तरह का कोई लाज इस्तेमाल करे तो उसका वह सबूत दे। अभी हाउस के उठने में कुछ टाइम है मैं माननीय जनेश्वर मिश्र को 6 बजे तक का टाइम देता हूँ कि वह भ्रष्टाचार ला कर यहाँ दिखा दें। वरना अगर 6 बजे तक नहीं दिखा सके तो आज की कार्यवाही में वह लपट नहीं आ सकते।

SHRI L. N. MISHRA: Before I take up the points mentioned I should like to clarify certain misunderstandings.

17.41 hrs.

[SHRI VASANT SATHE in the Chair]

SHRI JYOTIRMAY BOSU: On a point of order, This is a Motion against an individual Member of this House, Shri L. N. Mishra and it is not a Motion against the Government or the Planning Ministry. The Planning Minister Mr. D. P. Dhar is a Member of the Rajya Sabha; he can only function here as a Minister and in no other capacity. It is therefore absolutely essential and mandatory that Mr. L. N. Mishra gives a reply to my debate and I shall then have a right of reply. It will not be proper or regular or according to the rules for Mr. D. P. Dhar to reply because Shri L. N. Mishra can speak for himself.

MR. CHAIRMAN: Under what rule you say that he alone should reply to this Motion?

SHRI JYOTIRMOY BOSU: Have you read the Motion? It is a Motion against an individual Member.

MR. CHAIRMAN: I have read the Motion.

SHRI JYOTIRMOY BOSU: I crave your indulgence. I have not brought a Motion against the Government. I have brought a Motion which reads: "This House resolves that Shri L. N. Mishra, a Member of this House and a Member of Cabinet be removed from the Membership of this House....". I am not asking that the Cabinet should be removed. I say that he should be removed from the Membership of the House, "...for committing serious improprieties and malpractices as could be seen from the Report of the Commission Enquiry...." It is all about Shri Lalit Narain. You can take it that it is a Privilege Motion in another form maybe it is a much stronger dose, that I am demanding his removal from this House. Therefore, here the appointment of lawyers, that question should not arise. Shri D. P. Dhar is the Planning Minister, I have not said a word against the Planning Commission or the Planning Ministry. I have not said the word against the Government. Therefore I am quite sure you will appreciate my submission and give the right ruling which is based on fair play and conventions of the House.

SHRI S. M. BANERJEE: I want to make one submission. If Shri L. N. Mishra has committed serious irregularities he should be removed and I do not hold any brief for him. I definitely differ from the hon. Member on this point. I should request my hon. friend Shri Jyotirmoy Bosu for whom I have the greatest regard and love also to realise one thing. Here many Members have charged the Government for not taking any action. Mr. Mishra will reply only where he is concerned, but the Government has been charged. The speaker who just spoke said that some hon. member had to bring a motion

for this; what is the Government doing about it? So, it is the duty of the Government to say what they have done. They can select anyone to speak on behalf of the Government.

MR. CHAIRMAN: I had asked Shri Jyotirmoy Bosu to show me any rule which specifically prohibits any member of the Government from replying to the charges in the motion. As far as the charges against Shri L. N. Mishra are concerned, he is definitely entitled to reply and I hope he will participate. But it is also the right of the Government to choose any member of the Government to speak for the Government. I see no substance in the point of order.

श्री जनेश्वर मिश्र : सभापति जी, आप जब कुर्सी पर नहीं बैठे थे बल्कि आप के पहले जो सभापति जी थे उस समय मैंने लखनऊ की मीटिंग का हवाला दिया था। उसमें कहा था कि प्रधान मंत्री ने अपने को और कांग्रेस को हाथी कहा और उन के खिलाफ आन्दोलन करने वाले विरोधी दलों को कुत्ता कहा। इन लोगों ने हम को चुनौती दी और कहा कि 6 बजे के पहले वह भ्रष्टाचार दिखाइए। तो मुझे बड़ी मेहनत करनी पड़ी। यह "नव-जीवन" भ्रष्टाचार है फाउण्डेड बाई श्री जवाहर लाल नेहरू, यह "नेशनल हेराल्ड" का हिन्दी संस्करण है, इसमें लिखा है कि :

"प्रधान मंत्री, श्रीमती इन्दिरा गांधी ने आज यहाँ आन्दोलनकारियों (जयप्रकाश के आन्दोलन का हवाला दिए वर्ग) को चेतवनी देते हुए कांग्रेस को विशाल हाथी और आन्दोलन करने वालों को कुत्ता-बिल्ली की संज्ञा दी।"

PROF. MADHU DANDAVAT (Rajapur): You must congratulate him. He has implemented the ruling before time.

MR. CHAIRMAN: The ruling was if he can produce any newspaper in which these words are alleged to have been put in the mouth of the

Prime Minister, those words which Shri Janeswar Mishra had uttered would stay on the record. If that was not so, only then the words uttered by him would be removed. Now that he has produced it—it may be right or wrong—they are there for whatever they are worth. Therefore, we will not get into any controversy. The ruling stands.

SHRI B. K. DASCHOWDHURY (Cooch-Bihar): On a point of clarification. Mr. Mishra while speaking said that at Lucknow the Prime Minister said that the Congress Party is an elephant and the opposition parties are dogs. But here the newspaper which he has just read out says not "opposition parties" but "andolan karyon".

MR. CHAIRMAN: I had made it clear that the words read out by Shri Janeswar Mishra himself are perfectly clear. Therefore, there is no question of any controversy. They will stand for whatever they are worth. Therefore, hereafter there will be no controversy on this.

THE RAILWAY MINISTER (SHRI N. MISHRA): I would say that there were certain misgivings or certain misunderstandings about certain points. I will first clarify them before I come to the main part of my speech.

The BSS Kosi Construction Committee and the Savings Committee, both have been tied up and have been used as if they are synonymous organisations or bodies. But they are not.

The question of my resignation was also raised. I would like to make it clear that I resigned the convenership of the Kosi Construction Committee in May 1957. I had taken over this in January 1956 at the instance of Pandit Nehru, who wanted public co-operation in the construction work of Kosi. When I came to the Government as Parliamentary Secretary, I was asked to resign this post and I resigned the convership in May 1957. That is the first chapter.

Then comes the second chapter. Shri Bosu asked that when I resigned the convenership in what capacity I handled the money. There are two embankments of the Kosi, on the eastern and western side. Savings Committee was set up and I was in charge of the western side, because that forms part of my constituency. For the eastern side... (Interruptions) This Committee was set up and I was asked to run it and I was authorised to draw money. I wrote a letter to the Bihar Government in that capacity. Here I must say that the Kosi Committee Savings Fund did not belong to the Bihar Government or the Government of India. I will not go into the details. I will simply say that it was workers' money, labourers' money, collected as a result of forced savings or something like that. It was meant to be spent for the villages. In that capacity, I handled that money as treasurer for the Western Embankment Savings Committee, not as a convener. I had ceased to be the convener two years earlier.

Then the hon. Member said that I claimed privilege and I did not like to appear before the Kapur Commission. It is not a fact. I made it clear to the Kapur Commission four or five times that if they want me, I will appear before them or if they want some information, I am prepared to supply that. I voluntarily made that offer to appear before him. I also filed an affidavit before him. I also said that if you want any assistance from me, I am prepared to give that assistance. But he did not send for me. I would be the last person to claim privilege in judicial or quasi-judicial matters. I volunteered to present myself before the Commission or furnish any information required by them. I submitted an affidavit also. But I was not called for and my evidence was not taken. So, I cannot be held responsible for that.

Shri Jyotirmoy Bosu said that I was interested in the Kosi Construction work. I have refuted it. I again

[Shri L. N. Mishra]

refute it. I have no personal interest in it, nor any interest for my family or son.

Shri Vajpayee raised the question of the constitution of the Commission. As Shri Dhar has explained, the Commission itself was set up as a result of the recommendations made by the PAC, which wanted the consolidated accounts from the BSS. The BSS claimed that they could supply accounts only State-wise because they are a State-wise organisation and so it would be difficult for them to give one central account. This dispute was going on between the Government and the BSS for some time. I am not here to defend the BSS. It is only for this consolidated fund that this Commission was set up to look into the Central funds.

Then I come to the two letters Shri Janeshwar Mishra and perhaps other hon Members read out my letter but the letter I got in reply from the convener was not read out. I do not want to take much time of the House. But I would like to say that I became the Treasurer of the Community Savings Committee in 1959—in March or April. And that appointment was made by the Kosi Construction Committee of which I was earlier convener. I ceased to be the convener and Swami Harnarayan nand became the convener or chairman by whatever name you call it—either convener or chairman. But he was the head of the organisation. That Committee was set up and they appointed me as the treasurer. I was not an usurper or it was not that I became a Treasurer on my own. I was the Treasurer of the Community Savings Committee (Western side) consisting of the local Members of Parliament, local Members of the State Legislature and representatives of some other organisations also. That type of Committee was on both the sides: Shri Lahtan Choudhary on the Eastern side and myself on the Western side, were the Treasurers. In that

capacity, we acted. In May, 1963, after four years, I resigned from the treasurership, and I sent a letter like this:

"My dear Lakshmi Babu,

I am sending herewith an upto-date (May 1963) statement of account of the Kosi Community Savings Fund of Bharat Sevak Samaj (Western Side). From this statement you will find that a sum of rupees two lakhs, nine thousand eight hundred ninety and naya paise sixtynine (Rs 2,09,890.69) only was received from the Kosi Project in two instalments of rupees 1,74,890 69 and Rs. 35,000 for the Community Savings fund earned by the Bharat Sevak Samaj on the western side. This statement gives a complete picture of the disbursements made leaving no balance in hand with us.

"I would like you kindly to place this statement of account before your Community Savings Fund Committee for their final acceptance.

"I am also sending a copy of the letter and statement to Shri Lahtan Choudhary and Swami Hari Narayanandjee for their information."

Then there is the statement of account which was given to the Kapur Commission also. I would not like to read that out. Then there is a clearance certificate which I would like to read out. It would help me and will also remove many misgivings of the hon. members. The reply has come from Shri Lakshmi Narayan Jha to me; it was in Hindi, but I am giving a translation of that in English:

"I am in receipt of your letter dated 23-5-63 written from Patna, along with a statement of account of the Community Savings Fund of Bharat Sevak Samaj (Western Embankment). Earlier to this, I had also received your letter of 20th May, 1963, along with a draft for

Rs. 19,128/-. We have credited it in our cash book.

"The statement of account is clear and tallies with our cash book also. I would request you kindly to ask Shri Lahtan Choudhary to pay us Rs. 23,405 which was given on account of the Eastern Embankment so that we could accelerate our work on this side. I am also writing to him.

"As directed by you, your above 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 with leadership and we have been able to do justice to our work only because of your able guidance.

"You have decided not to continue as the treasurer and no balance of this Fund is left with you, but you are leader of the people of this area and they would continue to have the right to look to you for guidance and help."

My statement of account was accepted by the Kosi Committee. I have sent a copy to the Bihar Government also.

12.00 hrs.

Then, Sir, some gentlemen raised the question of dues against the Bharat Sevak Samaj during my term. I am glad to inform you and the House will be happy to know that the Irrigation Minister of Bihar in the course of the last 2-3 months has ordered institution of cases against all those defaulters under the Public Recovery Act. Proceedings have been started against the defaulters, that is, those who did

not do the work or did not spend the amount, under the Public Recovery Act. Perhaps some Rs. 30,000 or Rs. 40,000 are outstanding against the Bharat Sevak Samaj also for delay in supply of bricks. A case has also been filed by the Bihar Government against the Bharat Sevak Samaj under the Public Recovery Act. Therefore, no attempt has been made to bypass the law of the land...

SHRI JYOTIRMOY BOSU: The Commission has gone to malign you.

SHRI L. N. MISHRA: I said one thing more. Why Bharat Sevak Samaj was entrusted with the responsibility of the construction—I am not going into that. I am not associated with that. To say that for everything that happens in the Bharat Sevak Samaj, Shri L. N. Mishra is responsible is perhaps not fair. I would request the hon Member not to connect everything that happens in the Bharat Sevak Samaj...

SHRI JYOTIRMOY BOSU: Kosi Project.

SHRI L. N. MISHRA: If I am directly responsible, I am prepared to pay the price. But this is a big organization. You come from Nagpur and you know what is happening in Nagpur. One organizer runs away with the car or another runs away with a jeep. You cannot be sure of the conduct of every individual.

Now, I will come to the main part of my speech. I will make a short statement clarifying my position as a Member of this House because the resolution is against my membership of this House and as a citizen of India, in view of the baseless allegations which Shri Jyotirmoy Bosu has chosen to level against me repeatedly and on the basis of which he has brought this motion against me.

This is not the first time Shri Bosu has made these allegations nor is this the first time when they are being denied and disproved...

SHRI M. RAM GOPAL REDDY (Nizamabad): They were already refuted.

SHRI L. N. MISHRA: The obduracy with Shri Bosu has made and repeated these baseless allegations defies all comprehension. I can only say that the mere repetition of unfounded allegations does not and cannot give them credibility or reliability...

SHRI JYOTIRMOY BOSU: This speech was typed long before I spoke.

SHRI L. N. MISHRA: How is it possible? Typed four hours earlier? Nine pages typing would not take four hours. You must know that.

Prof. Hiren is here. I would like to paraphrase what an ancient poet said: "That they speak ill of me is not the point; that they do not speak out truly or justly, that is the point." That is the real point.

Shri Bosu seeks to give an air of credibility to his allegations by quoting from the report of the Kapur Commission. In doing so, he has liberally misconstrued and misinterpreted the report. In the process, he has been far from fair to me. In Shri Bosu's allegations, facts have been twisted and distorted, conclusions have been based on conjectures and documents have been dislodged by wishful hearsay.

An objective and careful reading of the report of the Kapur Commission would show that the Commission has not given any adverse findings against me as contended by Shri Bosu.

The Commission has noted that I had stated that I had rendered accounts which were accepted by the Bharat Sevak Samaj (Vol. XI, para 29.132, page 104) which many people quoted. It may be mentioned here in this connection that I was responsible for the disbursement of the amounts to those specifically authorised by the Community Savings Fund Committee, Western Embankment

side. All the amounts were received by bank drafts and the disbursements were made by cheques or drafts except for a sum of Rs. 1200 which was given to two persons, namely, Shri Radhakant Mishra and Shri J. P. Mandal, MP and a sum of Rs. 23,405 which was an advance given to the Eastern Side, Kosi. Table 29-1 appended to the Report of the Kapur Commission at page 169 of Volume II bears documentary testimony to the fully authorised and accounted disbursement of the moneys received by me. My responsibility was limited to the disbursement of the amounts and no one could possibly find any fault with me for the disbursement which was made under the specific directions of the Community Savings Fund Committee, Western Embankment Side and by fully accounted cheques, drafts etc. It was on their recommendation that I did and I am not responsible what what happened after I sent the cheques. It was in my capacity as the Treasurer of the Community Savings Fund Committee, Western Embankment Side that a sum of Rs. 2,09,890.69 and not Rs. 2.10 lakhs were received by me as treasurer of the Community Savings Fund Committee, Western Embankment Side. I have sent an up-to-date statement of account of the Conventor which I have carried out and the honourable House would thus see that Shri Bosu's allegations are factually not correct and wide of the mark. Then, Shri Bosu appears to make no distinction between the Bharat Sewak Samaj, its Central and State Committees, the Kosi Project Construction Committee, the Community Savings Fund Committee and their office-bearers who had altogether separate functions and responsibilities. If the Bharat Sewak Samaj did not produce its accounts in respect of the monies on the ground that the monies belonged exclusively and entirely to it and not to the Government, that is an entirely different matter for which I as Treasurer of the Community Savings Fund Committee, Western Embankment, was not answerable. If there

are any questions about the accounts of the actual expenditure of these monies after the disbursement it is not for me to explain or answer. So far as I am concerned, I have sent the accounts as Convenor. I have explained this once and I will not go into this again. Moreover I myself had sworn an affidavit and in that I had said to the Commission in the Affidavit that 'if there is any specific matter on which the Hon'ble Commission desires me to give any particular information I will always be ready and willing to assist the Hon'ble Commission to the best of my ability'. This is what I said to the Commission. This is the offer which I had made to the Commission.

I may point out that the Community Savings Fund was constituted out of the contractual amounts paid by the Kosi Project Administration principally for the earth work done. I had explained this earlier.

In this connection it is important to note that the Government of Bihar also held the view that fund had been created by cutting into the profits of the Unit Leaders. Now, village panchayats have headmen of the villages and they were in charge of one unit, one taluk which had the bank. He was in charge of one unit. That is why he was called Unit Leader, but they were village chieftains, village mukhyas. Village leaders had not made direct or indirect contribution to the fund. It was in this background that the Government of Bihar held the view that it was somewhat pointless to insist upon the production of the account books for examination. Be that as it may, it is a separate issue which concerns the Bharat Sevak Samaj and not me personally. The sum and substance of the allegation appears to be that roughly a sum of Rs. 2.10 lakhs was withdrawn by me between 1959 and 1963 and that it was not accounted for by me. The allegation is without any foundation whatsoever. I may mention here that though I had ceased to be Con-

venor of the Bharat Sevak Samaj Kosi Section in May 1957, I was the Treasurer of Community Savings Fund Committee, Western Embankment Side from 1959 to 1963 when I had received a sum of Rs. 2,09,890.69 in two instalments by bank drafts of Rs. 1,75,000 and Rs. 35,000. The money credited in the bank came to a total of Rs. 2,09,890.69 and not Rs. 2.10 lakhs. The difference of Rs. 109.31 appears to be due to bank commission. As the Commission has observed, the difference of Rs. 109.31 is very small and de-minimus applies.

The Commission has noted that I had stated that I had rendered accounts (to the appropriate Committee) which was accepted by the Samaj. The Commission has not said that I was responsible for the production of the accounts of utilisation of these monies after I had disbursed them to the designated persons under the authority of the Committee. On the other hand the Kapur Commission has made of a specific observation in para 29.147 of Vol. XI at page 110 that it was the duty of the Convenor or the Bharat Sevak Samaj to produce the accounts before the Commission. The Bharat Sevak Samaj had taken the legal stand before the Commission that the Community Savings Fund was not created out of any grant, loan or subsidy advanced by the Central Government or the State Government to the Bharat Sevak Samaj and therefore it was not subject to the control of the Government. It is thus clear... (Interruptions) I am not quoting. It is not my argument. I am giving their argument. It is the observation of the Commission. I have no accountability in the matter of the production of the accounts by the Bharat Sevak Samaj before the Commission. I was accountable to the appropriate Committee of Bharat Sevak Samaj in respect of the disbursement of the amount of Rs. 2,09,890.69 received by me and these accounts were duly rendered and accepted.

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I repeat that I had rendered full accounts of the disbursement of the sum of Rs. 2,09,890.69 to the Community Savings Fund Committee, Western embankment side vide by letter dated 23-5-1963. The accounts were accepted by the said Committee vide their letter dated 15-6-63 which is reproduced by the Commission in its Report at page 110 of Vol. XI. The statement of accounts of Community Savings Fund Committee (Western Embankment Side) is appended to the Report of the Commission at page 169-170 of Vol. XI. It is noteworthy that the Commission has itself mentioned that all payments except 3 totalling Rs. 1200 were made by me through cheques/drafts. The details of these cheques are to be found in the statement of account which has been reproduced in the Report at page 169-170 of Volume XI. If the full records were not produced before the Commission for whatever reason, if I was not at any time asked to account for the disbursement of Rs. 2,09,890.69 for which alone I was responsible, and if the disbursement itself was made by cheques or drafts is it fair and reasonable to cast any aspersion on me? I wonder why in the face of these obvious facts, an organised campaign has been systematically unleashed against me.

I now proceed to give my brief comments *seriatim* on the paragraphs of the Report referred to by Shri Bosu in his motion.

Mr. Bosu, I am coming to your paragraph. Shri Bosu refers to paragraphs 29.95 and 29.96 at page 97 of the Report of the Kapur Commission, Vol. XI. A plain reading of these paragraphs would show that they do not contain any allegations or adverse findings against me. There is not even a semblance of impropriety or mal-practice attributed to me in these paragraphs. Paragraph 29.94 merely poses a question as to why the Bihar Government did not recover certain amounts due from the Bharat Sewak

Samaj. Paragraph 29.55 contains no conclusion whatever in respect of my conduct. Paragraph 29.96 states that sum of Rs. 9,62,236.04 was claimed by the Samaj as its own money and if that was so it could be set off against the amounts due from the Bharat Sewak Samaj itself. And the Samaj would have had to pay the amount collected for the purposes of Community Development etc. If I may say so, it would require particularly fertile imagination to discover an adverse finding of impropriety and mal-practice against me in these paragraphs of the Report.

Next Shri Bosu has referred to paragraph 29.100 at page 98 of the Report of the Kapur Commission Vol. XI. This paragraph again does not contain any finding of impropriety of mal-practice against me. This paragraph merely contains a narration of negotiations between the Bharat Sewak Samaj and the Kosi Project Administration and that nothing is contained in this paragraph as even the semblance of any adverse finding of impropriety and mal-practice against me.

Shri Bosu then relies on paragraphs 29.128 and 29.129 at page 103 of the Report of the Kapur Commission, Vol. XI. Paragraph 29.128 does not contain any conclusion of the Commission. It merely reproduce certain comments made by Shri J. K. Khanna and the Accounts Officer of the Bharat Sewak Samaj. Indeed, in paragraph 29.129 the Commission unreservedly states that it does not wish to express any opinion on the various allegations made. The allegation of Shri Khanna is baseless. I may also remind the House that I ceased to be the Convener of the Kosi Section of Bharat Sewak Samaj in May 1957.

In this connection, it may be pointed out that the note of the Accountant referred to in paragraph 29.128 of Vol. XI of the report is liable to mislead. The note says that M/s L. R. Pandit & Co., Chartered Accountants, went through the Kosi Project accounts upto

the year 1962-63 and that they found the amount of Rs 2.10 lakhs in the balance sheet against Shri L. N. Mishra but no adjustment thereof. Obviously, the accounts submitted by me on 23-5-1968 could not be reflected in the accounts upto the financial year 1962-63 ending on 31-3-1963. From this, no reasonable man could have jumped to any conclusion against me, particularly in view of the facts that it is established beyond any question or controversy that I had submitted the accounts in 1963 and these accounts have been reproduced in the Report of the Commission itself. If the Commission thought that there was no evidence or insufficient evidence, how could Shri Bosu relay on that observation to come to a conclusion of his own, and then attribute it to the Commission.

It may be noted that paragraph 29.129 does not contain any adverse finding against me. It appears from paragraph 29.129 and that is the conclusion drawn by the Commission that in 1967 the Kosi Bharat Sewak Samaj organisation was quite prepared to submit its audited accounts before the Planning Commission a position which according to the Commission, abandoned later and the responsibility of the Kosi Section to the Central Government bluntly repudiated. I was not connected with the Bharat Sewak Samaj or its Kosi Section or any committee thereof in 1967 or thereafter. Obviously paragraph 29.129 cannot be read against me. The Commission itself has noted that it wishes to express no opinion on the various allegations made whether against the persons named in these statements or anyone else. In view of this clear and explicit observation of the Commission, Shri Bosu should have in all fairness desisted from attributing findings of improprieties and mal-practices against me in the Report of the Commission.

Next Shri Bosu relies on paragraphs 29.146 and 29.147 at page 110 of the

Report of the Kapur Commission Vol. XI. These paragraphs do not contain any adverse finding against me. I may mention here that though I had ceased to be Convenor of the BSS Kosi Section in May 1957, I was the Treasurer of the Community Savings Fund Committee, Western Embankment side at the relevant time in 1959 and 1960 when I had withdrawn and disbursed the sum of Rs. 2,09,890 from the Community Savings Fund. The paragraphs of the Report show that the Commission came to the conclusion that it was the duty of the Convenor of the BSS to produce the accounts. The BSS has taken the position that since the Fund was not created out of any grant, subsidy or loan from the Government it was not subject to its control. But, from this, can anyone reasonably rush to any conclusion against me? In any event, the correctness or otherwise of the position taken by the Bharat Sewak Samaj is an altogether different matter. I need hardly say that the absence of any materials or findings against me cannot serve as a make-believe foundation from Shri Bosu's castle in the air.

Shri Bosu then refers to sub-paragraph (xxi) appearing at page 126 of the Report of the Kapur Commission, Vol. XI which says that it was not clear in what capacity I withdrew Rs. 2.10 lakhs in the years 1959 and 1960 from the Community Savings Fund when I had ceased to be the Convenor of the Kosi Project Bharat Sewak Samaj in 1957. The Commission has itself noted in paragraph 29.146 at page 110 of Vol. XI of the Report that though Shri L. N. Mishra had ceased to be the Convenor of the B.S.S. in May 1957 but he continued to be associated with the Kosi Section. The letter of Shri L. N. Jha, Convenor of the Community Savings Fund Committee, Western Embankment side quoted by the Commission itself shows that I was the Treasurer of the Community Savings Fund Committee, Western Embankment Side during the rela-

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vant period. It is noteworthy that the Report itself records the fact that I had stated that I had rendered the accounts of the amounts drawn and that the Samaj was satisfied with those accounts. Under the circumstances, if Shri Bosu complaint is that the Bharat Sevak Samaj should have produced all its accounts before the Kapur Commission, that is entirely a different matter and he cannot legitimately level the allegations he has against me.

Having commented on all the paragraphs of the Kapur Commission's Report referred to by Shri Bosu in his Motion, I crave leave to submit that Shri Bosu's persistent attacks on me are grossly untrue and unfair. Shri Bosu has revelled in a campaign of unfounded assertions against me. He claims that I have acted in a manner which gave him the impression that it was inconsistent with the dignity of the House and the standard expected of a Minister. One would wish that my hon friend Shri Bosu should form his impressions a little more carefully and not with pre-conceived prejudices. Now that I have placed the full facts in their true perspective, I submit in all humility that the scant care which Shri Bosu has bestowed on so serious a matter while making such unfounded allegations against me shows that there is perhaps more than meets the eye. Shri Bosu's allegations not only do great injustice to me as an individual but also inflict an irreparable injury on the Parliamentary system. The hon. Member would have us believe that he is doing it solely in the greater interest of the country and for maintaining the dignity and decorum of Parliament. I can only say that the course Shri Bosu has adopted helps only to undermine the dignity and decorum of Parliament and to vitiate and to debase the atmosphere of democratic fate in our country. Unfortunately, the outcries of unfounded invective are habitually received by same

with eager ears; there are always some who are only too ready to believe the worst. Apparently, there are some who think that you can cut a man's throat with whisperings and that even if baseless accusations are repeated often enough, the repetitions might succeed in tarnishing the reputation of an innocent name. Shri Bosu's allegations have run full circle and they are now face to face with the simple truth which disproves and discredits the allegations he has made. As one who has been made a victim of persistent and stereotype propaganda, I crave the protection of the House? How long do you want to and justice of the hon. members.

MR. CHAIRMAN: Shri Madhu to know the desire of the House We began at 1.35. The allotted time was five hours and that would be over at 6.45. What is the sense of the House? How long do you want to sit? I am in the hands of the House.

SHRI JYOTIRMOY BOSU: Let us hear Mr. Raghu Ramaiah.

MR. CHAIRMAN: Shri Madhu Limaye has to speak, then the Minister will reply and I believe Shri Bosu will have to reply to the debate. So three speeches are there.

श्री सधु लिमये (बांका) : अध्यक्ष महोदय, आज एक अनहोनी बात हम सबन में हो रही है। आजादी के बाद इस तरह का प्रस्ताव किसी भी लोक सभा के सदस्य के खिलाफ अब तक चर्चा के लिए नहीं आया था। यह पहली बार श्री ललित नारायण मिश्र के खिलाफ इस तरह का प्रस्ताव आ रहा है। इसी से दुनिया को पता चलेगा कि यह किस तरह के मंत्री हैं और किस तरह के नेता हैं। यह दुनिया को पता चल जायेगा। दूसरी इन के बारे में एक विशेष बात यह भी है कि यह एक अकेले ऐसे व्यक्ति हैं कि जिन के आचरण की जांच करने के लिये राज्य सरकार द्वारा एक कमीशन गठित किया गया और केन्द्रीय सरकार से उस राज्य सरकार को बरखास्त करवाने के बाद ... (अव्यक्त)...

श्री एस० एन० मिश्र : बोट में हार गए थे आप ।

श्री मधु लिमये : ठीक है, लेकिन डिफ्रेंशंस कैसे करवाएँ क्या यह हम लोग नहीं जानते हैं ?

श्री एस० एन० मिश्र : और कमीशन कैसे बनाया ?

श्री मधु लिमये : जब कमीशन बनाया जाता है तो क्या यह बात शोभा देती है कि श्री ललित नारायण मिश्र प्रधान मंत्री के ऊपर उन का जो प्रभाव है उस का अनुचित इस्तेमाल कर के इस कमीशन को बरखास्त करवाएँ ? अगर ये मर्द होते, आदमी होते, तो कहते कोई बात नहीं है, इस कमीशन के सामने मैं जाऊंगा और मेरे खिलाफ जो अभियोग लगाए गए हैं उन अभियोगों को मैं ऐसे सबूत देकर (व्यवधान) ...

मैं यह कह रहा था कि वह सबूत देकर के साबित करते कि वे निर्दोष हैं तो उन का नाम रोशन हो जाता ।

श्री डी० पी० शर्मा : किस कमीशन की बात आप कर रहे हैं ?

श्री मधु लिमये : आप नहीं जानते हैं ? बिहार राज्य सरकार ने इन के आचरण की जांच करने के लिए एक कमीशन नियुक्त किया था और स्वतंत्र भारत के इतिहास में ऐसी घटना पहले कभी नहीं हुई थी ...

श्री एस० एन० मिश्र : आप ही ने कराया था, आप की पार्टी ने किया था ।

श्री मधु लिमये : जो भी हो, वह सरकार का नोटिफिकेशन था । ... (व्यवधान) ...

अब यह बीच में टोकेंगे तो समय अधिक लगेगा । मैं ने तो इन को सुना । मुझे परवाह नहीं है अगर ये टोके । लेकिन फिर समय अधिक लगता तो मुझे मत काहूँगा । ये चकर टोके ।

राज्य सरकार ने नोटिफिकेशन कर के यह कमीशन नियुक्त किया था ।

इन का काम था कि कमीशन की चुनौती को स्वीकार करते । लेकिन इन चुनौती को स्वीकारने के बजाय इन्होंने बिहार में केन्द्र सरकार के जरिये विरोध पक्ष की सरकार को गिराया

श्री एस० एन० मिश्र : वहां की पीपुलर गवर्नमेंट ने गिराया । ... (व्यवधान) ...

श्री मधु लिमये : प्रधान मंत्री के ऊपर जो इन का प्रभाव है उस को इस्तेमाल कर के इस कमीशन को बरखास्त किया गया । ... (व्यवधान) जो भी हो आप ने कमीशन बरखास्त करवाया कि नहीं ।

श्री एस० एन० मिश्र : आप ने रात भर में बनाया । ... (व्यवधान) ...

श्री मधु लिमये : रात में बनाया या दिन में बनाया, आप इतने डरपोक क्यों हैं ? आप कमीशन से क्यों भागते हैं ? बखशी गुलाम मोहम्मद, बीजू पटनायक, प्रताप सिंह करों आदि के खिलाफ कमीशन बैठे, लेकिन वह भागे नहीं । लेकिन यह एक ऐसा व्यक्ति है कि यह कमीशन की चुनौती से भाग । इसलिये मैं इस बहम को एक अनहोनी बहम मानता हूँ ।

सभापति महोदय, अब मैं बुनियादी सवाल को उठाना चाहता हूँ । अभी यहां श्री गुलजारी लाल तन्दा बैठे हुए थे, वह जब योजना मंत्रालय में थे और प्लानिंग कमीशन में थे इन्होंने एक बहुत ही गंदा काम किया और वह इस भारत सेवक समाज को जन्म देना था । आप जानते हैं कि भारत सेवक समाज नाम किस का था ? श्री गोपाल कृष्ण गोखले ने इस राष्ट्र के सेवकों की एक संस्था बनायी थी जिस की अंग्रेजी में सर्वेंट्स ऑफ इंडिया सोसायटी, लेकिन भारतीय भाषा में भारत सेवक समाज कहा जाता था । शायद

[श्री मधु लिमये]

श्री ललित नारायण मिश्र नहीं जानते हैं कि श्री गोपाल कृष्ण गोखले कौन थे। लेकिन मैं याद दिलाना चाहता हूँ कि राष्ट्रपिता महात्मा गांधी ने स्वयं भारत सेवक समाज का सदस्य बनने के लिये आवेदन पत्र दिया था तो इन के नाम तब को आप ने छीन लिया। और मैं जानता हूँ कि क्या कांस्रेसी हुई, उन को मजबूर किया गया, पंडित हृदय नाथ कुंजरू अगर इस सदन में होते तो वह बताते, उन को कहा गया आप हिन्दू सेवक समाज नाम लीजिये। तो कुंजरू साहब ने इन से कहा, था गुलजारी लाल नन्दा और श्री जवाहर लाल नेहरू से, कि हमारा यह पुराना नाम है, 70 साल हो गये और आप हमारा नाम छीनना चाहते हैं। अच्छा नाम तो छीन लिया, और कर्म क्या है? आज मैं पब्लिक अकाउन्ट्स कमिटी की इस बड़ी रिपोर्ट के आधार पर इस बहुसंको ऊँचा उठाना चाहता हूँ। ज्योतिर्मय जी, आप भी चेयरमैन है इस मामले को आगे बढ़ाइये.....

श्री के० पी० उल्लूकण्ण (बडागरा) :
चेयरमैन क्या किया अभी नागालैंड जा कर यह बताओ पहले। .. (व्यवधान) ..

श्री मधु लिमये . आप जरूर लाइये। आज एक प्रिविलेज नोटिस ले आया उस पर बहस चल रही है। नागालैंड का भी ले आइये। पब्लिक अकाउन्ट्स कमिटी तीसरी लोक सभा, 34 वी रिपोर्ट सब से पहले यह कमिटी कहती है :

"The Committee are not convinced with the argument given by the Secretary, Planning Commission that it was within the scope and functions of the Planning Commission....." (Interruptions).

SHRI JYOTIRMAY BOSU: On a point of order as Chairman of the Public Accounts Committee it is my look out. It is not his look out and the House can decide. He can move in the House.

SHRI K. P. UNNIKRISHNAN: What is he trying to tell me? It is very much the concern of the House? Is it his private property, the Public Accounts Committee? (Interruptions). It is very much my look out. I can be corrected if I am wrong. I am not making an allegation. I am posing a poser to Mr. Bosu who has been everyday hauling up the Prime Minister, Shri L. N. Mishra, Shri D. P. Dhar and everybody: how much money did he spend in requisitioning an aircraft to go from Jorhat. Will he say it to this House? Is the Public Accounts Committee the private property of Mr. Bosu? It is very much the concern of the House.

SHRI JYOTIRMAY BOSU: The committee decided to requisition an aircraft because it had to travel over a difficult area and it could not go there otherwise. I accept it. It was done. What is there? It is not stealing money.

MR CHAIRMAN: I am really very sorry that, while we are debating this motion, any extraneous matter, howsoever important it may be otherwise, should have been raised by the members here. I would request Mr. Unnikrishnan not to do it again, so that we may not distract our attention from the present debate.

श्री मधु लिमये समापति महोदय, प्लानिंग कमिशन भारत सेवक समाज की जननी है और इस के बारे में हमारी पब्लिक अकाउन्ट्स कमिटी ने कहा है .

"The Committee are not convinced with the arguments given by the Secretary, Planning Commission that it was within the scope and functions of the Planning Commission (a) to have set up an agency like the Bharat Sevak Samaj and (b) to have given grants, loans and other facilities to that body from year to year."

मन से बड़ी गलती यह हुई कि प्लानिंग कमिशन ने अपने अधिकार के बाहर जाकर भारत सेवक

समाज का निर्माण किया और एक पुरानी जो संस्था है उस के ताम तक को छीन लिया। इसी लोगों ने विरोध क्यों किया, पब्लिक अकाउण्ट्स कमेटी ने ?

"The Planning Commission being a government organisation whose accounts and finances are subject to proper scrutiny, is subject to the normal rules and procedures and financial discipline and is finally accountable to Parliament. But the Bharat Sevak Samaj has not so far been subjected to the control required to be exercised by the Ministries and Departments of Government which give it large grants and loans and unusual concessions. Its consolidated accounts, which alone could give a complete and overall financial position, are not prepared. The complete accounts are not brought under the audit scrutiny of the Comptroller and Auditor General of India, though the transactions run into crores of rupees. According to present indications, the transactions of the construction service itself may run into Rs. 90 crores by the end of the fourth plan."

और सभापति महोदय, इसी लिए पब्लिक अकाउण्ट्स कमेटी ने इस के बारे में बिना व्यक्त कि जिस में से यह कपूर कमीशन की जाच निकली है। सभापति जी, मबाल यह है कि यह जो कोसी घाटी योजना बिहार में कार्यान्वित की गई जिस में भारत संघ के समाज को ठके आदि दिये गये क्या इस के बारे में सारे जो आर्थिक व्यवहार हुए हैं वह क्या ठीक तरह से हुए है ? सभापति महोदय, मेरे सामने यह बिहार विधान सभा की प्राक्कलन समिति की रिपोर्ट है, यह पब्लिक डॉक्यूमेंट है और बिहार विधान सभा के बारे में कहा जाता है कि श्री ललित नारायण मिश्र के दोस्तों की वहां मैजोरिटी है।

एक मालवीय सदस्य : यहां भी है।

और अबू सिलखे : यहां नहीं है इन के संबंधों का बहुमत। आज आप प्रधान मंत्री

के लिये वोट देने वाले हैं। ज्यादा होमियारी मत कीजिय मैं बहुत सारे चेहरें देख रहा हू। अगर उन को फो वोट दिया जाय तो ललित नारायण मिश्र की गर्दन पकड़ कर आज हो निवाल देगे। आज यह केवल प्रधान मंत्री के आदेश से वोट होगा। इसलिए इन का वोट मिश्र जी के पक्ष में है, यह मैं नहीं मान्गा। अब छोड़िये उस बहस को। लेकिन यह कहा जाता है कि मिश्र जी, बिहार में—कर्तुम अकर्तुम, अन्यथा कर्तुम है। ललित नारायण मिश्र जी ने बिहार में केदार पाण्डेय को मुख्य मंत्री बनाया लेकिन आगे नहीं चलने दिया। अब्दुल गफूर को मुख्य मंत्री बनाने में इन का हाथ था, लेकिन उन को भी नहीं चलने देना चाहते हैं। आज वह चल रहे हैं तो श्री जय प्रकाश नारायण के अब्दोलन के कारण चल रहे हैं, अगर यह अब्दोलन नहीं चला होता, तो तीसरे मुख्य मंत्री बिहार में निश्चित रूप से आजाते।

लेकिन इस समय जिस विधान सभा में इन के मित्रों का बहुमत है, उस विधान सभा की कमेटी क्या सिफारिश करती है यह देखना है—मैं इस में से बहुत ज्यादा उद्धरण नहीं देना चाहता हू—सभापति महोदय, पृष्ठ 3 पर यह कमेटी कहती है—

"दृष्टव्य है समिति को भेजी गई सुचना में इस तथ्य को जानकर छिपाया गया मालूम पड़ता है, क्योंकि तल सफाई के मद में 'एसोसियेटेड इन्जीनियरिंग कारपोरेशन' का नाम कहीं भी अंकित नहीं है। इस फर्म के मालिक सर्वश्री कमल नारायण मिश्र उर्फ लड्डू बाबू जो सिचाई मंत्री के भाई हैं एवं भुक्तिनाथ झा हैं जिस में क्रमशः उन का हिस्सा 80 प्रतिशत एवं 20 प्रतिशत है' यह पार्टनरशिप डीड भी इस में दी गई है। मुझे पता नहीं कि ये मिश्र परिवार के सदस्य हैं या नहीं हैं, इन के वे कोई रिश्तेदार हैं या नहीं हैं। लेकिन जो एपेन्डिक्स जोड़ा गया है, उससे मालूम होता है कि इन के भाई हैं। . . .

श्री एन० एन० मिश्र क्या इस का उत्तर आप ने देखा है ?

श्री मधु लिखये अगर गलत है तो करैक्ट कीजिये ।

अब यह समिति क्या सिफारिश करती है—पृष्ठ 17 पर इस की सिफारिश है—मैं सिर्फ न० 2 सिफारिश की ओर आप का ध्यान दिलाना चाहता हूँ —

“कोमी परियोजना द्वारा बलवा बाजार के मिश्र परिवार के ठीकेदार सदस्यों के ठीके के कार्यों में पक्षपात उन के हेतु वित्तीय नियमों का उल्लंघन अनुचित भुगतान मनोवृत्त अश्विकारियों का पदस्थापन एवं अन्य अनियमितताओं की जांच केन्द्रीय जांच ब्यूरो द्वारा कराई जाय ।”

जिस विधान सभा में श्री ललित नारायण मिश्र के मित्रों का बहुमत है, कांग्रेस विधायक दल पर जिन का बचस्व है, उसी विधान सभा की एन्टीमेट्स कमेटी यह मांग कर रही है कि इन्होंने जो इन्फ्लैटरी की है—मैं फिर म उन चीजों में नहीं जाना चाहता हूँ—उन की जांच की जाय

श्री डा० कैलास (वम्बई-दक्षिण)
क्या उस में ललित नारायण मिश्र का नाम है ?

श्री मधु लिखये ये हम में पूरी तरह से डूबे हुए हैं—जब कोसी में ‘बाढ़’ आती है तो ये ‘डूब’ जाते हैं ।

सभापति महोदय, अब मैं कपूर कमीशन की रिपोर्ट पर आना चाहता हूँ—यह पृष्ठ 104—बाल्यूस 11 है—मैं पूरा नहीं पढ़ूँगा, थोड़ा सा पढ़ूँगा

“Mr L. N. Mishra also stated that he had sent full accounts to the Convener of the Western Embankment Community Saving Committee.....”

आगे, सभापति महोदय, कमीशन कहता है—

“Unfortunately, whatever these accounts, they have been kept back by the Bharat Sevak Samaj but the correspondence on the files of the Central Bharat Sevak Samaj tends to show that these accounts were unaudited”

“But it is rather astonishing”

यह बहुत बड़े शब्द का इस्तेमाल किया गया है ।

“But it is rather astonishing that in spite of the criticisms, both in Bihar Assembly and in Parliament, these accounts have been kept back by the Samaj and have not been produced either before the Central Bharat Sevak Samaj or before this Commission”

इस लिये पब्लिक एकाउन्ट्स कमेटी की यह जो टिप्पणी थी कि भारत सेवक समाज जैसी संस्था को बरोड़ा भरवा रखा देना बहुत ही गलत काम है, क्योंकि इस संस्था के हिसाब-किताब के ऊपर इस पार्लियामेंट या ए० जी० या पब्लिक एकाउन्ट्स कमेटी का नियन्त्रण नहीं रहेगा, इस में इस की पुष्टि होती है ।

खुद श्री ललित नारायण मिश्र का इस में पत्र दिया हुआ है—उस में क्या कहते हैं—इन का स्टैंड क्या है

“While I fully appreciate your anxiety to guard the interests of the Bharat Sevak Samaj in this regard I would like to say that it will not be proper and fair for the Government to take upon itself the work of audit of the accounts of an independent organisation like the Bharat Sevak Samaj”

सभापति महोदय, 90 करोड़ खपाया या एक अरब खपाया लेने के लिये ये इन्फ्लैटरी नहीं हैं, अरबों अंगुल बाल्ट्री अमर्लनिकमान बलाना चाहते हैं वो सरकारी पैसे पर क्यों बचते हैं ?

जब सरकार से पैसा लेते हैं तो यह सिद्धान्त श्री ललित नारायण मिश्र इस पत्र के द्वारा क्यों दुनिया के सामने रखना चाहते हैं कि भारत सेवक समाज के हिसाब किताब से सरकार को कोई मतलब नहीं होना चाहिये, क्या सरकार ने दान के रूप में पैसा दिया था या ललित नारायण मिश्र को दान के रूप में दिया था ?

श्री डी० एन० तिवारी (गोपालगंज) : उन्होंने तो ऐसा नहीं कहा है ।

श्री मधु लिमये : मैं सिद्धान्त की बात कर रहा हूँ—मैं यह कह रहा हूँ कि पब्लिक एकाउन्ट्स कमेटी ने यह जो रवैया अपनाया है—भारत सेवक समाज के बारे में कि भारत सेवक समाज को करोड़ों रुपया देना इस लिये गलत है क्योंकि इन के लिये कोई फाइनेन्शल हल्क नहीं है, कोई फाइनेन्शल डिस्प्लिन नहीं है—ये पब्लिक एकाउन्ट्स कमेटी के शब्द हैं—यह बहुत ही अनुचित काम है और स्वयं इसी की आड़ में छिप कर श्री ललित नारायण मिश्र कहते हैं—मैं डिस्टार्ट नहीं कर रहा हूँ, इन का पत्र प्रकाशित हुआ है—कोन सरकार होती है मेरे से हिमाब मागने वाली भारत सेवक समाज एक इण्डिपण्डेन्ट आर्गनिजेशन है इस से हिमाब नहीं मांग जा सकता है ।

मैं अब मदन का अधिक समय नहीं लेना चाहता हूँ—इस प्रस्ताव में क्या कहा गया है—इस में कहा गया है—

“improprieties and malpractices committed by the Minister”.

यह इस प्रस्ताव का विषय है—बाकी जो परामर्श दिये गये हैं वे केवल मिसाल के तौर पर हैं—यही मैं कहना चाहता हूँ । विषय यह है कि इस मंत्री महोदय के द्वारा लगातार इम्प्रोप्राइटीज और मेलप्रैक्टिसिज का सिलसिला चल रहा है और उदाहरण के रूप में यह भारत सेवक समाज है । इस में कुछ परामर्श दिये गये हैं—जिन के लिये श्री मिश्र यह कहते हैं कि इन पर बहुत उठाने से सचन की मालहानि

होती है, गरिमा, डिगनिटी—ये शब्द इन के मुँह से कितने शोभा देते हैं—आप प्रस्ताव ला सकते हैं ।

पालिस्टर फाइबर के बारे में जो लाइसेंस काण्ड का मामला अभी अभी राज्य सभा में उठाया गया है—मैं आज चनौती देना चाहता हूँ—ये जब से विदेश व्यापार मंत्री बने और जिस दिन इन्होंने विदेश व्यापार मंत्रालय छोड़ा—केवल इन दो-ढाई वर्षों का लेखा-जोखा लिया जाये तो मैं साबित कर सकता हूँ कि अरबों रुपये की खूट भारत की राष्ट्रीय अर्थ व्यवस्था में, नेशनल इकानामी में हुई है । क्या क्या उदाहरण दूँ—टैरिफ कमीशन की रिपोर्ट वर्षों तक दवाई गई और माफ़ी मागनी पड़ी—प्रो० चट्टोपाध्याय को । पाप ये करे और धोये इन का सक्सेसर . . .

श्री एल० एन० मिश्र : आप को मालूम है कि टैरिफ कमीशन की रिपोर्ट को कई बार उन को वापस भेजना पड़ा ।

श्री मधु लिमये : मैं ईल्ड करने के लिये तैयार हूँ—मैं चलेन्ज करता हूँ यह जो गम्बलिंग चल रही है, उसको छोड़े, आप बड़े हो जाइये और स्टेटमेन्ट कीजिये कि मेरे कार्यकाल में टैरिफ कमीशन की किसी रिपोर्ट को नहीं दबाया गया । कारण मैं बतला रहा हूँ । . .

SHRI D. P. DHAR: On a point of order. With your permission, I would like to submit for your kind consideration that the Chairman who preceded you has given a specific ruling that the debate should be confined to the limits of the motion. I, therefore, submit for the kind consideration of Madhuji that we may limit ourselves to the substance of the motion. I would, therefore, recall the ruling your predecessors have given on this issue and I would beg on a personal basis and request him to confine his remarks to the contents of the motion.

श्री मधु लिख्ये : मैं मानता हूँ। मैंने स्वयं कहा है इस मोशन में इम्प्रोप्राइटी और मेल-प्रक्टिस की बात की गई है और मिसाल के तौर पर यह दिया गया है। मैं बहुत ज्यादा इधर उधर नहीं जाना चाहता। टैरिफ कमिशन की बात मैं कर रहा था। मैंने कहा मैं आपको चनोती देता हूँ। सही बात यह है कि टैरिफ कमिशन की रिपोर्ट कई साल तक दबाई गई और उसका कारण यही था कि बहुत बड़े पमाने पर लायलोन स्पिनज रेयोन वाले, पोलिस्टर यार्न, आदि सारे जितने आर्टिफिशल फाइबर और यार्न और कैंब्रिक वाले हैं, इन से पैसा बसूलने का काम किया जाए। लाइनेमिम के बहुत से मामले हैं...

सभापति महोदय आने वाले मोशन के लिये यह तैयारी है।

श्री मधु लिख्ये : मैं केवल उदाहरण दे रहा हूँ। आज्ञा दे तो तपसील में जा सकता हूँ (इंडम्पशंस) वह तो आया। आज ही मुझे एक नोट मिला है। जो डाकुमेन्ट हमें दिखाए जा रहे हैं, उस में से नहीं है। दूसरा है। इस वक्त मैं केवल इतना कहना चाहता हूँ कि मंत्री महोदय को अगर थोड़ी लज्जा है तो इस तरह का प्रस्ताव आने के बाद उनको स्वयं कहना चाहिये कि मैं हट जाना हूँ, मेरी वजह मैं मरकार की बड़ी बदनामी हो रही है। आज लोगों के हित की बात मैं कह रहा हूँ। अगर श्री ललित नारायण मिश्र, श्री बंसी लाल और मारुति लिमिटेड को बपनाया जाएगा—फिगोटिवली मैं कह रहा हूँ—तो आपका, सरकार का इमेज सुधरेगा और जो चुनाव आने वाला है उस में आपकी मदद होगी। यह बड़े जगह यह बोझ ढोने का काम मेरे मिश्र कर रहे हैं। यह मेरी समझ में नहीं आता है। मेरी प्रार्थना है कि श्री ज्योतिर्मय बसु का जो प्रस्ताव है उसके हक में वे वोट दें, और प्रधान मंत्री से इनको डरने की कोई जरूरत नहीं है। कांग्रेस सरकार के हित में इनका यह वोट होगा।

THE MINISTER OF PLANNING (SHRI D. P. DHAR): I can see that I will not have to deal with some of the remarks which are completely extraneous to the subject matter of the motion and which have to bearing on some of the points which were made out by Shri Jyotirmoy Bosu. I was completely taken aback by Shri Madhu Limaye's speech in support of this motion. It had nothing whatsoever to do with the motion itself and he will forgive me, therefore, if I do not devote any time or just a little time to what he had to say. We all know and know it with a sense of admiration that Shri Jyotirmoy Bosu is a very hard-working and very intelligent honourable Member of this House. But I am afraid, in his enthusiasm sometime he is either consciously or perhaps unconsciously capable of deviating from a sense of precision and this lack of precision has led to a long and unfortunate and said debate. Shorn of the invectives of unfair expressions, of equally unfair insinuations, what is the crux of the allegations which Mr Jyotirmoy Bosu has made out in this House? I would like to summarise the essence of the arguments of Mr. Jyotirmoy Bosu. He has relied on Chapter 29 of Volume XI. He has quoted so many pages in his Motion that ordinarily one who has not read the report, who has not read the whole chapter, who has not read them in a connected manner, would be led to believe that all that the Commission had said is directed solely and mainly against Mr. L. N. Mishra. I submit, this impression is not only unfortunate but this is totally incorrect.

What is the gravamen of the charge if any levelled by Mr. Jyotirmoy Bosu against my colleague Mr. Mishra in this chapter? It relates to a sum of Rs. 2.10 lakhs or even less.

SHRI JYOTIRMOY BOSU: I have quoted from the Sixth Volume also. Kindly cover that. Training camps and so many other things.

**SHRI YAMUNA PRASAD MAN-
DAL:** Your motion relates to this
only.

SHRI JYOTIRMOY BOSU: Who
told you that?

SHRI MADHU LIMAYE: That is
only illustrative, not exhaustive.

SHRI D. P. DHAR: I am at the
moment dealing with Volume XI,
Chapter 29. I shall not forget his
past references to Volume VI,
Chapter 8.

19 hrs.

But, I will come to that a little later.

I was dealing with this Volume (XI),
paragraph 29 and I was submitting for
your consideration that the only re-
ference—and I take full responsibility
while I say this—that has been made
to Mr. Lalit Narain Mishra, if you
read the whole Chapter and if you
read these paragraphs very care-
fully—relates to a sum of Rs. 2,10,000—
I repeat, little less perhaps.

Now, Mr. L. N. Mishra has not said
that he did not draw this money. He
has gone on record to say that he has
drawn this money and Mr. Justice
Kapur, who presided over this Com-
mission has recorded this fact. The
question then is: in what capacity did
he withdraw this money? Mr. Mishra
said that he withdrew this money as
the Treasurer of this Committee and,
as the Treasurer, what were his func-
tions. I am sure Mr. Bosu who belongs
to a political party and Mr. Limaye
who belongs to a political party—
apart from that, Mr. Bosu is also the
Chairman of the Public Accounts
Committee and it would be very easy
for them to refer to the definition of
the Treasurer—knows the definition of
“Treasurer”.

SHRI JYOTIRMOY BOSU: I shall
teach.

SHRI D. P. DHAR: I am always
open to be taught and educated and,
even by you.

SHRI JYOTIRMOY BOSU: I do
realise this. Some people do not.

SHRI D. P. DHAR: I am glad you
have realised your limitation.

I am touched by your humility. But
the question is: the definition of a
Treasurer is one who is authorised to
keep money. He is not an Accountant.
Now, Mr. L. N. Mishra had this
Rs. 2.10 lakhs and then again Mr
Mishra, as per the report of the Com-
mission itself, says that he has distri-
buted this money; disbursed this
money to such and such a person and
to such and such an organisation and
he has given the account. It is a state-
ment of the account of disbursement
of my hon. friend, Shri Mishra and, I
think, Mr. Bosu has confused, as the
statement of account of the disburse-
ment of the monies which were with
Mr. Mishra in his capacity as a Treas-
urer. He has given a full statement
and there his responsibility ends and
the responsibility of those who utilised
those monies begins.

Now, this is the totality of the part
of the role of Mr. L. N. Mishra in this
Chapter. Now, in this Chapter, the
Commission has made a reference to
the fact that the Bharat Sevak Samaj
authorities did not produce the utili-
sation accounts of the sums which
were disbursed; these accounts were
not produced. But, as far Mr. Mishra
was concerned, he has done his duty;
he has produced the accounts of the
disbursement to the last penny of
what was entrusted to him as a Treas-
urer.

SHRI JYOTIRMOY BOSU: Not at
all.

SHRI D. P. DHAR: That does not
alter the fact. This remarkable inter-
vention does not alter the fact; I stand
by this fact; Government stands by
this fact. Now, these accounts were
not produced before the Commission.
The Bharat Sevak Samaj chose to pre-
fer the plea that the Commission,
under its terms of reference, was not
competent to ask for the accounts, the

[Shri D. P. Dhar]

detailed accounts of these monies and on this score the Commission has expressed its unhappiness and at places, I would say, even its irritation. As far as the Government is concerned we are not involved in this jurisdiction and it is in this connection that I will refer to the Dutta Commission also a little later. Here I would like to make the position of the Government clear, that this plea which was raised before the Commission was by Bharat Sevak Samaj and it does not necessarily mean that the Government agrees with that. But what surprises the Government is that it had appointed a Commission under the Enquiries of Commissioners Act and it had given powers to this Commission under Section 4 and 5 of that Act, specially under Section 5, which empowers the Commission to compel the production of evidence or the production of witnesses and also empowers the Commission even to issue warrants of search for location and production and seizure of documents.

I had the privilege of knowing Justice Kapur for a long time, that is, since the Lahore days. I have the highest respect for him but I am unable to understand while these powers were available to him he did not exercise them. Secondly, I am also unable to understand why he did not give a categorical opinion or taken a categorical view on the question of jurisdiction. Assume for a moment that he entertained some doubt about its jurisdiction then certainly it was upto him to go back to the Government of India and say that the terms of reference are somewhat vague or less clear and, therefore, they should be amended appropriately in order to clear this confusion. I must admit that as an ordinary human being—not very well-versed in law and not having the guidance and help and assistance of a great lawyer like Mr. Chatterjee which Mr. Bosu has—and in spite of all these handicaps it is rather difficult for me to comprehend why the Commission did not do that. But as far as the Government is

concerned we did not entertain this plea that the moneys referred to by the Bharat Sevak Samaj were not subject to scrutiny. That is why the Government while presenting this Report before this august House in the Explanatory Memoranda has mentioned that they are scrutinising this Report and that this Report is voluminous. I must say that I am very grateful to Atal ji because he even counted the pages of the main Report, without going into the Appendices which run into several volumes, that it consists of 13,000 pages.

SHRI JYOTIRMOY BOSU: When was the report submitted to you?

I am telling you, you have had more than a year and a half.

SHRI D. P. DHAR: More than three years. Even three years was too small a time to go into all these details—this is my opinion, you may disagree—where the activities are spread all over the country. It is not merely Kosi Project. This is spread all over the country. We do need some time. It is not a question of three years or six years or six months or five months. We have just asked for some time and we shall make this time as brief as possible in order to get all the facts, in order to be able to contact all the Departments in order to be able to contact all the Ministries in order to get at the truth. The Government will not allow the truth from being sheltered or prevent it from being exposed to public view. This is an obvious position of the Government and I stand by this. This has been mentioned in terms of the memorandum which has been appended to the Report at the time it was placed on the Table of the House. Therefore, Sir, I would submit for the consideration of this hon. House that whatever suspicions, whatever small or big or remote innuendos are contained with regard to the actual accounts relating to the utilisation of these funds, Government shall take care to make a proper scrutiny of the whole matter and then at the

appropriate time, it will consider what action has to be taken. This is the first part of the story related to us by Shri Jyotirmoy Bosu. Here, one or two other questions have arisen. I do not want to go into all these questions. As I said, they are not relevant to the issue. But, in order to correct facts, I would like to submit that it is true that a Commission was set up by one of the many Governments which Bihar had and after the Government was changed, the successor Government on the recommendations of a Cabinet Committee suspended this Commission. Now, it is wholly incorrect, I would submit, to say that this Commission was suspended under the authority or at the instance or on account of the Government of India and it is extremely unfair to associate the name of the Prime Minister with this decision of the Bihar Government. This is the story of the Dutta Commission. I am afraid that, when Shri Madhu Limaye referred to this and said that it was done under President's Rule, he was not aware of real facts of the situation. We come to the second part of the argument as far as this Chapter is concerned. Mr. Jyotirmoy Bosu has said that under whose authority was this Committee constituted of which Mr. L. N. Mishra was the Treasurer. Well, it has been stated unreservedly that this Committee was duly constituted by the proper authority and Mr. Mishra has just now said that in his statement, and that whatever amounts were disbursed were done under the due and proper authority of the Committee or its functionaries and that also has been asserted by Mr. Mishra. I do not see any reason to doubt this statement. There is nothing on regard to create the slightest suspicion in dealing with the correctness, with the veracity of this statement which has been so affirmatively made on the floor of this House. That was one part of the story. Of course, made out very dramatically by Mr. Jyotirmoy Bosu. Now, we came to the celebrated Chapter 8. Now, what is this about? This relates to two sets of schemes, one with regard

to training and the other with regard to mobilisation of people. In this, as far as Mr. L. N. Mishra is concerned, the total amounts which were drawn by him, as the Convener of the Kosi Project, BSS Project, were about Rs. 65,000 on 29th September, 1958 and Rs. 24,000 in December 1957.

Now it is said that the second instalment was issued on the basis of a certificate, of an order, issued by Mr. Krishnan Prasad before whom all the acts were not stated coherently by Mr. Mishra. Now I would submit that this allegation cannot stand the test of even ordinary scrutiny because there is no doubt that the second instalment was drawn on the basis of facts which were clearly stated and which were clearly assessed by Mr. Krishnan Prasad and his department. I need not go into this matter because fortunately Mr. Jyotirmoy Bosu did not place much credence on this aspect of the matter either.

SHRI JYOTIRMOY BOSU: Revision petition?

SHRI D. P. DHAR: The question is not a revision petition. The question is of interpreting what has been said in the document called the Kapur Commission Report. If it suits Mr Bosu to draw conclusions which in law are called perverse conclusions then surely it is left ordinary mortal like me to draw conclusions which are in conformity with the spirit and the language of the Commission's Report.

SHRI JYOTIRMOY BOSU: Mr. Dhar is a very handsome man and even if he does not say anything, there will be clapping.

SHRI D. P. DHAR: I would submit a good deal of song and dance has been made about the duration of the training centres and the training course

SHRI JYOTIRMOY BOSU: Money drawn after the closure of the training centres.

SHRI D. P. DHAR: I am glad he refreshes my memory; I am really grateful to him.

I must say that this is one. The other is that this money was drawn for schemes which had technically ended their span of life, namely, the training scheme and the mobilisation of people. Here I would make one submission. From all the evidence on record, Mr. Mishra—and that is all that concerns him—has all along said that the second instalment should be released because the construction of the Kosi project is suffering. He has said that jeeps are necessary.

SHRI JYOTIRMOY BOSU: Page number?

SHRI D. P. DHAR: I will give you in a moment.

He has gone on record to say so. As a matter of fact, he had earlier said very clearly that accounts should be audited and there is hurry; he has been pursuing the central office, the Central Bharat Sevak Samaj office.

SHRI JYOTIRMOY BOSU: Like the Tulmohan Ram licence story

SHRI D. P. DHAR: Mr. Bosu, I am prepared to have a private discussion with you outside the scope of this motion on all the Rams that you have in mind, but why bring Tulmohan Ram in a controversy which is not concerned with him at all?

SHRI JYOTIRMOY BOSU: So gratifying to hear that a VIP is anxious to have a dialogue with me.

SHRI D. P. DHAR: As a matter of fact, I would be delighted to do so provided you allow me to deal with the subject you have raised in this House and not with other subjects which may be dear to your heart but which are unfortunately irrelevant to the discussion. This is what Mr. Mishra has said repeatedly: that the construction work was suffering.

SHRI JYOTIRMOY BOSU: You had not given me the page number, I and waiting.

SHRI D. P. DHAR: I will not make you wait for long. I will give the page number.

SHRI JYOTIRMOY BOSU: I gave it to you very promptly.

SHRI D. P. DHAR: I wish I were as prompt. I wish that you were as ready to accept truth as I.

SHRI JYOTIRMOY BOSU: It goes undisputed.

SHRI D. P. DHAR: If it is your intention that you can by your stout interruptions derail me from the main argument, I am afraid that you are waisting your time.

SHRI JYOTIRMOY BOSU: I never live in fools paradise to derail you. You were never on the rails.

SHRI D. P. DHAR: Page 11, para 888 page 12pa ra 8 96

SHRI JYOTIRMOY BOSU: You got assistance.

SHRI D. P. DHAR: Need assistance I am older than you I did not say wiser.

We have to go back 17 years and we have got to have a look at this, the grandeur of this conception. Today we have become cynicse. We have to look upon this tremendous effort which was made in the past to really associate the people with the work of development. We looked upon this movement as a mission. We did not look upon this mission from the eyes of an accountant or from the eyes of the minions who are available for this purpose in the corridors of the North Block and the South Block. We looked upon it from the point of view of securing the participation of people in the development of the country. It is undoubtedly true that some of the most idealistic people were drawn into this movement. It is also undoubtedly true that some wrong element, were drawn into it.

SHRI JYOTIRMOY BOSU: Certainly I cannot dispute here a successful Planning Minister such as this one.

SHRI D. P. DHAR: You will see the success of my planning when you make up tomorrow morning.

SHRI JYOTIRMOY BOSU: Both of you, I know have a very powerful press lobby and what we will read tomorrow morning I can tell you right now. Lalit Babu infact maintains a press regiment through fat envelopes. About your affairs I cannot give details but I know you have a set of admirers.

SHRI D. P. DHAR: If my details are known it can be only romantic. We have to look back upon this from the point o view of what obtained at that moment. As a matter of fact I was very happy when Atalji raised the fundamental question which, I think, should have been the essence of this Motion, namely, why did such a grand mission, such a grand movement fail? Why did it collapse. I would not have, if I were Jyotirmoy Bosu, raised the debate on the Kapoor Commission in order to hound my colleague Mr Mishra on grounds which are absolutely not legitimate.

SHRI JYOTIRMOY BOSU: You did not say: bound out.

SHRI D. P. DHAR: If we had that sense of direction and that sense of purpose which Atalji mentioned .

SHRI JYOTIRMOY BOSU: Great admirer of Atalji.

SHRI D. P. DHAR: I am an admirer of Atalji; I do not work along with him for a common purpose inspite of being a revolutionary. We should have really seen why such movements, such enthusiasm, such zeals of missionary character, have failed To say that because it is written there that this scheme had to finish on 7th October 1957 but it continued till 20th

December 19757 and therefore everything is wrong, is I submit, an absolutely narrow accountants point of view. I do not think even a competent accountant will raise that point, with due respect to my dear friend, Jyotirmoy Bosu. After all, don't we have spill-over schemes? There is evidence galore where schemes which are to be completed within 3 or 5 years have spilled over to the 6th, 7th or even 10th year. So, if these schemes have spilled over—I assume for a moment they have—has Mr. L. Mishra been responsible for it? Do you want to hang him for that it is an impropriety, a malpractice committed by Mr L. N. Mishra? I am not trying to defend an individual. I am trying to defend a principle. Therefore, if a principle is violated by trying to destroy an individual, it is my proud privilege to go to the defence of that individual. That is what my party is doing.

Nandaji is here, in whose absence unfortunately quite a number of irreverent things were said, which hurt me greatly. He was the father of this idea. Who is born in the country who can raise his finger at the integrity of this old man? It is tragic that his great dream, great mission, failed. It failed not because of the lack of idealism and enthusiasm among the people of this country but because of these narrow accountant's points of view. Therefore, I submit for the consideration of my friends opposite and on this side, in this whole so-called deal of dishonesty, these terrible malpractices and improprieties, these thefts and robberies which Mr. L. N. Mishra has committed—what does it come to? Including the voluntary contribution, it comes to Rs 1,03,000. Mr. Bosu asked a very relevant question. He said, Shri L. N. Mishra had made a statement that Rs. 18,000 were available as part of the voluntary contribution of the people and that was one of the bases for the drawal of the second instalment. If you look at the audited account of this Rs. 1,03,000....

SHRI JYOTIRMOY BOSU: Which page? It can't be one way traffic.

SHRI D. P. DHAR: I will give you. Occasionally if you only take and not give, what is the matter? This was the famous Daya Shankar's statement. It is pages 8 and 9. This Audit Report of Shri Daya Shankar gives the details of the expenditure of this sum of Rs. 1,03,000. This is all that is related to Lalit Babu. I am not talking of the other men and other things which the Commission has said. After all, there are 24 or 25 volumes. But, this is all that relates to Lalit Babu and the audited account of Shri Daya Shankar gives the details of this expenditure of Rs. 1,03,000. Shri Jyotirmoy Bosu has chosen to ridicule Shri Daya Shankar. God knows whether he is alive or not. He has implied that he was not a chartered accountant. There was a regular Government order by which it was stated that the BSS could utilize the services of a retired Assistant Accounts Officer. I have the order with me and I can quote it.... I am sorry, I have misplaced it somewhere. Anyway, I have gone on record to say that there was a Government order by which the auditing of the BSS funds were exempted from being conducted by chartered accountants; it can be by an Assistant Accounts Officer. This gentleman happens to be retired Assistant Accounts Officer and he prepared the Audit Report of this expenditure.

I revert to Rs. 18,000 because that is relevant. This gives the whole story of the expenditure, including the items received by Lalit Babu. As I said, this amount of Rs. 1,03,000 consisted of Government grants of Rs. 88,800 and refund of grant made by BSS. Because, the whole organisation was so prone to temptation that it was capable of returning the grants also! Because, they were lying unutilized with them. This proves the mala fides of my colleague, Shri L. N. Mishra, because Rs. 9,000 was unspent and he refunded it. Therefore, according to Shri Jyotirmoy Bosu,

this is one of the greatest evidence of mala fides of Shri L. N. Mishra!

SHRI JYOTIRMOY BOSU: In the import licence scandal, apart from the fact that money had to be paid to get the licences, they found, when they raided, that even after some months the licences were remaining unused.

SHRI D. P. DHAR: I suggest, Mr. Jyotirmoy Bosu might use those empty buckets for drinking water. But the net contribution of the Bharat Sevak Samaj was Rs. 23,790. These are the elements of which the sum of Rs. 1,03,000 was composed. And this was audited by Mr. Daya Shankar who was auditing the accounts under the competent authority of the Government. This audit report was accepted by the Ministry of Irrigation and Power with the concurrence of the internal Finance. I do not know wherefrom these wild deductions are available to my friends to say that there have been serious irregularities, improprieties or malpractices involved in the disbursement of these amounts.

As far as this contribution is concerned, here is again something which surprises me. In the documents of evidence, there is one Mr. Pritiranjana Bose who has deposed before the Kapur Commission that 25 per cent of the contribution by way of articles, goods, etc., etc., was made available by this Organisation in order to qualify for the drawal of the second instalment. I do not know how, why and through what oversight the Commission has not mentioned this evidence at all, though this evidence has been recorded by the Commission and it has cross-examined this Under Secretary of the Ministry of Irrigation and Power. My submission, therefore, is that the Government is absolutely convinced that the sum of Rs. 1,03,000 was spent properly and it was audited. Why do we say that this was spent properly? We rely on the audit report of Mr. Daya Shankar who, under Government orders, was

competent to draw up such an audit report and that audit report was accepted by the Ministry of Irrigation and Power with the concurrence of the internal finance. And the fact of the contribution is reflected both in the audit report and also in the evidence of Mr. Bose. Unfortunately, he was not Mr. Bosu. It is reflected in the evidence of Mr. Bose which is on the records of the Commission itself.

I do not want to take more time of this august House. I would like to make one more submission. Mr. L. N. Mishra did not take refuge under any privilege as far as deposing before the Commission was concerned. He wrote to the Commission that he was available to them any time. I was not aware of the private meetings with Justice Kapur. Those are different things. I am now dealing with the record. It is in the report of the Kapur Commission that he wrote a letter, he gave an affidavit in which he offered voluntarily to make a deposition before the Commission. If there were any doubts in the minds of the Commission, they would have called him. I have great respect for Justice Kapur, he has been a great judge and Mr. Jyotirmoy Bosu was very correct in saying so. Now, obviously there was not a shadow of doubt in his mind about Lalit Babu being even remotely involved in these transactions or the impropriety of these transactions. That is why he did not deem it proper to call him to give evidence. Otherwise, I fail to understand and it is impossible to understand that a Judge of such a high calibre could have ignored the sporting offer voluntarily made on affidavit by Lalit Babu.

I would like to submit because Mr Jyotirmoy Bosu talked of the Press and he talked about others, for the kind consideration of the hon Members of this House and also those who may like should not go by quotations, simple quotations of a line taken out here and there or culled out from here and there. Without any connection or the context. They must see

the whole thing and then they will see the very pitiable sight. . .

SHRI JYOTIRMOY BOSU. And see the man also.

SHRI D. P. DHAR: They must see the whole thing, they must see the man behind the motion and they must see the pitiable sight how this great castle which was built by the hon. mover of the motion falls to the ground and crumples.

SHRI JYOTIRMOY BOSU: Prof D. P. Dhar, the prospective passenger for Aeroflot. . .

SHRI D. P. DHAR. Air India.

SHRI JYOTIRMOY BOSU: I do not feel envious—has been thinking of building a castle because with his democratic and socialist background, he cannot think of anything else.

I will be business like and would like to try to make points and I do not have any machinery or the ability to go and examine each and every finding of this Commission. The Commission has. . . (Interruptions). Lalit Babu asked you to stay back?

SHRI NIMBALKAR (Kolhapur): No, no.

SHRI JYOTIRMOY BOSU: Thank you my dear friend.

Let us come to Vol. VI, page 7, What does it say? It says:

"This scheme for the Kosi Project was as follows:

(1) For training of 125 persons on each bank . .

This is Mr. L. N. Mishra's scheme. There are letters embodied in the report

AN HON. MEMBER: That has already been replied to.

SHRI JYOTIRMAY BOSU: I am not willing to tell any cock and bull story:

For training of 125 persons. . . (Interruptions) I do not like to be a listener to somebody else talking through the back of his hat. If you wear a hat, you will look nanusome because you can hide many things in that.

SHRI D. P. DHAR: Unfortunately, I am bald.

Shri Jyotirmoy Bosu: "For training of 125 persons on each bank of the river, i.e., 250 persons in all, for supervisory and accounts staff: the training was to be for 3 months."

What do they find?

"The file of the Samaj shows that it was to operate from October 16, 1956 to January 16, 1957. The audited accounts mention the period of training to be from October 1956 to December 1956 and in the report of the auditor it is stated that it operated for 1 1/2 months, i.e., for half the sanctioned period.

(ii) It was not put into operation.

(iii) This scheme was to work for six months. . .

Now I come to the next one. It has been stated. Sir, I do not want to take your time by again reading the same paragraph.

Here it is said:

"As there are not account books nothing can be said as to the factum or the propriety of the expenditure after the scheme had terminated."

Then it says:

"They do not specify the period but presumably they must be from the commencement of the scheme upto the date of the Accounts. These figures are at considerable variance with that shown by the retired Accounts Officer acting as an Auditor."

MR. DHAR reads August better than I do but I did not know he is in the habit of reading between the lines. Even this person has said that there is considerable variance in regard to these accounts.

Then on September 29, Government sanctioned Rs. 60,000 and the camps were supposed to be closed at a certain date. Now is it you take money after the camps were closed? No reply has come with regard to the same thing. Then it says:

"The inspection report of Mr. R N Gokhle in the Bharat Sevak Samaj file shows that the system of payment to labour was defective...."

He goes on to give assessment of accounts and then he says, the Accounts Officer was appointed for 4 months when the training centre itself was for 1 1/2 months. Rs. 8400 was asked. In June 1957 which is in excess of the need and the urgency. It also shows that the cash-book was over-written. This is a very serious matter.

Now we come to the next date August 27, 1957. Mr. L. N. Mishra wrote this:

"So far as contribution of the Bharat Sevak Samaj is concerned I am sure a major portion of the required amount has been collected by the BSS organisation in Kosi from the unit leaders. We have only to await a statement from them. But I do not think in demanding the payment of second instalment, it will be necessary to make mention of the question of this contribution. It is getting late and we should not delay it further. We must ask for the money."

This is what he wrote on 27th August, 1957. And the comment on that is—

"This note is significant"—

That means, it is in plain English. loud speaking.

Then if you go to the next page this is what is clearly stated there. It says.

"The record however shows that the certificate was not based on correct facts."

Then it says:

"Mr. L. N. Mishra on 27th July, 1957, mentioned the need for the purchase of jeeps for which the Bharat Sewak Samaj should try to get the grant. Mr. M. D. Mittal was still of the view that the Samaj could not justifiably ask for the money but Mr. Mishra emphasized the getting of the grant without mentioning the non-contribution by the Samaj of its share. And the second instalment of Rs. 24,900 was applied for and received without disclosing correct facts."

So, this is the situation here. The whole thing is a fraud; the whole thing is cheating the public—nothing short of that. Now I come to page 15 Mr. Dhar, there is a provision that you may speak if you want to. If you speak again. I will be very glad to hear it. This is what has been stated here:

"On January 20, 1958, Mr. M. D. Mittal wrote to Mr. Lahtan Choudhary saying that out of the second instalment, Rs. 20,000 was being paid, the first instalment having already been paid in full; that the accounts showed that money had been expended under every other head excepting the purchase of jeeps and the moneys which were being sent might be utilised for the purchase of jeeps."

"It was also said that the Samaj had to make a contribution of Rs. 29,680/- and that although Mr. Mishra had said that Rs. 18,000/- was paid, no such contribution had been credited in the accounts."

Mr. Dhar, you are an eminent lawyer and yet, you claim that Mr. Dada Chandi, as your colleague an

eminent lawyer and so many others but you lost sight of this in your anxiety to defend and shield a person who is out and out corrupt and dishonest. (Interruptions). This is not my saying. I gave you many more instances. But, the time is short. I do not like to do so.

I quote:

"A special feature of the Public Cooperation Scheme in the Kosi Project which has been taken credit for by the Bharat Sevak Samaj was the reservation of certain percentages of the running payments for works of community development and this Fund was called the Community Savings Fund which was created by the Samaj specifically for the purpose."

Here the Commission dealt with all the arguments put forward by Mr. Dhar and Mr. Mishra and the Congress spokesman. It further says:

"This negatives the claim of the Samaj that the money being of the Samaj, none else had the right to question them about its expenditure".

This is Mr. Justice Kapur's final finding. Then I come to another thing.

"90 per cent of the value of the work executed will only be paid to the Unit Leader and the balance of the value of work done will be deemed to have been surrendered to the Government. The latter amount will be kept in deposit with the Government which will be spent on organisational expenditure of the Bharat Sevak Samaj and community development in a manner to be settled mutually between the Government and the Bharat Sevak Samaj. The Unit Leader shall not lay any claim to the said amount kept in deposit and shall not be entitled to raise any objection whatsoever as to the manner of its deposit."

[Shri D. P. Dhar]

So, that claim is absolutely baseless and foundationless. I have something to say:

"A letter dated July 3, 1967 from the Director (Public Cooperation) in the Planning Commission to the General Secretary of the Bharat Sevak Samaj points out that during their visit to Bihar the Accounts Cell of the Planning Commission noticed that Kosi Project authorities had raid Rs. 2.10 lakhs to Mr. L. N. Mishra out of the Community Saving Fund and the details are given by him and to this letter is attached a statement showing the distribution of the amounts by Mr. L. N. Mishra to the various parties.

The Planning Commission wanted to know as to how these monies were accounted for by the payees, whether they were spent in accordance with the terms and conditions governing the use of Community Saving Fund."

MR. CHAIRMAN: Not the payer but by the payee.

SHRI JYOTIRMOY BOSU: The payees are his men.

SHRI L. N. MISHRA: No.

SHRI JYOTIRMOY BOSU: I will give you the list. I certainly own anybody in this country. I am willing to work for anybody. There are so many other:

"Messrs L. R. Pandit & Co., Chartered Accountants went through the accounts of the Kosi project upto the year 1962-63 and they found the amount in the balance-sheet against Shri L. N. Mishra but no adjustment thereof."

MR. CHAIRMAN: I hope you will recall the Minister had said that the account was given three months later and this was earlier.

SHRI JYOTIRMOY BOSU: I recall that no account was given. Sir, I quote:

"This statement shows that Mr. L. N. Mishra had ceased to be the Convenor of the Kosi Bharat Sevak Samaj in May, 1957 but he continued to be associated with the Kosi Section because he withdrew Rs. 2.10,000 from Community Savings Fund and he prepared a note on July 26, 1960 about the Community Savings Fund which was sent to the Planning Commission by the General Manager of the Central Construction Service. As has already been said, Mr. Mishra had stated that he rendered accounts to the convenor of the Eastern Embankment Community Savings Committee which had been duly accepted by the Committee but it is very unfortunate that the Bharat Sevak Samaj has refused to produce its records before the Commission or even produce them before the Government of Bihar because that would have shown how the monies were spent and by whom and they would have been capable of Scrutiny by the Commission."

Sir, about his appearing before the Commission it is crystal clear that—

"Shri Nanda and Shri Malhotra were also examined as witnesses but due to the privilege provided in the Civil Procedure Code excluding the jurisdiction of the court to summon *inter alia* Central Ministers, Shri L. N. Mishra could not be summoned as witness."

He says I volunteered, I do not accept that. He has to satisfy the House. He has not explained why he opposed the proposal of the Chief Minister of Bihar to come and get the things audited because he knew if the audit party came many skeletons will come out and so he resisted the move.

Sir, I brought the motion against Shri L. N. Mishra long before this Session started. The notice for it was given in the last Session and it was difficult for me to get the motion

admitted. This man has been the master-mind behind Tulmohan Ram's scandal and I say he has got the files burnt relating to the Karnataka Stainless Steel: (Interruptions)

20.00 hrs

Now, Dr. Dhar has done a great service by saying that we can quote from documents connected with Kosi project. Now I quote from 53rd report of the Estimates Committee of the Bihar Assembly. Sir, it says:

"As regards the question of awarding contracts relating to Kosi project and thereby benefitting most of the members of a single family the Sub-Committee has come to the conclusion on the basis of evidence of local engineers, local persons and available documents and local people that it is a fact that most of the contracts have mostly been given to the members of "Mishra Family" of Balua Bazar or their agents. All these evidences were taken on oath. The lineage of the members of "Mishra Family" and the list of their agents is given at Appendix I. During the course of examination, the Committee came to the conclusion that most of the local eminent people are afraid of Mishra Family and this fact was established in the sitting held on 6th August, 1973. In all, three non-officials tendered evidence on oath. Other persons could not be present themselves before the Sub-Committee as they were threatened."

Further, it says:

"Shree Kripa Nath Mishra, P.O. Balua Bazar. Distt. Saharsa was awarded a contract for Rs. 7,10,347 to construct a guide dam at R.D No. 24.50 of Hanuman Nagar Raj Birraj Road "

There, it says:

"According to the terms and conditions of the Agreement the

work which includes ten items such as earth work, boulder pitching etc.

Now, most of the contracts went to this Mishra Family. (Interruptions.)

DR. KAILAS: He can reply in regard to whatever Mr. Dhar has said. He cannot raise new points. (Interruptions.)

SHRI JYOTIRMOY BOSU: I ask a question to Mr. Mishra?

MR. CHAIRMAN: At this rate, you will bring the entire Mishra families of the whole country including Shri Shyamnandan Mishra's family. Any one whose name is Mishra is good enough for you. You are going beyond the Motion. Do not go so far. Limit yourself to the Motion (Interruptions)

SHRI JYOTIRMOY BOSU: Sir, here are the names of individuals and firms who have fictitiously. (Interruptions). I will take two more minutes. Sir, they have given 14 names who worked as benami are of the Mishra Family. Most of the Kosi money, Kosi funds found its way through this or through that to Balua Bazar and to a particular compound. The moment I tabled this Motion, Mr. L. N. Mishra rushed a messenger to Patna to file a tit bit of a civil appeal in a Court of Law in order to make this thing sub-judice. I never knew that he lives in a fool's paradise, that by filing a case in a Munsif Court, he can debar this House from raising a debate. (Interruptions.)

SHRI MD. JAMILURRAHAMAN: Sir, on a point of order. He is raising a new point on which hon. Minister will have absolutely no chance to reply, according to the procedures laid down by this House. He should not try to raise new points in regard to this matter. This is my point of order. He should confine himself to the debate, he should reply within the ambit of the Motion. He should not raise new points. The hon. Minister will have no chance to reply. (Interruptions).

MR. CHAIRMAN: I am sure Mr. Bosu will bear it in mind. Please limit yourself to the Motion. Don't raise new points. (*Interruptions*).

SHRI JYOTIRMOY BOSU: The question is, Mr. L. N. Mishra stands with the glory that he has acquired in recent times in the country. I do not want to cast "pearls before the swine."

Sir, my saying is this: If the Government is worth the name, if they are not wearing a garb made of rhinoksm, this should have been enough. I mentioned the case of a Minister in the U.K. where because his wife had accepted a small contribution for a charitable purpose, Mr. Maudling resigned; otherwise, he would have been the Prime Minister of that country.

All that I say is this. I do not press this for a vote. I put it before the House. Consider what the man outside thinks about you. Try and find out. You cannot escape the wrath of the people by simply pushing your press button here and defeating the motion. I do not wish to say anything more. These people cannot see the writing on the wall. Therefore, corruption has become a part of their life. That is how they are ruining the country and ruining themselves.

I have nothing more to say, but if there is any conscience, any sense in them, they would have immediately removed this man because enough has come out against this man. This is something in writing given by no less an authority than a Commission, and he has been stealing the Kosi project money for furthering his own ends. I wish to say nothing more.

MR CHAIRMAN: He said he is not pressing it to vote.

SHRI JYOTIRMOY BOSU: I said it in the beginning,

MR. CHAIRMAN: You want to withdraw it?

SHRI JYOTIRMOY BOSU: No.

MR. CHAIRMAN: Then I will have to put it to vote.

The question is:

"That this House resolves that Shri Lalit Narain Mishra, a member of this House and a member of Cabinet be removed from the membership of this House for committing serious improprieties and malpractices as could be seen from the Report of the Commission of Enquiry into the affairs of Bharat Sevak Samaj and in particular as reported in the said Commission Reports in volume 11 (Eleven) page 97 paragraphs 29.94, 29.95, 29.96, page 98 paragraph 29.100, page 103 paragraphs 29.128, 29.129, page 110 paragraphs 29.146, 29.147, page 126 paragraph (xxi) and page 127 paragraph 29.194."

The motion was negatived.

SHRI JYOTIRMOY BOSU: Can a privilege motion be decided by vote?

—

20.09 hrs.

MOTION RE: FUNCTIONING OF ELECTION COMMISSION

SHRI SHYAMNANDAN MISHRA (Begusarai): I move the following:

"That this House notes with deep concern the growing complaints about the functioning of the Election Commission and recommends that steps be taken to enlarge and reconstitute the Commission in the interest of free and fair election."

MR. CHAIRMAN: We will continue this next time.