

**Mr. Speaker:** The question is:

"That clauses 1, 2, 3, the Schedule, the Title and the Enacting Formula stand part of the Bill."

*The motion was adopted.*

*Clauses 1, 2, 3, the Schedule, the Title and the Enacting Formula were added to the Bill.*

**Shri S. K. Patil:** I move:

"That the Bill be passed".

**Mr. Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

12.12 hrs.

APPROPRIATION (RAILWAYS)  
No. 2 BILL, 1965

**The Minister of Railways (Shri S. K. Patil):** Sir, I beg to move\*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clause 1, 2, 3, the Schedule, the Title and the Enact-

ing Formula stand part of the Bill."

*The motion was adopted.*

*Clauses 1, 2, 3, the Schedule, the Title and the Enacting Formula were added to the Bill.*

**Shri S. K. Patil:** Sir, I move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

12.13 hrs.

MOTION OF NO-CONFIDENCE IN  
THE COUNCIL OF MINISTERS—  
*contd.*

**Mr. Speaker:** We shall now take up the motion of no-confidence. Shri Surendranath Dwivedy.

**Shri Hari Vishnu Kamath (Hoshangabad):** Sir, before my hon. colleague opens the debate, will you be so good as to tell the House; first, how many and if so, which Ministers will participate in the debate and secondly, whether the discussion on the debate will definitely end tomorrow?

**Mr. Speaker:** I can answer the second part in the affirmative: certainly it will end tomorrow, not beyond that. About the first part, as the debate proceeds, then alone we can know about it.

**Shri Hari Vishnu Kamath:** They have not informed you yet?

**Mr. Speaker:** Not yet.

**Shri S. S. More (Poona):** Sir, if you permit me, I wish to raise a point of order.

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\*Moved with the recommendation of the President.

**Mr. Speaker:** Even before he moves that? There is just now, nothing before the House. Therefore, no point of order can be raised in a vacuum. Previous business has finished. The next has not yet been taken up. Therefore, there is no question of any point of order.

**Shri S. M. Banerjee** (Kanpur): May I say one word? . . . (*Interruptions.*) It is about your ruling. You have already moved the no-confidence motion.

**Mr. Speaker:** I cannot move it. Should I move a no-confidence motion . . . (*Interruptions.*) There is this limitation of time. I would like to know the reactions of the House. Ordinarily, the time limit would be fifteen minutes.

But the Leaders of Groups may go up to 30 minutes. Would that be all right?

**Several hon. Members:** Yes.

**Shri Surendranath Dwivedy** (Kendrapara): Mr. Speaker, Sir, I beg to move:

"That this House expresses its want of confidence in the Council of Ministers."

I sincerely feel. . . . (*Interruption.*)

**Shri S. S. More** rose—

**Mr. Speaker:** Order, order. There is one thing which I would like to say. Let the motion be placed before the House and then the hon. Member can just raise his point of order. I will give him an opportunity as soon as it is placed before the House.

**Shri Shivaji Rao S. Deshmukh** (Parbhani): Sir, the point of order has been sought to be raised, and I think it is right it should be raised now when the motion has been made now.

**Mr. Speaker:** If it is that this motion cannot be moved at this moment, I am prepared to listen to it.

**Shri Raghunath Singh** (Varanasi): Yes; that is the point of order. (*Interruption.*)

**Shri Surendranath Dwivedy:** Let the issue come before the House and then we can see.

**Mr. Speaker:** He should leave it to me. Shri More.

**Shri S. S. More:** I want to submit that the present motion, this no-confidence motion, will come into conflict with the decision of the court. I am told on reliable authority that Shri Biju Patnaik and Shri Biren Mitra have gone to the Calcutta High Court raising this very issue, and the result will be. . . (*Interruption.*)

**Mr. Speaker:** Order, order. Let me hear him and then decide.

**Shri S. S. More:** The result will be, we will be heading towards a conflict again between the Judiciary and the legislature. That is why I say, that no matter which is *sub judice* can be discussed in the House. I may be permitted to refer to rule 58 of the Rules of Procedure and Conduct of Business of the Lok Sabha which deals with the right to move the adjustment of the House. . . .

**An hon. Member:** This is not for the adjournment of the House.

**Shri S. S. More:** I know. The rule say:

"That right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

. . . . .(vii) the motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India;"

Now, it will be admitted by all that the Calcutta High Court is a court

having jurisdiction in this matter and the matter is already in the hands of the Calcutta High Court. Any decision by the Calcutta High Court is likely to come into conflict with the decision of this House and such a thing should have to be avoided. So, a rule has been framed that any matter which is *sub judice* should not be discussed simultaneously in the House. (Interruption).

**Mr. Speaker:** Order, order. I have followed the point of order. I know it.

**Shri S. S. More:** There is another rule which has a bearing on this issue. That is rule 59. It says:

"No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry...."

I believe that the Calcutta High Court is a court of enquiry.

"appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved:

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry."

So, my submission to you, Mr. Speaker, is that the decision here which is likely to prejudice the decision of the Calcutta High Court would result in a complicated that should be avoided as much as possible.

**Mr. Speaker:** That is right. I agree there. But this is not an ordinary

motion; it is not governed by these rules only. This is a separate motion, distinct from others, for with a provision has been made. That is the first thing. Secondly, the motion of no-confidence has been admitted by me. It is not known what would come afterwards; it has to be awaited; only this much has been put, namely, that they express a lack of confidence. I cannot rule it out on that account; as to what comes afterwards, if it is brought to my notice, if something is brought here which might prejudice any proceedings, I will consider that at that moment, and not at this moment. Therefore, there is no question of such a point of order arising now. There is no point of order. Shri Surendranath Dwivedy.

**Shri Surendranath Dwivedy:** Sir, I sincerely feel, in the best interests of our country and democracy, the present Government should lay down office. They have forfeited all moral authority to stick to this position. India is the hope of Asia so far as democracy is concerned, and if it fails here or we, Members of Parliament, who represent millions of our countrymen, do not show courage and foresight and arrest disturbing trends and tendencies in our country, then posterity would accuse us for betrayal of faith.

I am not making this motion only to secure a point here or there or to make political capital out of the weaknesses of this Government. I also do not want to belittle the Congress Party as such nor do I want to vilify any individual or minister. I am concerned about my own country. Sir, I have fought for the freedom of the country. I value certain traditions of this country and I want to preserve them. But, to my surprise, I find today that those values and traditions are at stake.

The Congress Party is ruling this country for the last 17 years. They have unchallengeable support and power of a majority behind them. I

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know what will be the fate of my motion. The vast majority sitting Opposite will . . . (Interruption).

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: The vast majority sitting opposite, I am sure, will push the button like automations, although, I know, individually and privately many of them sincerely feel like me.

Several hon. Members: No, no.

Shri Surendranath Dwivedy: They sincerely feel, like me, that things have utterly gone wrong and need a radical cure.

The one remedy before us, and the best remedy in a democracy, is to overthrow the Government. If the Government do not go voluntarily they should be pushed out. If the Parliament fails to do that, there is the people who have elected this Parliament and who will see that this Government does not remain in office.

Sir, Pandit Nehru was the Prime Minister of this country from the very beginning. He was here for 15 to 16 years. But there was no no-confidence motion.

An hon. Member: There was.

Shri Surendranath Dwivedy: Listen to me. Towards the fag end of his career, towards the fag end of his ministry, there was only one no-confidence motion. But you should ask yourself why . . .

Mr. Speaker: I will ask myself. The hon. Member will address me.

Shri Surendranath Dwivedy: I am addressing the Government—you will excuse me, Sir—through you. They should ask themselves—I am putting this to them, Sir, through you—why hardly after the assumption of office of this Government within nine months there are two no-confidence motions.

Some hon. Members: Shame, shame.

An hon. Member: Political propaganda.

Shri Surendranath Dwivedy: It is because of the dismal failure of this Government to tackle any of the problems of national importance. That is the only reason. Only September last we had a no-confidence motion when we brought to the notice of the House and the country the worsening economic situation. The food position is humiliating (Interruptions).

Mr. Speaker: Order, order. I would request hon. Members on all sides to remain quiet. We should have a regular debate and not these running commentaries, interruptions and all that. There ought to be patience on the part of hon. Members.

Shri Surendranath Dwivedy: I may tell my hon. friends that we had a meeting with the Prime Minister only the other day. The Prime Minister was telling us that at least when Members or Ministers are speaking there should be no interruptions. Probably, his words are followed by his followers like this. What I want to say is that the economic situation has deteriorated, the food position is worsening, there is a steep rise in prices and, what is more, in spite of the bumper crops surprisingly there is food shortage. The real condition of the poor and middle class people has become hopeless. They are distressed. Therefore, we find today that even doctors and teachers resort to strike because of this situation. People belonging to no section or community feel safe or happy today. The disparity in income and wealth is growing to a disgusting proportion.

More than the failures on the economic front, the most disheartening aspect of the developments during the last few months is the inability of the leadership to maintain the integrity and unity of this country. This becomes all the more important in view



of the dangers we are facing on our borders. The events in Madras have proved that there are forces in this country, tendencies in this country which, when opportunity comes, might do grave injury to the nation. Apart from that, what do they further demonstrate? They demonstrate the inability of this Government which has no imagination. They cannot and they are not in a position to face situations when they emerge. If today there is a demand that we must have statutory guarantee to make English as the associate language, which demand was not there when Pandit Nehru was alive, what is it due to? If in spite of the fact that Prime Minister repeats that we shall stick to the assurance of Pandit Nehru, still the demand for statutory guarantee is continued, what is it due to? It is because the people at large, in fact even his own followers, do not believe that this leadership is able to implement what it says.

The State of emergency in this country has become a mockery. In the name of emergency they arrested people who were openly working for the enemy in our country. But what was the result? People voted for the same people; they made them heroes and elected them to our legislatures. Is there a greater condemnation than this, so far as this Ministry is concerned?

Then I will take the law and order situation. Open day light political murders are going on in this country. Take the case of Sanyal or Pratap Singh Kairon. But what is this Government doing? The Government says that it is helpless or it is a State subject.

After the death of Pandit Nehru one would have expected that things would improve. Shri Shastri, who refused to follow the beaten track of Pandit Nehru, and rightly so, can proudly claim today that, so far as he is concerned, he has established a record for drift and indecision. He has failed to convince his own colleagues in the Cabinet about the sound-

ness of Government policy and, therefore, they resigned. The Prime Minister is the keystone of the Cabinet. May I read out to you what professor Laski has said:

"He is central to its formation, central to its life and central to its death. No Cabinet can fail to take its complexion from what he is and does in its direction... He has very considerable personal powers; but the condition of their effective exercise is, overwhelmingly that he should be able to persuade and not to coerce;"

Mark these words:

"and the condition of success in that persuasion is pretty effectively dependent upon the success of his government."

If this criterion is adopted, what do we find? We find that the men at the helm of affairs have no will, no determination, no mind of their own. Ministers speak in different voices. They air their differences publicly. It is going on in this country and the Prime Minister has not been able to function even within the four corners of the Constitution. The Cabinet lacks courage, ability, sincerity, determination and foresight. The only capacity and dynamism these people have shown—a political strategy in,—“Parkalam”—wait and see; let matters drift and take their own course. Delay has become the quintessence of political wisdom.

The most objectionable aspect of these developments, which you must have observed, is the indifference of the Cabinet to Parliament. Parliament is given a raw deal. Important matters are being concealed deliberately from Parliament. Even the prestige and authority of Parliament is being undermined. What is even more serious is that they think that they are more important than Parliament and the nation. Decisions are taken at the back of Parliament and the Government.

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Who are taking the decision? The decisions are being taken by, what is known as, the syndicate or the coterie which is jockeying for power and which is manoeuvring for power. Instead of a socialist rule today we have the syndicate rule. Even the Congress Party has become helpless to break this hegemony. The result is complete frustration.

Undermining the authority of Parliament is the greatest offence against our people. I want to warn this Government that if the authority of Parliament is undermined, then orderly Government also goes. There are already forces and combinations which work in this country for that eventuality and the consequences would be disastrous.

I would have ignored all these things provided this Government was able to give us a clean administration. The Prime Minister is a man of integrity. The Home Minister announced from houstops that within two years he was going to eradicate corruption (*Some Hon. Members: Sadachar*). Unless there is a clean and efficient administration there cannot be any orderly progress let alone democracy and socialism which is a far cry. The Government has failed even in this matter. Why? Because of shortage of foreign exchange? What really was the difficulty in their way? There is no will; there is no mind; there is no imagination.

I do not think that corruption is a party matter.

**Shri Hari Vishnu Kamath:** It is a party matter, a Congress party matter.

**Shri Surendranath Dwivedy:** Corruption is not a party matter. We are all ready to support the Government in eradicating corruption. We thought that this country would make a national effort in this respect. I may remind you, Sir, that when I

raised this question on the 21st February, 1963 in this House first and Pandit Nehru wanted from me some details about the matters that I referred to. I wrote to him like this:

"Let me assure you that it is not on account of the fact that I am in opposition that I have brought this matter to your notice. Our public life and administration are open to scandalous charges often and if things like this are not clarified and steps are not taken to remove doubts from the minds of people, it will leave a very bad legacy for the future generation."

This is our approach.

But what is the Government's approach? Whenever there is any allegation made public, they keep mum. When it is first made, they scoff at it. They think that their party is more important than the nation. If any example is needed, the Prime Minister, Shri Shastri's statement in this House on the 22nd February is a clear example in this regard. It shows that he and his Government are ready to protect even heinous crimes committed if they affect their own partymen in authority. (*Some Hon. Members: Shame, shame*). They have refused to follow even the minimum, normal standards.

If you see his statement in which he refers to the cases of Orissa, Mysore and Bihar, you will find that about Mysore and Bihar he says that there is nothing. He says: "There was no ground for the Central Government....."

**Shri S. S. More:** If any reference is to be made to the Orissa matter which is directly under litigation . . .

**Some hon. Members:** No, no.

**Shri S. S. More:** . . . he will be speaking on the basis of assumption and if we are to come to a proper conclusion..... (*Interruption*).

**Mr. Speaker:** The hon. Member can realise that I cannot shut out the name of Orissa. Nothing has come yet. Let the debate proceed. Then, if he feels that something is said which is under judicial inquiry, he may just remind me.

**Shri Nath Pal (Rajapur):** Sir, the ghost again and again being dug out by Shri More can be laid at rest once and for all if you draw a line between the Orissa Government and some individuals. The litigation that is going on in the Calcutta High Court is at the instance of individuals. I do not know of any litigation that is being instituted by the Orissa Government. So, how is this House concerned with that?

**Shri C. K. Bhattacharyya (Raiganj):** The litigation has been instituted on these very charges that are going to be discussed here.

**Shri Surendranath Dwivedy:** What are the charges? I am not hurling charges as yet. Your Cabinet Subcommittee has made the charges.... (Interruption).

**Mr. Speaker:** Order, order; everybody should not stand up and speak.

**Shri Hem Barua (Gauhati):** There is a combination.

**Shri Surendranath Dwivedy:** These are unnecessary interruptions; otherwise, I will complete my speech as early as possible.

The Prime Minister has referred to Orissa, Mysore and Bihar and about Bihar and Mysore he just finishes in one sentence. What is that? He says that there is no ground for the Central Government to take any further action. This is strange. I have the whole thing before me, both about Mysore and Bihar. How did he dispose of it? The same Cabinet Subcommittee, which has been thoroughly exposed for its partisanship in the Orissa affair, was entrusted with the task. No statement was called for;

no enquiry was made. The accused persons were asked to make statements and on the basis of those the Prime Minister makes this announcement. Can there be a more facile announcement than this? How long can we tolerate this kind of political chicanery?

The Prime Minister's statement is full of half-truths when it refers to Orissa. Either he has been misled by his own colleagues and advisers or he has made a deliberate attempt to shield his partymen and soft-pedal the charges against these guilty men of Orissa and, therefore, he made a statement which has no relation to facts. I will show that presently. One mistake is followed by several other mistakes.

In his opening statement he refers to the allegations made before the President. I would ask him to tell me whether his Cabinet colleagues, who were examining this matter, told him that there is a voluminous document which contained many serious charges and which they have not been able to look into or have they deliberately kept him in the dark. There is no reply other than this.

So far as this House is concerned, we are concerned about the allegations regarding Kalinga Industries and Orissa agents. On November 15, 1963 I referred to this matter in this House and also wrote a letter to Prime Minister Nehru asking him to have a judicial inquiry and Nehru told me and this House that so far as this particular matter was concerned, the Public Accounts Committee of Orissa would go into it. We were told that a special audit was appointed by the Auditor-General. 18 months have passed. Where is the report? The Chief Minister of Orissa says that the report has not been received by them. Where has it gone then? Unless it comes before the Assembly and the Public Accounts Committee, they cannot take any decision about it. I

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want to know whether the Government when they decided this matter also took into account that report and that inquiry.

When all these delays occurred, we submitted a memorandum. All that we wanted was a commission of inquiry. That was the proper course to follow. But what did these people do? The guilty men of Orissa felt that if a commission of inquiry was appointed, they would be thoroughly exposed. They came forward and in a bravado announcement said, "Let the CBI be sent for an inquiry". This has been admitted by Shri Nanda himself that the CBI had been sent to Orissa with the consent of the present leaders of Orissa. Having received the report of the CBI, the right course for this Government was to appoint a commission of inquiry. It will be seen from the report—I will quote—that actually the CBI and the records which are with them have proved beyond doubt that there was a criminal conspiracy to defraud public money, take gratification, not only by Shri Bijou Patnaik and Shri Biren Mitra but by Shri Sadasiv Tripathy and Shri Nilamoni Routray and others.

**Shri S. S. More:** Sir, on a point of order.

**Shri Surendranath Dwivedy:** There is no case. . . . .

**Mr. Speaker:** Let me hear the point of order first.

Would the hon. Members kindly restrain themselves so that the proceedings could be followed?

**Shri S. S. More:** He is believing that the allegations made are true allegations. And the C.B.I. Report does not refer to any allegations. If he makes any statement regarding the report, that statement made on the floor of the House is likely to influence the High Court Judges. If these allegations influence the High Court Judges, their inquiry will be prejudiced.

**Shri J. B. Kripalani (Amroha):** May I submit that the Cabinet Sub-Committee have themselves given an opinion? Will not that affect the High Court?

**Shri Shivaji Rao S. Deshmukh:** I rise on a point of order. The learned Acharya referred to the Cabinet Sub-Committee's report and made a claim that the Cabinet Sub-Committee have themselves violated and discussed the matter which is *sub judice*. (*Interruption*). All that boils down to this. The Cabinet Sub-Committee's report has been laid by a private Member on the floor of the House. The Cabinet Sub-Committee's proceedings from part of the Cabinet proceedings. What goes on there can have no bearing on this matter because whatever goes out of the Cabinet is not meant for publication. As long as there is no publication of that, there is no interference in the judicial process.

**Shri J. B. Kripalani:** Everybody has got the report.

**Mr. Speaker:** That question does not arise so far as those proceedings and courts are concerned I learnt there were certain charges made outside by certain citizens and some of the Members also made certain allegations here on the floor of the House. Some suits have been filed in courts that those allegations are wrong. Now, that is thing which is quite separate from this one that is being argued that there is some document here—I cannot say whether it is a C.B.I. report or Cabinet Sub-Committee's report. . . . (*Interruption.*) It is not yet known. It is not my job. I cannot compel them. I have already ruled. This is not my fault. I cannot interfere. I do not know what it is, what value it has got, what credence shall be given to it. That would be seen after the debate when the whole thing is discussed. But so far as this is concerned, that a Member gets up and says that he has a

document which he calls as the C.B.I. Report and asserts it and also testifies to it, I have allowed him to quote it and I have allowed him to put it on the Table of the House after a copy has been made over to the Government. It is for the Government to say, whether it admits or denies—it has not done either—and I cannot compel them. . . .

**Shri Nath Pai:** They admit it by their silence.

**Mr. Speaker:** Silence I expect from all sides. There is no admission or denial. I want silence. When I am speaking, I expect that other Members would remain silent. Therefore, this is neither admission nor denial.

Now, so far as this is concerned, that he is quoting from some papers which he alleges are the Report or the copy of the report, that is, of the C.B.I. or of the Cabinet, I cannot vouchsafe, and still they are not certified to be so. Only the Member has certified it and I take it on his credence. He has a right to argue that some decisions were arrived at by the C.B.I. We do not say that they were right or wrong. Their conclusions might be quite wrong. That is also just possible. What he wants to argue is that Government got a report from its own agency and then the recommendation that was made was not according to the report that was submitted to them. That is all what I can understand. Therefore, whatever it is, I am not concerned with it for the present.

**Shri Surendranath Dwivedy:** I was pointing out that there was sufficient evidence on record to go to the law court. It has been published in the *Hindustan Times*, a national daily, that the Home Minister himself proposed that a judicial commission of inquiry should be appointed and it has been stated that the Prime Minister appreciated the propriety of the proposal. It has not been contradicted.

As you know, Sir, in this House, when the late Prime Minister, Mr. Nehru, took up the case of Mr. Malaviya, he referred this matter to the Attorney General for his opinion and then sent it to the Supreme Court Judge for his opinion. It was, of course, a private enquiry and we protested as to why it should not be a public one. But the then Prime Minister, Mr. Nehru said:

"My acceptance of that (Malaviya's) resignation was certainly partly conditioned by Justice Das's report obviously. Although that report was in the nature of a decision—his decision was a *prima facie* decision and not a final decision—I thought that was enough. It might have been perhaps more desirable if a full judicial enquiry took place. That is a method. I might have made a mistake."

That was Pandit Nehru's experience and these people have followed the most objectionable method of referring this matter to the Cabinet Subcommittee which is nothing better than a Committee of the Congress Party. Why? It is because of political pressure. When I said that in this House in December last, loudly Mr. Nanda protested and repudiated. But I want to prove how it has happened. I am sorry that the Prime Minister ultimately fell a victim to the nefarious campaign.

On November 15, this report was submitted and then the "little A. I. C. C." met at Ranchi under the leadership of a Member of this House. And what did they say? They protested against this and also said that all these matters should be discussed internally by the Party. May I read out to you what has appeared in the press on the 22nd of this month, a letter from Mr. Atulya Ghosh to Mr. Biren Mitra? It reads:

"...I may tell you that you are the first victim of character assassination which has not only

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injured the administration of Orissa but has also impaired the prestige of the Congress organisation due to no fault of yours...."

—and more significantly, he says—

"...I know you for so many years and I have unflinching faith and confidence in your integrity, loyalty and character".

What a certificate! (*Interruptions*)

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

**Shri Surendranath Dwivedy:** What has happened? I do not want to dwell much on this letter. . . .

**Mr. Speaker:** Every person has a right to hold any opinion.

**Shri Daji (Indore):** He has the right to criticise that opinion.

**Mr. Speaker:** I have not said that.

**Shri Surendranath Dwivedy:** This is not directed against me. It is directed against Mr. Shastri and Mr. Nanda who have assassinated this noble character.

All this started, as I said, after the submission of the C. B. I. Report. Now, I ask Mr. Nanda, the President of the Bharat Sadhu Samaj to tell me: Is he still unwilling to look at the C. B. I. Report? What a tragedy! I have given a copy, as you mentioned, of this fuller report which is with me and presently I am going to quote from that report. I charge him with having made a false statement that the C. B. I. was sent there just for collecting information, and that there was no formal inquiry or investigation. He said on the 4th March in the other House that:

"There was no case registered and there was no investigation in that sense."

I want to say that this is a false statement. He wants to wriggle out of this position by making a subtle distinction between enquiry and investi-

gation. I can only quote what the *Statesman* has written about this. It says:

"Mr. Gulzarilal Nanda, for instance, may not have been technically in contempt of the Rajya Sabha on February 26 but both his statement then and his behaviour on Thursday seem to have fallen far below the standard expected of a responsible Minister."

In order to defend the most indefensible stand, he said in the other House:

"I am not having a look at it. I do not know what it is. If a thing is secret, it remains a secret. That is my stand.

I can only reply from a cartoon published in the *Times of India* by Laxman which says:

"No Sir, there has been no leak of the secret report. We investigated what the public already knew and made the report a secret."

In order to keep a bold face, what Shri Nanda has said is this:

"Even if something were there, some piece somewhere and it is brought there and I am asked to identify, I will have nothing to do with it."

What my hon. friend Shri Kamath had placed on the Table of this House was only a shock-treatment, because it was only a summary prepared by the CBI to be put before the Cabinet Sub-committee, out of their report, comments, Shri Patnaik's statements etc. etc. to enable them to come to a finding, and I must say that they have done a very commendable job to repeat the hon. Minister's own words, because as I read them and as I compare their report with the Das Commission's Report, they have almost

based it on the lines which Mr. Justice S. R. Das had adopted in the case of Mr. Pratap Singh Kairon. The report which was placed on the Table of the House was only a summary. And when this question was raised the other day, I warned Shri Nanda that the fuller report was there, and if the hon. Minister himself did not place it on the Table of the House, that would come. I have sent that fuller report now. I ask him to tell me in clear conscience, if he has any left with him, whether these documents which I have in my hand—here is the forwarding letter for the report, and here is the report, and here is the statement accompanying the report; I have not brought the folders and other things, and I hope my hon. friend himself will come forward with them—are true or not. Is he in a position to deny them? Is he in a position to deny this letter which has been written by Shri D. P. Kohli, Director, CBI, on the 15th November, 1964, addressed to the the Secretary, Ministry of Home Affairs, Mr. L. P. Singh, the number of the letter being UO. No. O—665/CBI 64, dated the 15th November, 1964? Is he in a position to deny this?

**Mr. Speaker:** The hon. Member has already taken half an hour.

**Shri Surendranath Dwivedy:** Please excuse me. I shall take some more time. I shall conclude in another 20 minutes.

**Mr. Speaker:** He may take ten minutes more and conclude.

**Shri Surendranath Dwivedy:** I shall try.

I think Shri Nanda will apologise to the House for making a false statement in Parliament and bringing into ridicule the whole Parliamentary procedure. He has said that there was no inquiry. But if you read the report, the very first sentence in it and see

the heading, you will find that it is entitled:

“Report of preliminary inquiry into allegations against some Ministers of Orissa Government.”

And yet my hon. friend Shri Nanda says that there was no inquiry. He has also said that no complaint was registered. But here the cat comes out of the bag. In this report, it has been stated:

“The Government of India in the Ministry of Home Affairs desired the Central Bureau of Investigation to make a preliminary inquiry into these allegations and accordingly three separate P. Es. in respect of allegations against (i) Shri B. Patnaik and Shri Biren Mitra, (ii) Shri Neelamani Rout Roy, and (iii) Shri Sadasiva Tripathy, were registered on 10-9-64 in the SPE.”

My hon. friend Shri M. C. Chagla may corroborate me if he has read this report.

“... Two other P. Es. concerning entries in the books of Mohd. Sarajuddin & Co. showing certain payments to Shri Neelamani Rout Roy and Shri Sadasiva Tripathy, Ministers, Orissa Government, were also registered in the preliminary inquiry”.

If you look at page 3, you will find that it has been stated there that they were limited by certain circumstances. They have stated there:

“It may be stated at the outset that this preliminary inquiry has been held under certain limitations, as it was desired that no oral enquiries may be made nor should we ask for or secure the records from private parties or the firms concerned. There has also been difficulty. In the proper scrutiny of some of the official records, as some files

[Shri Surendranath Dwivedy]

made over by the State Government have been found to be incomplete, in some cases without note-sheets, and in others, some pages seem to be missing."

And yet Shri Nanda says that there was no tampering with the records.

And what is the punishment to be given? Of course, the Sadhu Samaj may pass a vote of no-confidence against him saying that he is not fit to be its president. But I am not concerned with that just now. I am concerned with this question as to what punishment should be given to Government for this. What is the punishment for one who deliberately misleads the House and wilfully suppresses a document and dishonestly tries to keep away from the public the crimes that have been committed? I think the Prime Minister has not been told the truth and he has been kept in the dark.

Mr. Kohli, the Director of the CBI has said this at page 1 of the report. The allegations are not what have been given out by the Cabinet Subcommittee. Mr. Kohli says:

"From the memorial, memoranda, petitions and complaints received by the CBI, 58 allegations emerged. Out of these, 20 were not considered suitable for inquiry by the CBI either because they were of trivial nature or because they involved political matters. In 23 allegations inquiry is held up for want of records or because they require open inquiries or for other reasons. This leaves 15 allegations into which preliminary inquiry has been conducted. In 3 of these, the inquiry could not be completed for want of some of the relevant records and it is not possible, on the material available, to come to any definite conclusion about them though there are some suspicious features."

In the face of this, I fail to understand how an ex-Chief Justice of a High Court could go into these things and give this facile judgement.

**Shri Ranga (Chittoor):** Because he is a Minister.

**An hon. Member:** Because he is a member of the ruling party.

**Shri Surendranath Dwivedy:** Then it has been stated:

"On the basis of the scrutiny of the records, it is not possible to say that all the allegations are unfounded, unsubstantiated or untrue. There are quite a few, and some of them rather serious, which require further inquiries to come to definite and clear conclusions. On a number of points, doubts remain."

In the face of this, it is clear that they have not inquired into all the allegations, and they have recommended an open inquiry to find out the real facts.

I do not give any importance to this self-styled jury, namely the Cabinet Subcommittee. I want to ask them to say it on oath whether what has been presented in this House as the Cabinet Subcommittee's report has not been written by them or whether they have signed it or not? Let them say that, if they have the courage to say that. Of course, they may hide it from somebody, but as a matter of fact, it is already there.

I do not give any credence to their recommendations, because in one breath they say that the conduct of these persons is very suspicious, and unbecoming of men in authority, but then they proceed further—and how perverse it is and contradict themselves and say that there is nothing, and no personal gain has been made out of it.



I know that the argument is advanced that the CBI report is a police report and it is not a judicial report. But I want to ask one question. Is the Cabinet Sub-committee a jury or a court of law? What is this Cabinet sub-committee? What would Shri M. C. Chagla have done if he were the Chief Justice of a High Court and the appeal had gone to him?

We, the memorialists, appealed to the Cabinet Sub-committee, saying 'You have heard Mr. Patnaik'—they have said that in their report—'You have listened to him; you have got some records. Would you permit us also to substantiate those charges and forward some more papers which we had with us? But nothing was done, and no hearing was given to us, and they come forward with a judgment to show their face and say that the court of law has already met, and no commission of inquiry is necessary. I fail to understand this. The memorialists would have produced more papers, but then the Cabinet Sub-committee was more interested in shielding the truth than in finding it out.

I am further surprised that the Prime Minister in his statement has gone beyond the recommendations of the CBI and the Cabinet Sub-committee. He says:

"Biren Mitra also did not make any pecuniary benefit out of it."

although the Cabinet Sub-committee has nowhere stated that. I would only quote for the edification of the Prime Minister what Mr. Kohli has written to Mr. L. P. Singh at page 2 of his letter:

"From the records which could be scrutinised it would appear that Orissa Agents is the sole proprietary concern of smt. Easwaramma Mitra, wife of Shri Biren Mitra, Chief Minister, Orissa. She claims to have started this concern with her own money and by taking

loans from friends. without an open enquiry it is difficult to say how far this describes the real position and whether any funds have been invested in this concern by Shri Biren Mitra also. It is quite obvious, however, that Shri Biren Mitra had a direct interest in this concern as it belonged to his wife. He was also taking interest in its management and business activities. This is clear from certain letters exchanged between Messrs. Bengal Potteries of Calcutta and Orissa Agents and between Allied Distributors of Calcutta and Orissa Agents. Scrutiny of records of Orissa Agents and open enquiries are likely to reveal further evidence of Shri Mitra's personal interest in the affairs of this concern."

**Mr. Speaker:** The hon. Member should try to conclude now.

**Shri Surendranath Dwivedy:** I would take ten minutes more.

Interruptions took more than 10 minutes.

**Mr. Speaker:** But they were also part of the speech. The hon. Member should try to conclude within the next five minutes.

13 hrs.

**Shri Surendranath Dwivedy:** I cannot I cannot do justice to the whole subject if I do not have sufficient time at my disposal, I have in mind the interruptions also which took some time. I am not going into the details of the transactions. I am only stating some general things.

**Mr. Speaker:** He may take another five minutes.

**Shri Surendranath Dwivedy:** If you see page 4 para 4, there also it is clearly stated that there has been tampering.

**Dr. M. S. Aney (Nagpur):** It is an impeachment of the Cabinet; he must have sufficient time to make out his case.

**Shri Surendranath Dwivedy:** I have no doubt in my mind, with the evidence before us, that these people have misbehaved. When the CBI Report came, the right course should have been to refer the matter to a court of law. Probably the ex-Solicitor-General gave that advice. But that was not heeded, and the decision was taken to appoint this so-called high-power committee.

Shri Kdhli again says, "at least this much is clear that they could not inquire into all these allegations." I do not want to quote further as the time with me is short. About Shri Biren Mitra's personal interest in these concerns, here are papers with me. If the Cabinet Sub-Committee had wanted I would have given these to them. I have got photostat copies of these which prove clearly how even as Minister he was managing the whole affairs—which has also been brought out in the CBI Report, in some letters which have been produced. About Shri Patnaik, I will not say anything, because he stands self-condemned. I would only say something about the low shaft furnace episode.

**Shri J. B. Kripalani:** Kalinga Airlines.

**Shri Surendranath Dwivedy:** I am really surprised that a committee in which Shri Chagla was a member could come to this finding that in the sale of the low furnace, he made no pecuniary gain out of it. This is beyond my comprehension.

**Shri Ranga:** He has now become a Minister.

**Shri Surendranath Dwivedy:** I will only quote a sentence from Shri Kohli's report, because other things are there already. I charge Shri Nanda, that he was indirectly or di-

rectly committed to the sale. Therefore, in order to conceal his own weakness, he did it. This report has stated like that; I will prove it by reading two documents with your permission. One is what Shri Kohli himself has stated in page 4. He says:

"In the purchase of the low blast furnace.. and independent, careful and thorough investigation of the plant of its profitability and of its being an economic unit about its value does not appear to have been conducted".

Lastly he says:

"The liabilities which were transferred to the Orissa Industrial Development Corporation along with the Barabil plant although the terms and conditions were there...the interests which received particular consideration were not those of the Orissa Industrial Development Corporation but of somebody else's".

Then about Shri Nanda, Shri Patnaik came. What did he do? I will not recount all those things. Pages 38 to 56 are full of this. But the history in short is this. In 1954 it was set up; in 1959, it started production. Within five months, he found it uneconomic. He appealed to the Prime Minister, wrote a letter to Prime Minister Nehru. They refused to touch it, did not do anything. As soon as he became Chief Minister, he created an Industrial Corporation. That corporation immediately passed a resolution 'That is a very profitable unit, you take it over.' He ran himself first to the Steel Minister. The Steel Minister, without considering profitability or anything, give permission to change the licence from the shaft furnace to the Industrial Development Corporation. This is what he did.

Then he approached Shri Tarlok Singh, Member, Planning Commission on 5th March 1963. There was a

meeting of a committee to be held on 8th March. Shri Nanda will corroborate it. Immediately Shri Tarlok Singh sent his letter to Shri T. N. Singh, who was Member, Industries. He wrote:

"It is rather difficult to form a view about the proposal without getting more details than stated in Patnaik's letter".

Shri Nanda, Deputy Chairman, also okays it. He says:

"All the relevant information to be obtained from the Ministry, Adviser (I & M) will please study material in the first instance."

This happened on the 5th March. On the 6th, Shri Patnaik meets Shri Nanda. He hands over to him a document in manuscript. The CBI report says he makes all sorts of claims about it, its profit being Rs. 20 lakhs and so on. Till today, they do not know what is the profit because it is mixed up with Kalinga Industries. Of course, now the Development Corporation is a separate unit altogether.

Shri Nanda wanted on the 5th a thorough investigation. On the basis of this letter of 6th, he says that Shri Patnaik says it is virtually a gift to the Government of Orissa. For a capital cost of Rs. 30 lakhs the factory was started; it was handed over as an uneconomic unit for Rs. 90 lakhs. Some crores of rupees were paid from the Government of Orissa. It is significant here to note that under the agreement Shri Patnaik has with the German combine, he will be continuously getting royalty from 10 blast furnaces if started in Orissa in the course of ten years either by Government or by anybody else. The agreement is also there. Then Shri Nanda, after hearing it, writes: "We may now raise no objection". And Shri T. N. Singh says:

"Since the Dy. Chairman has already taken a view, I have nothing to say".

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On this, how can Shri Nanda, a member of the Cabinet sub-committee come forward and say that Shri Patnaik has made no pecuniary gain out of it?

There are further disclosures which have been completely concealed from us. That is regarding the present Chief Minister and the Deputy Chief Minister. The Prime Minister in his statement, says 'I have nothing to say'. I have no time to go into details again. I will only draw attention to some passages. This is the reason why they do not want to appoint a Commission of Inquiry, because the whole house, the whole pattern of Congress administration in the country will be exposed to the public eye.

Shri Kohli writes about this complaint:

"A scrutiny of files shows that applications from Mohd. Sirajuddin or his concerns and files relating thereto were dealt with by Shri Sadasib Tripathy during the years 1952-56 when he was Minister in charge of Revenue"—

The Prime Minister has been told he was not the Minister when this was done—

"It appears further that Shri Sadasib Tripathi took personal interest in dealing with these cases and also that some favours were shown to Mohd. Sirajuddin in the grant of lease or permission for mining or prospecting. Shri Sadasib Tripathi has denied all the entries. However, he says that Mohd. Sirajuddin did arrange for an optician at his request but that the bill for the spectacle for Rs. 214 was paid by him on 1st March, 1963 and he is in possession of the receipts. In some other cases, such entries in the books of Sirajuddin have been found to be correct. Further open inquiries are necessary to come to definite conclusions about them".

**Mr. Speaker:** The hon. Member wanted 50 minutes and he has taken 50.

**Shri Surendranath Dwivedi:** The CBI has come forward and says this about Sirajuddin's books:

"There are other entries against Mr. Tripathi right from 1955 to 1963."

But one which is in the Sirajuddin books themselves written by one Rehman reads:

"जनाब अब्दुल साहब से 12,000 रु० सदाशिव त्रिपाठी की एक फ़िएट गाड़ी खरीदने के लिए दिया जा रहा है। चचा साहब —i.e. Sirajuddin—से बात करने के बाद यह हाया देने का फैसला किया गया।"

This is in the Report. It was said that Shri Neelamani Rout Roy, Deputy Chief Minister, has nothing to do with it. Shri Kohli's letter—I am not quoting it—contains observations which show what the Prime Minister said that this man had nothing to do with it when this was going on is not a fact.

To conclude, I want to make only one demand. All that we want, in view of this evidence, is this. Let a commission of inquiry be appointed to go into the whole question. I also want to record in this Parliament the patriotism, the boldness, the courage shown by the CBI in unearthing this matter. Government may be concerned about the leakage, but I want to tell the Prime Minister this. Let them tell us what the Cabinet Sub-Committee said in their report when they came to a conclusion, on the basis of which the Prime Minister made this announcement, what the facts are. Are these not the facts which are here in this House, and which were given here in the discussion? These point were mentioned.

**Shri U. M. Trivedi (Mandsaur):** Since that report is referred to, will it be laid on the Table of the House? If that is done, we will have an opportunity of saying something.

**Mr. Speaker:** Already a summary is there. I have allowed that.

**Shri Surendranath Dwivedy:** If it is placed on the Table of the House, Members would be able to say what they feel about it.

**Mr. Speaker:** Now he might conclude.

**Shri Surendranath Dwivedy:** I want to make it clear that what we want is that a commission of inquiry should be appointed for the sake of the country, not for the sake of anybody. This is highly necessary, and I repeat what I stated in the beginning, namely that I am not approaching this question from the personal point of view. I hope that this debate would help us in establishing certain terms, certain standards for the better conduct of our business.

In conclusion, I only want to say this much. I am prepared to withdraw this no confidence motion.

**The Minister of Rehabilitation (Shri Tyagi):** Thank you.

**Shri Surendranath Dwivedy:** ... provided Shri Tyagi will come forward and persuade his Cabinet to agree to these conditions: (1) a White Paper containing all materials with Government regarding Orissa affairs is placed on the Table of the House; (2) an open judicial enquiry under the Commissions of Inquiry Act, 1952, is appointed to go into the whole affair regarding Orissa; (3) since *prima facie* evidence is available, the present Ministry in Orissa is dismissed; and (4) as a permanent measure, statutorily an institution with autonomous powers like the Supreme Court, the Public Service Commission and the Election Commission is created in this country to deal with this matter of corruption.

These are not controversial matters, and I hope Government will accept these things.

**Mr. Speaker:** Motion moved:

"That this House expresses its want of confidence in the Council of Ministers."

Since Shri Chagla's name has been mentioned so many times, I will request him to speak.

**Shri Nath Pai:** I am very eager to listen to Shri Chagla, but on the point of order that was raised earlier may I seek your guidance in view of your earlier direction that a document which has been authenticated by the Member quoting from it, a copy of which has been already supplied to you, may be placed on the Table of the House? Shri Dwivedi has referred to quite a few interesting, rather explosive, documents. We should be enabled to reach our judgement before we vote, and I therefore beg to persuade you that you be pleased to direct that the documents be laid on the Table of the House.

**Mr. Speaker:** I will consider.

**The Minister of Education (Shri M. C. Chagla):** A famous English politician once said that it was the duty of the Opposition to oppose. I concede that right to the Opposition. I think it is the duty of the Opposition to be critical, to be vigilant, to keep the Governments on its toes, to see that there is proper administration of this country. I concede all these rights of the Opposition, but may I say this, that the Opposition must also have a sense of responsibility?

**Shri Hari Vishnu Kamath:** To the country, to the nation. (*Interruptions*).

**Shri M. C. Chagla:** Unless I deserve interruption, I hope I will be permitted to proceed.

Government is responsible to Parliament and to the country. So is the Opposition. I do not think parliamentary institutions can func-

tion without a responsible Opposition. Speaking for myself, I am very happy when I am criticised about something that I do. I always feel that I cannot see the whole of truth. Truth has many facets. I can only see a few of them. If my hon. friends can show me some more facets, I am prepared to look at them.

**Shri Hari Vishnu Kamath:** We have shown.

**Shri M. C. Chagla:** I also feel that no one has a right to claim infallibility. Therefore, we are liable to make mistakes, and if our mistakes are pointed out, it is our duty to rectify them.

**Shri Nath Pai:** Orissa was a mistake.

**Shri M. C. Chagla:** I will come to Orissa. The hon. Member may have a little patience.

I entirely agree with Shri Dwivedi that we should try and maintain the highest standards of administration. I am conscious of the fact that corruption is growing in this country. There is corruption everywhere. I have seen that there is corruption in the United States and in the United Kingdom.

**Shri Hem Barua:** Why should he draw inspiration from these countries for justifying corruption?

**Mr. Speaker:** It may or may not be a justification. He has a right to be heard, and I will request the hon. Members to be patient with him. They may not agree with him, but he has a right to say whatever he likes.

**Shri M. C. Chagla:** But I will confess that there is an alarming sign in this country. I talk to young men and young women, I talk to grown up people, and what troubles me, what alarms me, is the fact that our people are almost accepting corruption as a fact of life. They are treating cor-

[Shri M. C. Chagla]

ruption as an ordinary thing, and this is something which we have to fight.

**Shri P. K. Deo (Kalahandi):** Impossible under your Government.

**Shri M. C. Chagla:** Recently when I was in Paris leading the Indian delegation to UNESCO I had a talk with Mr. Malraux, who is Minister of Culture in France, a very eminent Frenchman, a great lover of India, a great admirer of Indian civilisation, and I vividly remember what he told me. He said: "Mr. Chagla, you want scientific education, technical education, you want to develop technological. I understand that. You will become like any other country. But there is something special about India, which India alone can contribute to the world. For heaven's sake, don't lose that." And I feel that in fighting corruption, we are fighting for the soul of the nation. Therefore, I am entirely with the Opposition in any suggestion that they should make for maintaining the highest standards of administration.

**Shri Ranga:** Have a proper enquiry.

**Shri M. C. Chagla:** I also feel that those of us who are privileged to occupy high position in this country should have the highest integrity, that our hands should be clean. We cannot appeal to the people unless we ourselves have the highest standards of integrity, and as I shall point out, regrettably in this case the Opposition has not shown the highest standard which they want the Government to show.

**Shri Surendranath Dwivedy:** We ask for a commission of inquiry.

**Shri M. C. Chagla:** I shall deal with every point raised by my hon. friend. I am not going to run away from him. I am here to answer the very strong indictment that has been made by my hon. friend, and I shall

not run away from any point he has made.

**Shri Hari Vishnu Kamath:** Did he not conduct the Mundhra enquiry?

**Shri M. C. Chagla:** Let us look at the history of this so-called Orissa affair. A representation was made to the President on the 28th July, 1964. The representation was signed by various Members of the Orissa Assembly, and I believe, by some Members of this Parliament, and charges were levelled against Shri Patnaik and Shri Biren Mitra. The President referred the matter to the Prime Minister. It was the duty, the constitutional duty, of the Prime Minister to advise the President. The Prime Minister could have done two or three things. After satisfying himself about those charges, he could have persuaded the Chief Minister to vacate his office. If the Chief Minister refused to do so, he could have advised the President to take the necessary constitutional measures to remove him from office. And I am of opinion, after careful consideration, that our Constitution has given sufficient power for the Prime Minister to advise the President to remove a Chief Minister from office if it is found that he is corrupt, unfit to hold office, or guilty of impropriety. Therefore, this is the background. I want this House to remember—a representation referred by the President to the Prime Minister; and the Prime Minister's constitutional duty to advise the President. The Prime Minister could have advised the President without consulting his colleagues. But the Prime Minister is a busy man. I suppose we will all admit that. If he has a mass of material to go through, it is open to him to ask some of his colleagues to help him to come to a decision. When this sub-committee was set up it was for a limited purpose. I want to emphasise that. I was in that committee. And our only function was to advise the Prime Minister, as to whether there was a *prima facie*,

case against the Chief Minister of Orissa and Mr. Patnaik on the strength of which he could take action or advise the President to take action. Now, this committee was not investigating into the findings; this committee was not writing a judgment....

**Shri Nath Pai:** We know what it was doing; it was exonerating them.

**Shri M. C. Chagla:** I have said what the Committee was doing. The committee was merely concerned to see whether there was a *prima facie* case, not for the purpose of prosecution....

**Shri Hari Vishnu Kamath:**..but to conceal the truth.

**Shri M. C. Chagla:** There was no other purpose except to advise the Prime Minister; that was the limited, restricted ambit of this committee... (*Interruptions.*)

**Shri Hari Vishnu Kamath:** It is to shield the guilty: that was the sub-committee's function.

**Shri M. C. Chagla.** The sub-committee advised the Prime Minister and the Prime Minister was good enough to accept the advice of the committee. It was open to him not to accept it but he thought fit to accept it and, what is important, he acted on the advice of the sub-committee. I really fail to understand what all this uproar is about. . . . (*Interruptions*) The sub-committee advised the Prime Minister that Mr. Biren Mitra and Mr. Patnaik who had been Chief Ministers were guilty of impropriety and that they were not fit. The Chief Minister was not fit to hold his high office. The Prime Minister accepted the advice and acted on it and requested the Chief Minister to vacate his office. Mr. Biren Mitra is no longer the Chief Minister.

**Shri Hari Vishnu Kamath:** That is not enough

**An Hon. Member:** Why did you not proceed further?

**Shri M. C. Chagla:** I do not understand what my friend Mr. Dwivedy told me. How else do you enforce high standards of administration?

**Shri Hari Vishnu Kamath:** Prosecute them. Look at the Santhanam Committee's recommendations.

**Shri M. C. Chagla:** I will come to prosecution. As I said, we were not dealing with prosecution; the sub-committee was not called upon to do so..... (*Interruptions*)

**Shri Surendranath Dwivedy:** You could have recommended for it.

**Shri Banga:** Could they not recommend a judicial enquiry? When the memorialists presented their memorial to the President, they wanted a judicial enquiry?

**Mr. Speaker:** He must be heard patiently. A good section of the Members may not agree with him: yet he has to be heard patiently.

**Shri M. C. Chagla:** I would like to deal with these two reports about which charges had been made that we have not placed them before Parliament. I heard Mr. Dwivedy saying "we should do nothing to undermine the authority of Parliament"... I entirely agreed with it. I think India should be proud of its parliamentary institutions. We are the largest and the most populous democracy in the world and I think we have set an example of democratic institutions for all parts of the world.... (*Interruptions.*) I only wish sometimes that those sitting behind them uphold the authority of Parliament and the traditions of Parliament.

**Shri Surendranath Dwivedy:** That applies to both sides.

**Shri M. C. Chagla:** Let us look at these two documents. The sub-committee's report was part of the cabinet proceedings.

**Shri P. K. Deo:** These two documents had been accepted as correct. He has been quoting from these two documents.

**Shri M. C. Chagla:** I am trying to point out why Government has, rightly, decided to refuse to put this document on the Table of the House. The sub-committee's report was part of the Cabinet proceedings. The Prime Minister could have talked to his colleagues in the Cabinet. He could have talked to a few of them. Is it suggested that the proceedings of the cabinet should be placed on the Table of the House.

**Shri J. B. Kripalani:** Was it the Cabinet?

**Shri Surendranath Dwivedy:** We are not concerned with papers of Cabinet being placed here. I would request Mr. Chagla to yield for a moment. I want a simple information: whether the facts which had been stated here, whether the Cabinet sub-committee report was signed by him or not? Is it their report or not?

**Shri M. C. Chagla:** I refuse to disclose it.

**Mr. Speaker:** If the hon. Minister does not yield, then I would not allow any Member to interrupt him. If the hon. Minister yields and sits down I will allow hon. Members to put questions..... (Interruption.) I am not objecting to Mr. Dwivedy's question just now. I would also request all Members on all sides to patiently hear him. If this game is resorted to, there would not be any sincere debate which we want.

**Shri M. C. Chagla:** I refuse to disclose anything that happened at the cabinet meeting. I took the oath of secrecy at the time of entering into office and I want to be loyal to that and no Member of the Opposition is going to inveigle me into disclosing secrets which I am bound on oath to keep secret.

Let us come to the CBI report. My friend Mr. Kamath gets hold of what he calls a copy of the CBI report.

**Shri Hari Vishnu Kamath:** He passed it on to me!

**Shri M. C. Chagla:** What should a man who believes in high standards of administration have done? He knew perfectly well that this was a stolen document, that the man who was handing over that document to him was committing an offence. If I were in his place, if I believed in high standards of administration, I would have handed him over to the police. (Interruptions.) What does Mr. Kamath do?

**An hon. Member:** You want only a police raj?

**श्री बागड़ी (हिसार) :** अध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है। मैं आप की व्यवस्था चागला साहब की इस बात पर चाहता हूँ जो उन्होंने कहा है कि चोरी कर के यदि कोई व्यक्ति किन्हीं कागजात को किसी को देता है और पाने वाले शरूस को यह पता चल जाय कि यह इसने चोरी कर के कागजात मुझे दिये हैं तो उसे चोरी कर के लाने वाले व्यक्ति को पुलिस के हवाले कर देना चाहिये या उन कागजात के अन्दर यदि कोई भ्रष्टाचार किसी का छिपा हुआ हो और वह किसी भी तरीके से लाकर उस भ्रष्टाचार का भंडाफोड़ करने के लिए किसी के हवाले कर दे तो इस छिपे हुए भ्रष्टाचार और चोरी के बारे में जानकारी देने वाले को इनाम मिलना चाहिये।

**अध्यक्ष महोदय :** चोरी चोरी है, चाहे वह सोने की हो या जहर की हो। इस बात पर कौन सा व्यवस्था का प्रश्न उठता है? उन को जो कहना है, कहने दीजिये। उन का जो खयाल है, उस को सुनिये, चाहे आप उससे इतिफाक न करते हों। जब आप की बारी आयेगी, तब आप जो कुछ भी कहना चाहें कहिये।

**Shri Hari Vishnu Kamath:** Sir, on a point of order. I take my stand on



the historic and momentous ruling which you gave on the 26th February, 1965, and as the world is well aware, you have upheld the highest traditions of parliamentary democracy. Long live Parliament, and parliamentary democracy in India.

**Mr. Speaker:** What is your point?

**Shri Hari Vishnu Kamath:** I am coming to that. Point No. (6) of your ruling, is very clear and explicit. The Minister has no business—(Interruption).

**Mr. Speaker:** Order, order. What is the point?

**Shri Hari Vishnu Kamath:** I will read it out. Your ruling says:

“It is a fact that a document, which is treated by the Government as secret or confidential, can be obtained....”.

please mark the words—“can be obtained”—(Interruption).

**Mr. Speaker:** Order, order. Let him read it: I know what I have said.

**Shri Hari Vishnu Kamath:** It says:

“...can be obtained through leakage or stealth or in an irregular manner, but the Chair would not compel the Member to disclose the source from which copies have been obtained by the Member.”

So, when the Chair has ruled that the Member would not be compelled—(Interruption). Will you kindly call them to order, Sir?

**Mr. Speaker:** Order, order. I have followed what he says; what is his point?

**Shri Hari Vishnu Kamath:** When the Chair has held that the Member is not compelled, is not obliged to disclose the source from which he obtained it, how can the Government, how can the Minister say that the

person should be handed over to the police. It is they who are guilty; let them quite the Treasury Benches. (Interruption).

**Mr. Speaker:** Order, order. I have said definitely that it can be obtained by any of these improper methods and the word “stealth” also I have put in there; that is, theft. I included that. I said that I would not compel him to disclose the source; I would not. But what the hon. Minister says is that it is the duty of the Member; that is what he is referring to. (Interruption).

**Shri Hari Vishnu Kamath:** They cannot teach us. We are here to obey your directive. The Government has no business to teach us. It is a shameless and disgraceful conduct of the Government. How can they teach us? (Interruption).

**Mr. Speaker:** Order, order. We cannot continue the proceedings in this manner.

**Shri H. N. Mukerjee** (Calcutta Central): My submission is that the very concept of orderliness on the part of Members of this House is contingent upon, in the last analysis, your interpretation of what is orderly and what is not orderly. In this case, as in the case of journalists having scoops and not telling even the courts of law the source of their information, this is a convention appropriately accepted by society and, in relation to Parliament, your ruling amounts to this: that Members of Parliament, if they discover documents which Government is trying to secrete but which have a relevance to the public interest, even though they have to beg, borrow or steal, they would do so; they would do so.

**Shri A. P. Sharma** (Buxar): That is according to his philosophy. (Interruption).

**Mr. Speaker:** Order, order. There is nothing to be argued further. I do not follow what is being discussed. I

[Mr. Speaker]

have already made it clear that I am not compelling any Member nor can any other Member compel the Member in whose hands some document might be, that he should disclose the source. Who said that this might be disclosed? (*Interruption*).

**Shri S. M. Banerjee:** He said; the Minister said.

**Mr. Speaker:** No, no. According to him, it was the moral duty of the Member to hand over the person to the police. That is what he was referring to.

**Shri Hari Vishnu Kamath:** In your ruling, Sir, you have referred to the proceedings of the House, and the speech made by Shri Feroze Gandhi. Did the Government have the conscience, the guts, to ask Shri Feroze Gandhi to hand that man to the police? They did not because Shri Feroze Gandhi belonged to their party. Was he asked to hand over that person to the police? Now, they have come up with this remark. It is most disgraceful, (*Interruption*).

**Mr. Speaker:** Order, order. My ruling is very clear. We are proceeding according to the procedures prescribed. Shri Chagla will continue.

**Shri Hari Vishnu Kamath:** Let the Prime Minister answer the question. Shri Feroze Gandhi referred to certain documents in the House. Was he asked to hand over that person to the police? This is a very vital question.

**Shri Bade (Khargone):** On a point of order. With reference to the remarks made by Shri Chagla—

**Mr. Speaker:** What is the rule? He may kindly quote the rule.

**Shri Bade:** On a point of order, Sir, (*Interruption*).

**Mr. Speaker:** Order, order. Is this orderliness?

**Shri Bade:** Shri Chagla said that Shri Kamath must have stolen it and that it was his duty to hand over the person to the police. My objection is this: In the House of Commons it has been said—and I have shown it to you, Sir—that the House is not a House of traitors but of patriots. If Government is not giving any document, then it is the duty of the Opposition to bring out the document and put it in the House. There is no difference between a Minister and a Member. There may be differences in duty, but there is no difference in status. Therefore, it is the duty of the Opposition to bring that document which is hidden by the person. It is necessary to do so. (*Interruption*).

**Shri Hari Vishnu Kamath:** Was Shri Feroze Gandhi directed to hand over the person to the police? He was not, because he was the son-in-law of the then Prime Minister.

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

**Shri M. C. Chagla:** Mr. Speaker, Sir, may I make it perfectly clear in what I am going to say about this document that I did not in the least intend any reflection on your ruling. I have personally the greatest respect, and as you know the whole House has the greatest respect for you and your rulings and we loyally obey and abide by any ruling, you give. But I repeat that it is a matter of conscience. I ask my hon. friend Shri Dwivedy who has lectured to us on standards of public administration, is it right for a man, a Member of Parliament, who keeps a secret....

**Shri Nath Pai:** It is right.

**Shri Hem Barua:** It is our right. As Members of Parliament we have got a perfect right. (*Interruption*).

Several hon. Members rose—

**Mr. Speaker:** Order order. All shall sit down. Is it not possible to differ on any particular point? He thinks it was his duty; others think that it was not their duty.

**Shri Hem Barua:** We have got hundreds of secret documents like that.

**Shri S. M. Banerjee:** We will do it. *(Interruption)*.

**Mr. Speaker:** Will he sit down? *(Interruption)*.

**The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha):** They are interrupting in this manner; they are interrupting when you are speaking; it is a game at which both of us can play.

**Shri Surendranath Dwivedy:** What is this standard? You want to make a mockery of this Parliament? *(Interruption)*.

**Shri Hari Vishnu Kamath:** Sit down.

**Shri S. M. Banerjee:** Let him not threaten the Opposition like this.

**श्री रामसेवक यादव (बाराबंकी) :**  
मछली बाजार बना दिया है ।

**एक माननीय सदस्य :** आप ने बना दिया है ।

**Mr. Speaker:** Acharya Kripalani.

**Several hon. Members rose—**

**Mr. Speaker:** I have called Shri Kripalani. Everybody else should sit down. *(Interruption)*. If I am not obeyed, I cannot keep order. The proceedings cannot continue. If every Member stands up and in spite of my asking them to sit down, if they do not sit down, and they continue in this manner, what could be done? Only those whom I identify could speak and not others. Shri Kripalani.

**Shri J. B. Kripalani:** May I humbly suggest that in history there have been occasions when the Government of a nation has betrayed the nation, and supposing at that time, the Government take refuge on this, that it is a secret, and if we can find a secret document which proves that the Government has betrayed the country, will we be justified or not, I ask.

**Mr. Speaker:** I have said enough in that ruling, and there is no doubt left. *(Interruption)*. Has not the Government spokesman the right to put his point of view?

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

**Mr. Speaker:** He may not agree, but the Minister has ever right to put his own point of view and that must be heard. *(Interruption)*. Order, order. We cannot conduct our proceedings in this manner. Is this House to be wound up in this manner?

**श्री रामसेवक यादव :** अध्यक्ष महोदय, आप ने जो यह कहा कि चोरी छोटी हो या बड़ी, वह चोरी ही है, मैं समझता हूँ कि . . . . .

**अध्यक्ष महोदय :** यह उस दिन कहा गया था । माननीय सदस्य मेरी रूलिंग को देखें ।

**Shri Ranga:** Mr. Speaker, Sir, I think you have heard what fell from the lips of my hon. friend, the Minister of Parliamentary Affairs just now. Next to the Leader of the House, from that side, the Minister of Parliamentary Affairs is expected, even if he cannot set an example, at least to follow the example set by the leaders, the present leader and the former leaders of the House under whom he had the honour of being the Minister of Parliamentary Affairs. I do not wish to go more into the impropriety of what he has said. I would request him, through you, to withdraw the remarks that he has made.

**Some hon. Members:** No, no.

**Shri Satya Narayan Sinha:** Sir, I will say.....

**Mr. Speaker:** He need not say anything. In this excitement if something is said, even though at that time it may not be so offensive, really at that time it is liable to be taken amiss also. What I understood him to say was. . . . .

**Shri Ranga:** What he said is the most important thing.

**Mr. Speaker:** He only said that if a Member is speaking from this side and he is interrupted and not allowed to proceed with his speech. That is a game where both can play (*Interruption*). Order, order, Why is it that I am not allowed to say what I want to say? It is very strange. Really, I am surprised whether this House wants the proceedings to continue or not. What he wanted to convey was that we have to listen patiently when on one side some hon. Member is making a speech. He should be heard with patience, with restraint, everything that he has to say, though the other side might differ from what he says (*Interruption*). Similarly, he wanted that when Shri Chagla is now making his speech, he should be heard with patience. That was all that he wanted to convey. There should not be any other meaning in that. That is what I heard and what I have understood.

**श्री हुकम चन्द कछवाय (देवास) :**  
उन्होंने एक चैलेंज दिया है जब यह कहा है . . . .

**अध्यक्ष महोदय :** कछवाय साहब को कोई चैलेंज नहीं दे सकता है।

**श्री रामेश्वरानन्द (करनाल) :** मैं यह निवेदन करना चाहता हूँ कि यह जो बात कही गई है बहुत अच्छी कही गई है कि जिस ने फाइल चोरी की है उसको पुलिस को सौंप देना चाहिये। चोरी करना आपके नियम के अनुसार चोरी है। लेकिन जब वे मंत्री पुलिस को नहीं सौंपे जाते हैं

तो बेचारे फाइल देने वाले को क्यों सौंपा जाना चाहिये।

**Shri Ranga:** You are saying, Sir, what you felt, what is your conception of what he must have meant and you say that it would not be so offensive and therefore it need not be taken serious notice of. But he knows what he said. He ought to know what he has said is wrong and that he has set a bad example to.....

**Some hon. Members:** No, no.

**Shri Ranga...** the huge mass of Members who are behind the Prime Minister and the ruling party. Therefore, once again, in all decency,—he stands for decency I hope, and also the Prime Minister—I would say, he would be doing himself credit, and not discredit, if he has the decency and decorum to get up and apologise to this House for having said those words.

**Shri H. N. Mukerjee:** I wish only to say, Sir, that you have been good enough to show a certain kind of indulgence in the case of the Minister of Parliamentary Affairs, possibly because he hardly ever opens his mouth in this House and yet when he speaks he creates trouble. We expect that, the Minister of Parliamentary Affairs, if he does speak, intervenes positively in order to help solution of a situation. We expect that the Leader of the House or the Minister of Parliamentary Affairs, if they intervene in the proceedings at all, when there is an exhibition of temper in the atmosphere try to assuage the feelings in the House.... (*Interruption*).

**Dr. M. S. Aney:** House alone?

**Shri H. N. Mukerjee:** What has happened is that the Minister of Parliamentary Affairs.... (*Interruption*).

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

**Shri H. N. Mukerjee:** I was therefore, only expecting, from decency and out of a sense of propriety the

the Minister to apologise to the House and withdraw the words which he has used.

**Mr. Speaker:** I would appeal to hon. Members that some minimum standards at least must be maintained. I am sorry to note that we are going lower every day. At this moment, this is not the attitude that should be exhibited. We ought to be conscious of the fact that we are being watched not only by those who are present in the galleries but by the whole nation or by the world itself. I said the same words the other day. The House should be mindful of its own reputation that it has so far maintained. I would again request most earnestly the Members that they should be careful in that respect.

**Shri Ranga:** Sir, I would have appreciated very well what you have said just now if you had been good enough to ask the Minister of Parliamentary Affairs whether he would good enough at least to say that he is sorry for having used those words and that he withdraws those words. *(Interruption).*

**Shri Hari Vishnu Kamath:** Sir, I rise to a point of order.

**Mr. Speaker:** I have just heard the hon. Member.

**Shri Hari Vishnu Kamath:** There is another point. In your own ruling, your historic ruling, you have quoted:

"In February 1958 Shri Feroze Gandhi, in the course of his speech referred to certain notes of the Finance Minister to the Principal Finance Secretary. He also quoted from them in his speech. On an objection being raised as to how the hon. Member had got access to these documents, Shri Feroze Gandhi stated, 'If I were to reveal all the sources of my information this enquiry would never have been held. I cannot!'"

Then the Speaker gave the ruling and observed:

"It is not necessary to divulge the source of information. It has been repeatedly held in courts of law that even if a document is obtained by stealth, so long as it is genuine it is admissible in evidence."

The Member then placed the document on the Table of the House. At that time, Sir, none of the Ministers who then adjourned the Treasury Bench had the guts to advise Shri Feroze Gandhi as they are advising me today. Was it because he was closely related to the former Prime Minister.

**Shri C. K. Bhattacharyya:** Let Shri Kamath keep his secret to his soul but let the Hon'ble Minister be allowed to proceed... *(Interruption).*

**Shri Hari Vishnu Kamath:** The whole country knows it.

**Mr. Speaker:** Is that a justification now, or does it preclude the Government now from saying that he must have done this or that, simply because at that time they did not say that?

**Shri Hari Vishnu Kamath:** They are adopting double standards.

**Mr. Speaker:** This is no ground.

**Shri Hari Vishnu Kamath:** That was because he was Feroze Gandhi.

**Shri M. C. Chagla:** I am not asking my hon. friend to divulge the source of information. He can hug to his bosom. All that I am saying is—after all, our ideas differ and our standards differ—what I would have done under the circumstances.

Sir, it is a very serious matter. Orissa, to my mind, is a small company matter. Here is my hon. friend the Defence Minister. There are military secrets. All the time the Opposition is talking of Pakistan spy ring. What is going to happen to our administration.....

**Shri Hari Vishnu Kamath:** He is challenging your ruling again.

**Shri M. C. Chagla:** What is going to happen to our administration if people can be tempted to give our secrets? What is going to happen to our defence?

**Shri Hari Vishnu Kamath:** He is challenging your ruling.

**Mr. Speaker:** Ordar, ordar. Should I stop him from speaking?

**Shri M. C. Chagla:** Sir, appeal to this House, particularly to the members of the opposition, to realise the consequences of what they have done. I think I have said enough on this point.

Let us come to the CBI report itself? The reason why we did not place it on the Table of the House, our refusal to do so, is because as part of the report of the Sub-Committee, it is part of the Cabinet proceedings. And I will tell you exactly what this report is and why it is that we say that it is not in public interest to lay on the table. It is a secret document and is a part of the Cabinet proceedings which cannot be laid on the Table of the House.

This is not an investigation; this is an inquiry... (*laughter*). Please do not laugh. The other day, my hon. friend, Shri Bhupesh Gupta said in the other House that he has looked into the Oxford Dictionary and found there was no difference between inquiry and investigation. I also consult the Oxford Dictionary sometimes and, I am sure my hon. friend, Shri Hiren Mukerjee, the well-known professor of English, also does it. But the book that he should have consulted was not the Oxford Dictionary but the Code of Criminal Procedure. To any one who has an elementary knowledge of law it is clear that what was done by the CBI was not a criminal investigation within not a criminal investigation within the meaning of the Code of Criminal Procedure. Now, let me explain clearly what happened.

**Shri U. M. Trivedi:** What dose the name CBI mean?

**Shri M. C. Chagla:** I will explain everything. It is open to the Cabinet to employ any agency together information. They could have sent the Cabinet Secretary, they could have sent a Joint Secretary of the Home Ministry or any other officer.

**Shri Ranga:** They could have sent some thieves also.

**Shri M. C. Chagla:** Instead of that they availed themselves of the services of the agency of the CBI. But what I want to emphasize is that while CBI were making this inquiry, they were not performing any statutory functions no statutory functions were performed by them either under the Code of Criminal Procedure or under the Delhi Police Act. And I will give you the reasons. What did the CBI do? All that they did was, as they had access to the official documents of the Government of Orissa..

**Shri Surendranath Dwivedy:** A case was registered by them.

**Shri M. C. Chagla:** They did not examine a single witness orally. They did not look at the books of the firms concerned....

**Shri Surendranath Dwivedy:** They were not available.

**Shri M. C. Chagla:** ...either Orissa Agents Kalinga Industries or Kalinga Tubes. The only documents they examined were the documents which were made available to them by the Government of Orissa. They did not ask the Ministers for any explanation. My hon. friend knows that when the police investigates they ask for an explanation from the accused person. Nothing of that nature was done, except analysing what the books of the Orissa Government disclosed. Is it suggested that this is a report of a criminal investigation? My hon. friend, the Home Minister, has been using the word 'inquiry'. I

have got the answers he has given both here and in the other House. He has made a distinction between inquiry and a formal investigation. With great respect, he is perfectly right. All that this body was doing was nothing but an inquiry, to give certain facts to the Sub-Committee; it was not an investigation as is understood in law.

**Shri Hari Vishnu Kamath:** Sir, I rise on a point of order. May I invite your attention to rule 370? The hon. Minister has referred to the CBI and stated what advice they gave and what inquiry they made. Rule 370 explicitly states:

"If, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government by any other person or authority. —and CBI is an agency of Government, as you have held rightly in your ruling—"he shall".

Note the word "shall"; it is mandatory.

"he shall ordinarily lay the relevant document..

**An hon. Member:** The word "ordinarily" is there.....(*Interruptions*).

**Shri Hari Vishnu Kamath:** Sir, why do they shout? Let the Speaker decide it. But why this cacophony? The rule says:

"he...he shall ordinarily lay the relevant document or parts of document containing that opinion or advice or a summary thereof on the Table."

Now, coming to the word "ordinarily" what does it mean? Sir, since you are holding the highest position, you know that it should mean that a particular thing should be done if it is not contrary to the national interest. So, I would implore you to direct the Gov-

ernment to lay it on the Table of the House.

**Mr. Speaker:** Shri Kamath will realise that this is a provision on how the papers are to be laid on the Table of the House. Suppose a Minister has to lay a paper on the Table this rule prescribes the procedure, the manner in which it should be done.

**Shri M. C. Chagla:** Therefore, I I was saying that this particular report which my learned friend flourishes is, at best a one-sided *ex-parte* statement.....

**Shri Ranga:** Question.

**Shri M. C. Chagla:** .....prepared by this agency after investigating the books of the Orissa Government. I am glad that Shri Dwivedy paid a compliment to the CBI.

**Shri Surendranath Dwivedy:** So, he agrees with me.

**Mr. Speaker:** Now we must listen to what the Minister has to say.

**Shri M. C. Chagla:** I was a Judge once and I say this with all the confidence that I possess that I would not hank a dog on the basis of an *ex parte* statement like this. My hon. friend wanted the Sub-Committee to come to the conclusion that the Chief Minister and Shri Patnaik were guilty of misappropriation and all sorts of unmentionable offences on what? On the strength of an *ex parte* statement? But the matter does not end there. My hon. friend does not know the whole history.

**Shri J. B. Kripalani:** We want a commission of inquiry....(*Interruptions*).

**Shri Hari Vishnu Kamath:** What about the Mundhra scandal inquiry?

**Shri M. C. Chagla:** But the matter does not end there. The Sub-Committee did not have merely this report with it.

**Shri J. B. Kripalani:** We are not trying to hang any dog.

**Shri M. C. Chagla:** You are trying to hang a human being.

**Shri Surendranath Dwivedy:** We want a commission of inquiry.

**Shri M. C. Chagla:** But the matter does not end there.

**Shri Surendranath Dwivedy:** It is wrong.

**Mr. Speaker:** I would request the hon. Minister not to mind the interruption and continue his speech.

**Shri M. C. Chagla:** Sir, I am obliged to you.

This was not the only material that the Sub-Committee had. After this, the Sub-Committee examined Shri Patnaik, the Chief Secretary of the Orissa Government and other officers concerned, more documents were produced and their explanations given for the allegations made in this report. And the Opposition has based its whole case solely on this report, without knowing what happened afterwards.

**Shri Hari Vishnu Kamath:** We know all that.

**Shri M. C. Chagla:** How do they know all that?

**Shri Hari Vishnu Kamath:** Let it be laid on the Table of the House if you have the guts.

**Shri Surendranath Dwivedy:** I have those papers with me. If Shri Chagla wants to have a look at them, I am prepared to lay it on the Table of the House.

**Shri M. C. Chagla:** I refuse to look at those documents. *(Interruptions)*

**Shri Hem Barua:** The cat is out of the bag.... *(Interruptions)*

**Mr. Speaker:** So long as I am all attention, the Minister need not mind the interruptions.

**Shri M. C. Chagla:** I will not touch this contaminated document with a bargepole.

The question is, why we did not order an inquiry, why did we not appoint a commission of inquiry. That is the point that has been made. When the Sub-Committee had no difficulty in arriving at a conclusion on the material placed before it when the Sub-Committee was satisfied that *prima facie* a case has been made out against Shri Patnaik and Shri Biren Mitra, where was the necessity for our recommending a commission of inquiry? For what purpose? If we had any doubt on any point, then we would have advise the Prime Minister to do so.

Now, let us distinguish between the Commissions that were appointed in the case of Shri Kairon and in the case of Shri Bakshi.

14.00 hrs.

In the case of Shri Kairon the late Prime Minister felt—I was not a member of the Government; I understand that the late Prime Minister felt that on the material before him there was no *prima facie* case holding Shri Kairon guilty of corruption or impropriety. He wanted an investigation and he had an investigation. In the case of Shri Malaviya, again the late Prime Minister thought that on the material before him he should either consult the Attorney General or an ex-judge of the Supreme Court. In the case of Shri Bakshi, it is the State of Jammu and Kashmir that has appointed the commission. In this case we have no doubt in our mind.

**Shri Surendranath Dwivedy:** You had no facts.

**Shri M. C. Chagla:** I say this with all the strength I possess that we had no doubt that the Chief Minister of



Orissa and Shri Patnaik had behaved in a manner unworthy of a Chief Minister. We have said so. Then what do you want a commission of inquiry for?

**Shri Hari Vishnu Kamath:** Mundhra case.

**Shri Nath Pai:** May I ask him a question?

**Shri Hari Vishnu Kamath:** Command performance.

**Shri M. C. Chagla:** If my hon. friends feel from the documents that they have that the law has been transgressed, if offences have been committed, everybody is equal before the law and I can assure them that people who are guilty will be proceeded against according to the law.

**Shri J. B. Kripalani:** When?

**Shri M. C. Chagla:** But why a commission of inquiry?

**Shri Hari Vishnu Kamath:** Why not?

**Shri Daji:** To find out the extent of the loot.

**Shri Nath Pai:** Mr. Speaker, Shri Chagla has been repeatedly flinging in our face the question: Why a commission of inquiry? Apart from quoting the worthy precedents he set in holding commissions of inquiry, may I draw his attention to the commitment made by the present Prime Minister, Shri Shastri, when he was the Home Minister, and reiterated in this House by Shri Nanda his follower in that office, that they accept *in toto* the recommendations of the Santhanam Commission and the most important of them is the once there is *prima facie* case against a minister, Government shall compel him to resign and immediately institute a public inquiry, not a Cabinet inquiry? Has he read that? Has he accepted that? Is he speaking on behalf of the same Government?

**Shri M. C. Chagla:** No, Sir; as I understand the position, this question might arise if the Chief Minister refused to accept the decision of the Cabinet Sub-Committee and Government..... (*Interruption*).

Why are my hon. friends so impatient? There are two important litigations pending a defamation suit filed by Shri Patnaik in the Patna High Court and a suit filed by Shri Biren Mitra in the Cuttack Court, where these very allegations will be gone into.

**Shri J. B. Kripalani:** He is again referring to them in spite of your ruling.

**Shri M. C. Chagla:** Therefore the whole of this matter can be thrashed out in these courts.

**Mr. Speaker:** If there are any certified copies of those suits or prosecutions that have been filed in those courts, it would be better for me to regulate the debate if I get those copies because then I would be able to see whether some limits are being transgressed and whether any inquiry or those proceedings are being prejudiced.

**Shri M. C. Chagla:** Certainly; I shall immediately see that you get the certified copy of the plaint in both the suits. As I understand, Shri Patnaik has filed a suit of defamation against the *Indian Express* for repeating the same allegations which are now being relied upon by the Opposition.

**Some hon. Members:** No, no.

**Shri Raghunath Singh:** On the same issue.

**Shri M. C. Chagla:** Sir, I refuse to go and discuss the merits of the so-called report to which reference has been made by my hon. friend, Shri Dwivedy, because if I have to do so, it would really come to this that they would compel us to admit the genuineness and the validity of the document.

**Shri Hari Vishnu Kamath:** You do not want to do it.

**Shri M. C. Chagla:** That is the position in which I would not want to put myself.

**Shri Hari Vishnu Kamath:** The big cat is out; a very big cat at that.

**Shri M. C. Chagla:** I must repel one charge which to my mind is a very serious charge, speaking for myself. The language that Shri Dwivedy used was that there was political pressure on this Sub-Committee.

**An hon. Member:** That is a fact.

**Shri M. C. Chagla:** I have lived long enough and I do not understand what political pressure means.

**Shri Hari Vishnu Kamath:** You are not a politician.

**Shri M. C. Chagla:** I have not suffered from it. I was not a politician, I was a member of the Sub-committee; I have signed the report. Sir, I have suffered from many maladies, but I have not suffered from this particular malady which I do not understand and which I cannot diagnose, the malady of political pressures. I do not think that any political pressure can prevent me from giving honest advice to my Prime Minister. I am not concerned with what X said about the report and what Y said about the character of a Chief Minister. The report of the Cabinet Sub-Committee is there; the Prime Minister's statement is there.

**Shri Nath Pal:** That means, it is genuine.

**Shri Hari Vishnu Kamath:** According to Government it is not here; where is it?

**Shri M. C. Chagla:** May I ask this question: If we were submitting ourselves to political pressure, why

did we not give a clean bill to Shri Patnaik and Shri Biren Mitra? Why did we say that they are guilty of impropriety?

**Shri Daji:** You dare not; it was so open.

**Shri Hari Vishnu Kamath:** Sir, on a point of order. He says that the report is there. Where is the report, I want to know.

**Shri M. C. Chagla:** In conclusion, we are at one with the Opposition on maintaining high standards of administration. We are one in eradicating corruption. As I said, this country is saddled with that and this country must put it down if the country is to survive at least spiritually if not physically. But I assure the Opposition that at least in the Orissa affair the Government and our Prime Minister have done all that was necessary.....  
(Interruption).

**Some hon. Members:** Question.

**Shri P. K. Deo:** Mr. Speaker, Sir, at the outset I congratulate you on your momentous and historic ruling on the 26th of last month on my quoting from the CBI report which has not only enhanced your stature but has enhanced the stature and prestige of this House.

14.09 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Sir, I was not here that day. I returned on the 9th of this month and on that very day I placed a copy of the document with the usual certificate of authenticity. I will be utilising that for quoting in my speech.

Sir, last September when a No-confidence Motion was tabled against the three-month old Shastri Government, we the Members of the Swatantra Party, as responsible Members of the Opposition, desisted from supporting that due to obvious reasons, because the Ministry deserved a trial. The Ministry deserved a chance to

acquit themselves well if they could and they had the blessing of the tallest living Indian today, that is, Rajaji. Subsequent events have unfolded a different story and it is the compulsion of conscience and the compulsion of duty that has constrained us to support this motion so ably moved by my hon. friend, Shri Surendranath Dwivedy.

When the Government suppresses facts from the people and Parliament and deliberately misguides the country by stating wrong facts, throws its mantle of protection to give shelter to corrupt partymen, we have no other go but to support this motion.

Sir, I want to quote from the writing of Mahatma Gandhi, the Father of the Nation, in the *Harijan* of the 13th July, 1947. He has said:—

“One cannot reach truth by untruthfulness, truthful conduct alone can reach truth”.

Sir, to err is human, but it is only the bold who admit their mistake and correct their stand.

Sir, I remember that day in 1962 when I pointed out, through you, to the then Prime Minister that he had committed a mistake in his statement and how the gentle colossus, the late lamented Jawaharlal Nehru, came to the House with all the dignity and respect he commanded, how he bowed, before you with all the humility, and he not only corrected the statement but begged apology of the Speaker, the House and the Member for the mistake he committed in his statement. This is the example. It enhanced his stature. But today those who swear by the name of Gandhiji and Pandit Nehru, instead of realising the mistake and trying to correct their stand by appointing a commission of inquiry to find out the truth, fume and fret over official secrets being got at by the Opposition M.Ps. After the cat being out of the bag, it is too late

in the day for Shri Nanda or Mr. Chagla to abandon the formal pretence of the unawareness of the authority of the document. Mr. Dalton resigned for the inadvertent leakage of a report. Mr. Profumo resigned not only from the Ministry but from the House of Commons for having misguided the House on a very trivial matter.

Sir, today I will quote from a document—it is not secret; you need not fear—which says:

“This inquiry would have served no purpose whatever if no lessons could be derived from it. I think, if I may say so without presumption, that the following principles seem to be established . . .

(5) In a Parliamentary form of Government, Parliament must be taken into confidence by the Ministers at the earliest stage and all relevant facts and materials must be placed before it. This would avoid difficulties and embarrassment being caused at a later stage when Parliament gets the necessary information from other sources.”

(Sd.) M. C. Chagla, 10-2-1958, that was Chagla the Judge on the enquiry on L.I.C., and today he is Chagla the Minister. Has he got the guts to say that he will send his policeman to arrest Chagla the Judge now? We all knew that the intention had been to shelter the truth. The later inclusion of a legal luminary like Mr. Chagla in the Cabinet Subcommittee created doubts in our mind if the intention was *mala fide*, the intention was to hoodwink the people. It has created a genuine doubt in our mind that they will present the country with a very bitter pill to swallow and that bitter pill has come.

Nandaji's broadcast to the nation on *Sadachar* of 7th May, 1964 and his

[Shri P. K. Deo]

pledge to the nation that he will resign if he fails to stop corruption within two years prompted us and we submitted a memorial. The Orissa case is the acid test of his sincerity and of his *Sadachar*. We ~~just~~ asked for a commission of inquiry. We never wanted that they will sit over and give the judgment. There was abundance of evidence and no lack of precedents and there was the compulsion of the public interest which compelled us to submit a memorial to the President for setting up a commission of inquiry. Many impediments were raised on the way. As has been pointed out by Mr. S. S. More, as soon as this thing leaked out, Shri Biju Patnaik filed some case in the Calcutta High Court for damages worth a crore of rupees. He will not dare to file such a case in any other Court because there he would have to pay an *ad-valerum* court fee worth about lakhs of rupees. He selected the Calcutta High Court because by paying only Rs. 20 he could file a suit for damages worth a crore of rupees a special feature of Calcutta High Court. That he did to put an impediment and to take the plea that the matter is *sub judice* and cannot be discussed and no commission of enquiry can be held. The matter was then referred to Mr. Sanyal, the Solicitor General, for his legal opinion and he gave an opinion that a commission of inquiry could be instituted. He was murdered two days after.

**Shri Ranga:** We do not know who did it.

**Shri P. K. Deo:** Instead of setting up a commission of inquiry, why the executive arrogated the power of a judge and sat in judgment over the doings of their partymen—that is the explanation we need. These self-styled judges could not be insulated against the party pressure and would not free themselves from the corrupt influence of the syndicate. Now, a bogey has been raised over the investigation. My friend Mr. Dwivedy has quoted the date of the order on which

the case was instituted and the order was given to start investigation on those very cases. In the beginning, Mr. Biju Patnaik suggested that the C.B.I. may be sent to Orissa to give their comments. But in the course of investigation, when they knew how the wind was blowing, they started another bogey and another pressure, that is, the little A.I.C.C. at Ranchi, saying that the State Ministers are not Central Government employees and so the C.B.I. has nothing to do with the State Ministers. If we go by the Santhanam Committee Report, the Santhanam Committee categorically stated that the State Ministers have no better status than the public men. After all, they are paid by the public and they have to bind themselves to a certain code and to a certain discipline. If it would have been in the U.S.A., it would have been a Federal concern and it would have been investigated by the F.B.I.

Here, the Cabinet Sub-Committee started exonerating all those Ministers against whom there were charges. How the independence of an eminent judge like Mr. Chagla got bogged in the morass of Party interest could easily be seen from his speech, from his performance, that he gave just before me. The complainants are not given a chance even to substantiate their charges. When we found there was conflict of public duty and party embarrassment, the narrow vision of immediate party interest always dominated in those who sat over the judgment. I congratulate the C.B.I. for their devotion to duty. Though the C.B.I. was not permitted to make a full investigation and the files were not made available to them, still the C.B.I. has revealed that it is not just a deal here and there but it is a systematic pattern of operation in which public funds were recklessly diverted to serve the party ends by tampering with official files, fraud, cheating, abuse of authority for personal gains, favouritism and causing colossal loss

to the public exchequer of Orissa to the tune of nearly a crore of rupees.

Sir, if you will go through all those papers, you will see that the entire conspiracy was hatched on the 17th November, 1961—that is the memorable day. You will find that on that day, the circular of the coalition Ministry which said that whatever purchase will be made could only be made through the good offices of the D.G.S. & D. was scrapped and a new circular was issued by the Patnaik Ministry that the Orissa Agents should be patronised. We knew from the papers how the Orissa Agents supplied tubes to the Orissa Government at a much higher price than the rate quoted even in their price-list or even at the rate at which they supplied to the Central Government or to other private parties. On the same day, that is, 17th November, 1961, the Chief Secretary, Mr. Sivaraman, at the instance of Mr. Biju Patnaik, writes to the Neyveli Corporation to release Mr. Srinivasan against whom some cases were pending with the Special Police Establishment at Madras. There was no advertisement for the post. The appointment was never processed through the Public Service Commission. This man was appointed on a fantastic pay and just to show favours to Mr. Biju Patnaik, he was appointed as Chief Engineer in Paradip Port and within five days of his appointment he placed an order for Rs. 16 lakhs worth of tubular structures of which immediately Rs. 14 lakhs were paid as advance, and uptill now the tubular structure are lying in the premises of the Kalinga Industries, because later on it was found that tubular structures will not be usable in the saline climate, that is, in the port area. A paper in the meantime has been circulated, a cyclostyled, unnamed paper, as a means of defence to defend the various sordid transactions that they had indulged in, and there it is mentioned that all these advances used to be paid during the period of the Coalition Ministry. It is all false. If anybody brought to

light this sordid state of affairs, it was the Coalition Ministry, and it was Shri Raj Ballab Mishra, the Ganatantra Parishad Minister for Tribal and Rural Welfare Department, who pointed out this mistake and immediately stopped it, and that was how the quarrel started between the two partners in the Coalition Ministry. And Shri Biju Patnaik who then claimed to be the architect of the Coalition plunged headlong in ousting the Coalition Ministry and in purchasing MLA's and in trying to have a group of his own, and ultimately he was successful in his game.

The Cabinet Sub-Committee had recorded its profound concern at the picture emerging as a whole from the series of such individual transactions in many fields of activity of the State Government, of improper use of authority by the leaders of the Government, but to our surprise, they came to the conclusion that:

“On all fairness, their examination of the material available did not reveal that in various transactions in which Mr. Patnaik was concerned, he had personally derived any pecuniary benefits.”.

They are all honourable men. Shri Lal Bahadur Shastri went a step further and while summing the conclusion of the Cabinet Sub-Committee offered a similar clean chit to Shri Biren Mitra also. Let him explain to the country the basis for this finding of his.

There has been a unanimous demand from this side that nothing short of a commission of inquiry is going to satisfy us. That is the demand made by the leading papers of our country too. In this regard, I would like to quote from the leader of the *Hindustan Times*. It says:

“Was this conclusion arrived at in good faith? Could any reasonable group of men acting with high attachment to standards of

[Shri P. K. Deo]

integrity in public life have reached a similar conclusion? On the material which is now fortunately available to a wider panel of judgment than the Cabinet Subcommittee constituted, the answer must be 'No', must be unqualified 'No'".

Then, The *Statesman* has written, the same thing. It wants to know "whether the CBI's findings are accurate, and if so, why the Cabinet Sub-Committee so lightly dismissed the charges as mere improprieties and asks what Government and the ruling party propose to do now." It further observes:

"If big men can shelter behind technicalities, so can lesser men."

Not a single newspaper in this country has supported the action of Government. We still feel that to support these blueeyed boys of the Congress, all along an attempt has been made to shelter them by throwing the mantle of protection or by quoting some technicalities or things like that.

Right from the beginning, when the question of Army goods meant for dropping in the NEFA area being sold in blackmarket in Calcutta was raised in this House, ever since the question of amassment of huge assets in the foreign banks contravening the foreign exchange regulations was raised in this House, and lastly in 1960 when Shri Lal Bahadur Shastri was the Minister of Commerce and Industry, I had brought to light several charges of *mala fide* action of Shri B. Patnaik & Co., the managing agent of Orissa Textile Mills, prejudicial to public interest and to the shareholders' interest, and demanded an investigation into the affairs of the Orissa Textile Mills under section 15 of the Industries Development and Regulation Act, and suggested that the management should be taken over under section 18A of the same Act, as in the case of the British India Corporation. Shri Lal Bahadur Shastri threw his

usual mantle of protection, and so, that support or that protection has started right from the beginning. Even on that occasion, the Members of Parliament from my State, headed by no less a person than Shri Bishwanath Das, the present Governor of U.P., went on a deputation to Shri Lal Bahadur Shastri and asked him to take steps against Shri B. Patnaik, but nothing happened.

The CBI has given to the country the worst picture of chicanery and sordidness in public life in the country in all the years since Independence. We have been demanding a commission of inquiry. Shri B. Patnaik and his friends are also not satisfied with the decision of the Cabinet Sub-Committee and the Prime Minister's decision. A persistent demand has been made in the Orissa Legislative Assembly that there should be a commission of inquiry. Even Congress Members like Shri Pabitra Pradhan and Shri Surendra Patnaik, and other Congress MLA's have demanded a commission of inquiry. I cannot understand how in these circumstances our Government are fighting shy of a commission of inquiry. If still there is time and if Government's intention is to salvage their reputation, if their intention is to retrieve the reputation, then instead of defending the action obstinately, I suggest that they should retrace their steps and revive the proposal for setting up a commission of inquiry under the Commissions of Inquiry Act, 1952.

In this regard, I would like to point out the sorry state of affairs in Bihar, and in your State Sir, namely Mysore as well. In Mysore, even though 30 MLA's and two MP's have sent a memorial, and this has been further supported by 11 Congress MLA's, up till now, no action has been taken. In this case also, an inquiry was conducted in secret, and the Prime Minister gave a clean chit. In the case of Bihar also, the same thing has been

repeated, I do not know, with what motive.

So, in conclusion, I beg to submit, that if truth has to prevail in this country, if the motto which has been written so boldly in the coat-of-arms in this country, namely '*Satyameva Jayate*' is to survive, then a commission of inquiry is the only imperative; otherwise, I suggest that the motto may be changed from '*Satyameva Jayate*' to '*Arthameva Jayate*'.

श्री भागवत झा आज़ाद (भागलपुर) :  
उपाध्यक्ष महोदय, विरोधी दल ने अविश्वास का प्रस्ताव पेश करते हुए यह कहा कि प्रजातंत्र के ऊंचे आदर्श और सिद्धान्त गिरते नज़र आ रहे हैं, खाद्य स्थिति बहुत खराब हो गई है, मध्य-वर्गीय जनता को बहुत कष्ट है, शासन में ऊंचे आदर्श नहीं रहे हैं,— उन्होंने मद्रास की स्थिति का भी वर्णन किया—, संकट-कालीन स्थिति का कोई अर्थ नहीं है, सरकार की नीतियों में एक बहाव, जिस को डिफ्ट कहते हैं, नज़र आ रहा है और मंत्रि-मंडल में साहस, उत्साह और एकता की कमी है। लेकिन वास्तव में इन तमाम बातों को कहने के पीछे उन के दिमाग में सिर्फ एक ही बात—उड़ीसा की बात—है। उन्होंने यह नहीं बताया कि समाजवाद और प्रजातंत्र के ऊंचे आदर्श किस प्रकार गिर रहे हैं। न ही उन्होंने यह बताया कि उन्होंने जो सात, आठ चांजिज मिनिस्ट्री के खिलाफ लगाये हैं, वे किस प्रकार सिद्ध हुए। जैसा कि मैंने कहा है, उनके दिमाग में सिर्फ एक ही बात है—उड़ीसा की बात। इस मोशन को चलाने वाले सिर्फ उड़ीसा के वह राजा साहब हैं जो जा रहे हैं, और दूसरे भी श्री सुरेन्द्रनाथ द्विवेदी हैं। जैसा कि स्वभावतः हर जगह होता है, उड़ीसा में उन का अपना पुराना बैर है और जब वहां कुछ नहीं हो सका, तो वे संसद में आ गए। लेकिन मैं चाहता

हूँ कि जो संक्षिप्त समय मुझे दिया गया है, उस में मैं दो तीन बातों पर प्रकाश डालूँ।

पहली बात तो इन लोगों ने यह कही है कि कमोशन क्यों नहीं बहाल किया जाता है। दूसरी बात यह कही है कि कैबिनेट सब-कमेटी ने जो अपनी रिपोर्ट दी है वह रिपोर्ट बहुत ही कम है और जो चांजिज पटनायक और बिरेन मित्र के खिलाफ थे उन पर आंक कर के इन्होंने ली। पोती की है। इन बातों को ले कर उन्होंने अविश्वास के प्रस्ताव को यहां रखा है। मैं कहना चाहता हूँ कि आज तक दुनिया के किसी भाग में भी इस तरह की बातों को ले कर सरकार के खिलाफ अविश्वास का प्रस्ताव पेश नहीं हुआ है। यह सब कैमोफलाज है। बात सिर्फ एक ही थी। इनका कहना है कि जितनी भी डीलींग हुई उनमें, सबमें, पैसे बनाये गये हैं। उपाध्यक्ष महोदय, मुझे दुःख है कि आप मुझे उतना वक्त नहीं देंगे जितना वक्त कि आपने औरों को दिया है वर्ना मैं एक-एक चार्ज का जबाब देता जो मुख्य मुख्य बातें कही गई हैं, वे हैं कालिगा ट्यूब के बारे में, ट्यूबलर स्ट्रक्चर के बारे में और 17 नवम्बर को जो सक्च्यूलर जारी हुआ है, उसके बारे में।

जिस सी० बी० आई० रिपोर्ट का, जिस पुलिस रिपोर्ट का जिक्र किया जा रहा है वह पुलिस इनके लिए अब तक घुणा के कार्डिल थी लेकिन आज वही पुलिस इनके लिए एक बाइबल बन गई है। उस रिपोर्ट के आधार पर यह सिद्ध किया जा सकता है कि ये तमाम चांजिज गलत हैं।

कालिगा ट्यूब की ये बातें करते हैं। इस सम्बंध में मैं दो तीन बातों पर प्रकाश डालूंगा। मैं यह सिद्ध करने का प्रयत्न करूंगा कि किस प्रकार यह सारी बात गलत है

[श्री भागवत झा आजाद]

100 कुएं खोदने थे । 36 फर्माँ से टेंडर मंगाये गये । 36 फर्माँ में दस फर्माँ ने टेंडर दिये । दुर्भाग्य से या सौभाग्य से बिरेन मित्र के या वहाँ की जनता के, उनकी पत्नी का जिस फर्म में शेरर था उसका सब से नीचा टेंडर निकला, उड़ीसा एजेंट्स का सबसे लोएस्ट टेंडर निकला । मैं चाहता हूँ कि सदन इस बात पर गौर कर के अगर इस टेंडर को छोड़कर ऊपर वाले को टेंडर दिया जाता तो क्या यह सही नहीं है कि उड़ीसा सरकार को आठ लाख रुपये का घाटा होता ? तब कौन सी ऐसी बात की गई जो गलत की गई । सरकार यह भी बताये कि क्या इनके डिपार्टमेंट में एक मामूली एग्जैक्टिव इंजीनियर पांच लाख तक का कांट्रैक्ट सिर्फ चार कोटेशंज्र मंगा कर के नहीं दे सकता है । सरकार यह भी बतलाने की कृपा करे कि इनका चीफ इंजीनियर अपने विभाग के लिए पचास लाख का कांट्रैक्ट सिर्फ चार टेंडर आमंत्रित करके नहीं दे सकता है । अब अगर यह सही है तो अगर उड़ीसा सरकार ने 36 टेंडर मंगाये और उनमें से लोएस्ट कोटेशन जिसकी थी, उसको कांट्रैक्ट दिया तो उसने क्या कोई बेजाब्तगी की ? उड़ीसा सरकार ने क्या ऐसा करके लाखों रुपया नहीं कमाया ? क्या यह सही नहीं है कि उड़ीसा सरकार ने सरकार को कोई घाटा नहीं होने दिया ? लेकिन चूँकि कबिनेट सब-कमेटी ने यह कहा है कि इस में इम्प्रोप्राइटी हुई है और वह इम्प्रोप्राइटी यह हुई कि दुर्भाग्य से यह वही फर्म निकली जिसमें उड़ीसा के मुख्य मंत्री श्री बिरेन मित्र की पत्नी का शेरर था, इस वास्ते उनको इस्तीफा दे देना चाहिये और उन्होंने इस्तीफा दे दिया । अगर किसी मंत्री की पत्नी भीख मांगे तो यह भी खराब और अगर किसी मंत्री की पत्नी अच्छा काम करे, ईमानदारी से सरकार को लाभ पहुंचाये तो हमारे अपोजीशन वालों की नज़रों में यह भी खराब ।

Shri Ravindra Varma (Thiruvella):  
Caesar's wife.

श्री भागवत झा आजाद : मुसीबत यही है कि तब यही प्रश्न उठता है कि सेजर्ज वाइफ मस्ट बी एवव ससपिशन ।

इसलिए जब इस फर्म ने सरकार को फायदा कराया, कम पैसे में सामान दिया तो इस में क्या गुनाह किया ? लेकिन चूँकि इसमें मुख्य मंत्री की पत्नी थी, इसलिए कैबिनेट ने कहा कि यह एडमिनिस्ट्रेशन इम्प्रोप्राइटी है, इसलिए उन्होंने इस्तीफा दे दिया । इसलिए, उपाध्यक्ष महोदय, कांग्रेस पार्टी यह कह सकती है कि ऐसी एडमिनिस्ट्रेटिव इम्प्रोप्राइटी पर उसने अपने एक प्रदेश के मुख्य मंत्री से यह कहा कि तुम इस्तीफा दे दो, तुम हट जाओ । ऐसा कह कर कांग्रेस पार्टी ने और खुद उस मुख्य मंत्री ने क्या एक आदर्श उपस्थित नहीं किया । यह कह कर कि यद्यपि सरकार को कोई घाटा नहीं हुआ है, यद्यपि इस में उड़ीसा ने रुपया कमाया है, यद्यपि मुख्य मंत्री ने कोई रुपया इस में नहीं कमाया है, यद्यपि इस फर्म ने कम से कम कीमत पर सामान सरकार को दिया है, तो भी जब कहा गया कि इसमें इम्प्रोप्राइटी हुई है, तो क्या उच्च आदर्श उपस्थित नहीं किया गया है ?

आप विचार करें कि कलकत्ता में इसी फर्म के ये ट्यूबज हाट केक्स की तरह से बिकते हैं, हिन्दुस्तान स्टील को और दूसरी स्टील प्राजेक्ट्स को इनको दुगने दामों पर दिया जा रहा था लेकिन यही ट्यूबज, यही मैटीरियल इस फर्म ने उड़ीसा को सब से कम दाम पर दिया तो क्या कोई बहुत बड़ा जुल्म किया । चूँकि इस फर्म को चलाने वालों में एक मुख्य मंत्री की पत्नी थी जिनका सौ में दस शेरर था, जिसका दस परसेंट शेरर था, तो क्या इसमें मुख्य मंत्री का कोई कसूर हो गया ? अगर ये विरोधी इस बात को साबित कर देते कि इस फर्म को यह देकर उड़ीसा सरकार को



घाटा हुआ, अगर ये यह साबित कर देते कि इन्होंने एक गलत रूप में टेंडर दिया, जो एस्ट किसी और का था लेकिन उसको नहीं दिया गया और उपर वाले को दे दिया गया, सब तो कोई बात थी लेकिनस वाल शो राजनीति का है। चूंकि इसको उठाने वाले मेम्बर पटनायक के हाथों बार बार मात खाते रहे हैं, इसलिए वे यही यहां कहते रहते हैं कि इसमें बड़ी गलती हुई है और ये बड़े गलत आदमी हैं।

इन्होंने दूसरी बात पारादीप पोर्ट के सम्बन्ध में कही है जहां पर कि ट्यूबलर ट्रसिस पटनायक की उस फर्म ने दी जिस फर्म में कि उनके कुछ हिस्से थे। यह कांटेक्ट किस ने किया? 1959-60 में श्री आर० एन० सिंह देव ने दिया जो उस समय वहां पर वित्त मंत्री थे, उद्योग मंत्री थे और उन्होंने सम्पूर्ण देश की सारी कोटेशन देख कर के यह दिया, सब कुछ देखने के बाद वह इस नतीजे पर पहुंचे कि हम इस फर्म को अगर कांटेक्ट दें तो हमें फायदा होगा। वह कोई कांग्रेसी नहीं थे। वे आपके ही एक मेम्बर थे। और कोई नहीं थे। उस समय मेहताव साहब वहां के मुख्य मंत्री थे। लेकिन कांटेक्ट श्री आर० एन० सिंह देव ने जो उस समय वित्त मंत्री थे, सप्लाई मंत्री थे, दिया। यह इसलिए दिया कि उससे उड़ीसा गवर्नमेंट को फायदा होता था। लेकिन हमारे अपोजीशन वाले तो सिर्फ इसी बात को देखते हैं कि उस फर्म से पटनायक साहब का सम्बन्ध था। वे यह भूल जाते हैं कि इस फर्म ने उड़ीसा की सरकार को फायदा पहुंचाया। यद्यपि उस फर्म को यह कांटेक्ट दिया गया जिस फर्म के दाम सबसे कम थे, यद्यपि उस फर्म को यह दिया गया जिसने उड़ीसा को फायदा पहुंचाया लेकिन फिर भी चूंकि इस में एक मिनिस्टर का थोड़ा सा शेयर था इसलिए एडमिनिस्ट्रेटिव इम्प्रोप्रायटी कह कर उनको हटा दिया गया। यद्यपि इस में कोई फाइनेंशल लास नहीं हुआ, कोई बंगालिंग नहीं हुई बल्कि उल्टे उड़ीसा गवर्नमेंट को फाइनेंशल गेन

हुआ लेकिन इसके बावजूद भी कैबिनेट सब-कमेटी ने कहा कि चूंकि तुम्हारा इस में पांच परसेंट शेयर था, इसलिए तुमने एडमिनिस्ट्रेटिव इम्प्रोप्रायटी की इसलिए तुम हट जाओ। ऐसा करके कांग्रेस सरकार ने और कांग्रेस पार्टी ने वहां के मुख्य मंत्री को हटा कर क्या प्रजातंत्र का एक उच्च आदर्श उपस्थित नहीं किया देश के सामने। ये जो उधर बैठे हुए हैं क्या ये ऐसा ऊंचा आदर्श उपस्थित कर पाते? ये स्थापित नहीं कर पाते।

एक बात उन्होंने पारादीप पोर्ट के काम के सम्बन्ध में कही है। मैं यह कहना चाहता हूं कि विश्व बैंक ने, वर्ल्ड बैंक ने और प्लानिंग कमिशन के वाइस चेयरमैन ने स्पष्ट शब्दों में कहा कि जो काम किया गया है वह काम सम्पूर्ण हिन्दुस्तान की प्राजैक्ट्स में अग्रेष्ठा इसलिए है कि बहुत कम समय में और अच्छे दामों में किया गया है। मैं किस की बात मानूं? इनकी बातों को मानूं या विश्व बैंक और वाइस चेयरमैन जो प्लानिंग कमिशन के हैं, उनकी बात को मानूं। स्वतंत्र पार्टी तो विश्व बैंक को पूजती है उस पर तो इसकी बड़ी आस्था है। क्या उसकी बात को न माना जाए और इनकी बात को माना जाए? उसने कहा है कि बहुत अच्छा काम हुआ है। इसमें राजनीति का प्रश्न है जिस पर मैं अन्त में आजंगा।

तीसरी बात उन्होंने उड़ीसा टैक्स-टाइलज के सम्बन्ध में कही है। मैं चाहता हूं कि माननीय सदस्य इस पर भां विचार करें। उड़ीसा टैक्सटाइलज के एक मेनेजिंग डायरेक्टर पटनायक थे। इसके विहाफ पर जमीन मांगी गई और सरकार ने जमीन एक्वायर की। इस में व्यक्तिगत जमीन भी थी और सरकारी जमीन भी थी। निजी जमीन के लिए एक सौ रुपया प्रति एकड़ के हिसाब से कम्पेंसेशन दिया गया। जनता को एक सौ रुपया प्रति एकड़ के हिसाब से मुभावजा दिया गया। जब सरकारी जमीन का प्रश्न

[श्री भागवत झा आज़ाद]

आया तो सरकार ने कहा कि हम चार सौ रुपया प्रति एकड़ के हिसाब से लेंगे । मैं पूछना चाहता हूँ इन्हीं माननीय सदस्यों से कि क्या यह न्याय की बात थी कि सरकारी जमीन के लिए तो चार सौ रुपया दिया जाए और जनता से जो जमीन ली गई थी उसके लिए एक सौ रुपये दिया जाए ? अगर श्री पटनायक ने मुख्य मंत्री होने के नाते यह कहा कि अगर जनता को एक सौ रुपया प्रति एकड़ मिले तो मैं सरकार की जमीन के लिए चार सौ रुपया प्रति एकड़ कैसे दे सकता हूँ तो यह क्या कोई बुरा बात हुई या एक आदर्श स्थापित किया गया ? प्रश्न स्पष्ट है । उन्होंने यह कह कर कि अगर जनता को एक सौ रुपया प्रति एकड़ मिले हैं तो सरकार की जमीन का भी एक सौ रुपया प्रति एकड़ लिया जाना चाहिये । एक आदर्श रखा है । जो न्यायोचित बात है, वह भी इनके सामने कोई मूल्य नहीं रखती है । सतरह वर्षों में ये सरकार तो बना नहीं पाये हैं । इनकी लालसा रही है ट्रेजरी बैंकों पर बैठने की । कोई भी लकड़ी इनको मिल जाए लगते हैं धुक, धुक करने । ये धुक धुक करते रहते हैं । एनी स्टिक इन देशर हैड इज गूड एनफ । इनको कुछ भी मिल जाना चाहिये । अगर एक प्रदेश के मुख्य मंत्री ने इतना बड़ा आदर्श उपस्थित किया तो यह आदर्श भी इनके लिए गलत हो गया ।

चौथी और सब से इम्पोर्टेंट बात इन्होंने सर्कुलर के सम्बन्ध में कहीं है । इस पर इतना हल्ला देश में क्यों मचाया गया है ? हल्ला इसलिये हुआ है कि आज तक उड़ीसा में वहाँ के जो लोकल डीलर्स हैं उनको छः परसेंट ज्यादा सेल्स टैक्स देना पड़ता है । उड़ीसा एक पिछड़ा हुआ प्रदेश है । उसका सारा सामान उसके उद्योगों के लिए सारी चीज कलकत्ता से आती हैं । आज तक कलकत्ता के बड़े बड़े पूंजीपतियों ने बड़े बड़े मिल आलियों ने उड़ीसा का शोषण किया है ।

जब पटनायक मुख्य मंत्री हुए, तब उन्होंने इस सम्बन्ध में जो श्री पी० सी० सेन का पत्र प्रधान मंत्री को भेजा कि यह जो हमारे सामने पंचायत की परिभाषा है, जो रूरल इंडस्ट्रिय-लाइजेशन अर्थात् देहातों का औद्योगीकरण, है, इन प्रश्नों को सामने रख कर जो डिस्क्रिमिनेशन उड़ीसा के डीलर्स के साक्ष होता है कलकत्ता के बड़े बड़े पूंजीपतियों और उद्योगपतियों के मुकाबले में उस को कम करना चाहिये । इसी डिस्क्रिमिनेशन को कम करने के लिये पटनायक ने यह सकुलर निकाला और कहा कि उड़ीसा गवर्नमेंट इस डिसएड-वान्टेज को हटा देगी । यह सर्कुलर है जिस पर आज इतना हल्ला हो रहा है । कहा गया कि इस सर्कुलर का अर्थ यह था कि जो एडवान्टेज है वह बहुत दूर तक मिलेगा, उस की कोई सीमा नहीं थी । अगर यह इस का इंटरप्रेटेशन था तो उड़ीसा सरकार ने पांच महीनों के अन्दर उस को वापस ले लिया । असल बात यह है कि इस देश की कहलाने वाली जो चौथी स्टेट है वह एक प्रेजुडिस्ड स्टेट है । उन के बड़े बड़े अखबार, स्टेट्समैन, इंडियन एक्सप्रेस हिन्दुस्तान टाइम्स आदि आज सारे के सारे पूंजीपतियों के द्वारा चलाये जाते हैं । जिस बात में कंसेशन उड़ीसा के मुख्य मंत्री ने दिया उस के कारण कलकत्ते में उस वक्त बड़ा हल्ला हुआ । इन सारे अखबारों ने बड़े जोर शोर से लिखना शुरू कर दिया । (Interruption).

श्री उ० मू० त्रिवेदी : 98 लाख रुपया मिला कांग्रेस को बिड़ला से, टाटा से, गायनका से ।

श्री भागवत झा आज़ाद : प्रसन्नता की बात यह है कि त्रिवेदी कहते हैं कि उन्हें भी मिले ।

श्री उ० मू० त्रिवेदी : मैं कहता हूँ कि 98 लाख रुपये कांग्रेस वालों को मिले पैसे वालों से ।

श्री भागवत झा आजाद : बड़ी कृपा की जो यह बात कही। सारे अखबार जो पूंजी-पतियों के हैं, हिन्दुस्तान टाइम्स देखिये, इंडियन एक्सप्रेस, देखिये, और आज जो स्टेट्समैन भी दादा के हाथ में है, सारे अंग्रेजी के अखबारों ने एक तरफ से हल्ला करना शुरू कर दिया। श्रीमान्, सिंह देव ने कहा कि देश के सारे अखबारों ने खिलाफ लिखा। अगर अखबारों की ओपीनियन को मान लिया जाये तो कांग्रेस पार्टी दूसरे एलेक्शन में हार गई होती। अगर उन की ओपीनियन सही होती तो हमारे महामान्य नेता पंडित जवाहरलाल नेहरू, इस देश में आजादी को लाने वाले, इस देश में समाजवाद की नींव को स्थिर करने वाले, इस देश को एक नई राह दिखाने वाले पंडित जवाहरलाल नेहरू जैसे वालों की नजर में, अखबारों की नजर में रहते ही नहीं। एक बार इसी सम्बन्ध में हमारे भूतपूर्व प्रधान मंत्री स्वर्गीय जवाहरलाल नेहरू ने कहा था कि अगर इन अखबारवालों की बात मान ली जाये तो हम कब के एलेक्शन में हार गये होते और कभी भी इस देश में हमारी सरकार न बनती। इन अखबारों का हवाला हम क्या दें। चूंकि उन की इंडस्ट्रीज पर प्रभाव पड़ता था इस लिये उन्होंने बम्बई, कलकत्ता और मद्रास में हल्ला किया।

इस प्रकार से चार प्वाइंट्स मैं ने आपकी सेब में रखे। कालिंगा ट्यूब, उस के बाद उड़ीसा एजेन्ट्स और उनका सर्कुलर और उस के बाद कालिंगा टक्स्टाइल्स। आज सदन में बतलाया जाये कि इन बावों में सरकार की फैक्चुअल मिस्टेक कहां है, इस में गलती कहां है, अगर कैबिनेट सब कमेटी ने इन तमाम चीजों को देखा। हमारे इन माननीय बन्धुओं को आज सी०पी० आई० पर बड़ा भरोसा हो गया है। लेकिन वे होशियार रहें। अगर किसी दिन सी० बी० आई० रिपोर्ट इन लोगों के खिलाफ गई तो उस समय वह कहेंगे कि यह पुलिस रिपोर्ट है। यह लोग जिस पुलिस की शिकायत करते अघाते नहीं

हैं उसी पुलिस की रिपोर्ट के बल पर कहते हैं कि एक प्रदेश के मुख्य मंत्री को कांडम किया जाये। लेकिन फिर भी कांग्रेस पार्टी ने, कैबिनेट सब कमेटी ने, इस देश में एक ऊंचा आदर्श रक्खा कि यद्यपि इन तमाम चीजों में कहीं कोई बित्तीय गबन नहीं था और कोई बेईमानी की बात नहीं थी, कोई डिफालकेशन नहीं थे, लेकिन किसी न किसी रूप में चूंकि हमारे भूतपूर्व मुख्य मंत्री पटनायक और उस समय के मंत्री श्री बीरेन मित्र सम्बन्धित थे इसलिये उन्होंने कहा कि हालांकि तुम ने कोई बेईमानी नहीं की, तुम ने सरकार का फायदा करवाया, लेकिन तुम स्वयं उस में थे इस लिये ऐडमिनिस्ट्रेटिव इम्प्रोप्रायटी हुई और तुम स्थान छोड़ दो। हम गौरव के साथ कह सकते हैं कि कांग्रेस पार्टी ने इस देश में एक नया आदर्श रक्खा।

मैं बतलाना चाहता हूं कि इस में आखिर बात क्या हुई है। सारा झगड़ा राजनीति का है, उड़ीसा की राजनीति का। उड़ीसा में आजादी आने के बाद कभी कांग्रेस सरकार नहीं बनी। वहां पटनायक ने एक ग्राम चुनौती दी चुनाव के पहले कि मैं उड़ीसा असेम्बली में 80 सीटें लूंगा। और पटनायक ने कोई 84 सीटें जीतकर कांग्रेस की प्रथम सरकार उड़ीसा में बनाई। वह माननीय सदस्य लोग फेल कर गये। पहली बार आर० एन० सिंह देव और वहां के राजा लोगों की पार्टी आबलिवियन में चली गई। सुनते हैं कि आज पटनायक फिर कहते हैं कि हम अगली बार 100 सीटें लेंगे, बल्कि 111 सीटें लेंगे। इन माननीय सदस्यों ने जो झगड़ा उठाया है वह उड़ीसा की राजनीति का है। वहां यह डट नहीं सके। अगर पटनायक ने कोई डिफालकेशन किया है तो इंडियन एक्सप्रेस में लेख निकला है कि उन्होंने कलकत्ता हाई कोर्ट में डीमेज सूट फाइल किया है। मुझे बड़ी प्रसन्नता होगी अगर अपोजीशन मेम्बर्स सी० बी० आई० की रिपोर्ट अपने डिफेन्स के लिये पेश करें। मैं उन के सामने नतमस्तक

[श्री भागवत झा आजाद]

हो जाऊंगा जो लोग यह कह रहे थे कि कैबिनेट सब कमेटी ने गलत फैसला दिया।

इसलिये मैं कहूंगा कि यह जो अविश्वास प्रस्ताव आया है वह छोटी छोटी व्यक्तिगत दलबन्दी के कारण आया है। जिस समय श्री सुरेन्द्रनाथ द्विवेदी जी अपना प्रस्ताव मूव कर रहे थे उन्होंने यह नहीं कहा कि हम किस प्रकार ऊंचे आदर्श से आगे बढ़े, उन्होंने यह नहीं कहा कि ख़ास स्थिति इतनी भयंकर थी, और मैं नहीं कहता कि वह अब आसान हो गई है, लेकिन पहले से सुधरी हुई है। उन्होंने यह नहीं कहा कि किस प्रकार से शासन व्यवस्था में सुधार होना चाहिये। उन्होंने सिर्फ एक बात कही कि कैंट इज आउट आफ दि बैंग। बैंग भी उनका, कैंट भी उनकी। उड़ीसा की राजनीति वाली कैंट उन के बैंग में घुसी हुई थी, और अब वह निकल कर भाग गई। मैं कहना चाहता हूँ कि यह अविश्वास प्रस्ताव बिल्कुल निराधार, गलत और अनुत्तरदायित्वपूर्ण है। उस में कोई उत्तरदायित्व नहीं है, और इस अविश्वास प्रस्ताव को हम मान नहीं सकते। उन्होंने जो प्रस्ताव रखा है उस से स्पष्ट मालूम होता है, कि हिन्दुस्तान में विरोधी पार्टियाँ आदर्श में विश्वास नहीं रखती। सिर्फ छोटी छोटी बातों के ऊपर सरकार पर प्रहार करना ही उन का पेशा है। वह यह जानती हैं कि अगली बार फिर आने वाले चुनावों में उन को कांग्रेस से मुँह की खानी पड़ेगी लेकिन वह सोचती है कि कुछ न कुछ हल्ला गूँला छोटे बच्चों की तरह जरूर करना ही चाहिये। इसीलिये वह ऐसा करती है लेकिन उन के प्रस्ताव के पीछे कोई आधार नहीं है। अस्तु, मेरा विश्वास है कि यह प्रस्ताव बिल्कुल गलत है, आधार रहित है, तथ्यहीन है, अनुत्तरदायित्वपूर्ण है, इस में कोई उत्तरदायित्व नहीं है और इसलिए हम बहुत

मजबूत शब्दों में इस की भर्त्सना करते हैं और इसी प्रकार से बॉटिंग के समय बटन दबा कर हम इस को रिजेक्ट भी करेंगे।

श्री रामेश्वरानन्द : \* \*

Mr. Deputy-Speaker: Order, order. This will not be recorded.

Shri Indrajit Gupta (Calcutta South West): Mr. Deputy-Speaker, it was really painful for some of us to listen to Shri Chagla, for whom I have the very highest regard. While listening to him, we felt that here was a man who had fallen into bad company. It was so obvious that his conscience was locked in battle against his loyalty to his Prime Minister which is naturally restricted within the bounds of the oath he has taken.

My hon. friend, Shri Bhagwat Jha Azad, who was supposed to be speaking on behalf of the ruling party, from what I could understand of his speech, virtually contradicted the findings of the Cabinet sub-committee.....

Shri Bhagwat Jha Azad: I am not contradict it.....

Shri Indrajit Gupta: I am not yielding.

It was said that a *prima facie* case has been made out. What he said was that after the establishment of a *prima facie* case and the resignation of the persons concerned, there was no ground for a further court of inquiry. But my hon. friend, Shri Azad, argues that there is no *prima facie* case at all. In fact, listening to him I was wondering whether he is not really charging the Cabinet with having taken steps to get rid of somebody, a person who—according to Shri Azad,—should be really lauded

as the greatest patriot, the greatest servitor of this country's interests.

I do not wish to go into the details of this CBI report—the document which has been placed on the Table of the House by Shri Kamath—and the sub-committee's findings thereon, which the Government benches are understandably refusing either to own up or to deny, but I will say that I had expected an eminent former Judge and an eminent jurist like Shri Chagla to explain to us this glaring contradiction which appears in the sub-committee's report itself in two successive paragraphs. They may not be able to refer to this document because they are turning a blind eye to it, but he has said himself that he has signed this report, and he has not said that this is not a genuine report. On page 7 of this document as it is given to us, laid on the Table of the House, it says, if I may read:

"The sub-committee feel that it is necessary to record in all fairness that their examination of the materials available did not reveal that in the various transactions in which Shri Patnaik was concerned, he had personally derived any pecuniary benefit."

This is one paragraph. The next paragraph says:

"However, the sub-committee felt in the course of its examination of the material, that the manner in which Shri Patnaik and Shri Biren Mitra, directly or otherwise, conducted Government transactions in which were also involved the interests of private concerns owned or controlled by them or by their relations, was definitely not in keeping with the normal standards of public conduct."

To my mind—I am not an eminent jurist like the Law Minister or the former Chief Justice,.....

The Minister of Law (Shri A. K. Sen): I am not one.

Shri Indrajit Gupta:....but to any lay man, an ordinary citizen of this country, this seems to be a remarkable exercise in verbal pyrotechnics and nothing else. Here it is said that no pecuniary benefit was personally derived by Shri Patnaik. The next paragraph refers to the way that he and Shri Mitra had dealt with transactions which involved their personal interests and the interests of private concerns owned or controlled by them or by their relations—and it is on this ground that they have definitely been found to be guilty of what the Cabinet Sub-committee tactfully calls administrative impropriety. I suggest a very dangerous precedent is being set up here.

A very respected and distinguished parliamentarian who was entrusted by this Government with heading the committee on corruption which was set up, Shri Santhanam, has written an article which was published in one of the leading dailies, published before Shri Kamath had appeared with these documents. In that article, Shri Santhanam says referring to the allegations which were very widespread and talked about all round:

"... these proceedings (meaning the proceedings of Shri Mitra and Shri Patnaik) were not merely improper but amounted to gross misuse of power to benefit concerns in which the Chief Minister was directly interested."

He continues:

"I am unable to imagine why the Cabinet Committee should hesitate to call it 'corruption' and try to lessen its gravity by inventing the new name of 'administrative impropriety'. I do not think there can be any midway between *bona fide* error of judgment which generally ought to be excusable and *mala fide* misuse of power which can never be condoned."

We are not concerned whether Shri Patnaik has earned good money for

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the State of Orissa. That is beside the point. We are concerned with the very peculiar situation which arose. I would just ask you to conjure up the picture once more before your mind. Shri Patnaik is the Chief Minister. I am referring to that period when he was the Chief Minister of the State. There is his wife, an eminent lady, no doubt, I have nothing against her personally, I did not have the pleasure of her acquaintance, Shrimati Gyan Patnaik. She is the Chairman of the Board of Directors of Kalinga Tubes. She, of course, being the Chief Minister's wife, at the same time is producing galvanized iron pipes, tubes, steel furniture, trusses, fluorescent lamps and all sorts of things. And all these products of Kalinga Tubes are purchased in large quantities by the same State Government which is presided over by her husband, Shri Patnaik.

At the other end there is another lady, Shrimati Iswaramma Mitra. Her husband is the Deputy Chief Minister at the same time. Shrimati Iswaramma Mitra is the sole proprietress of the Orissa Agents. Orissa Agents becomes the sole agent of Kalinga Tubes. Later on, of course, they also become the agents for Kalinga Industries, Jenson & Nicolson, Phillips (India) Limited, Turner Hoare—all the gentlemen against whom Shri Bhagwat Jha Azad was waxing very eloquent a little while ago; all the big capitalist interests of Calcutta are there, and the sole agent is Shrimati Iswaramma Mitra—Bengal Potteries, Delhi Cloth Mills, Dunlops and in some places Caltex. And they become the sole agents.

I would say that all economists who have studied the development of capitalism know about interlocking and concentration. But here is a new form of interlocking and concentration which is transferred from the normal sphere of man and woman or husband and wife, to another sphere, where venal politicians, corrupt Ministers and

their own most immediate and nearest relatives are so mixed up and locked up with monopoly business which they have converted into monopolies. Although it is being argued and has been argued, I believe, by Shri Patnaik, that the CBI had no business and has no business to intervene in matters concerning people who are not direct employees of the Central Government, I would say that this specific factor of interlocking and concentration which has been displayed by Mr. and Mrs. Mitra and Mr. and Mrs. Patnaik in Orissa, certainly lays them open to the charge, which, I am glad to say, one of our leading daily newspapers has pointed out, namely that in the USA such an action would have been held guilty on the charge of illegal restraint of inter-State commerce which invites certainly the intervention of the Central Government. This is what was done.

I would, incidentally, like to know whether, in the course of these allegations and enquiries, any reply has been received from Shri Sadashiva Tripathy, who now presides over the destinies of that State, who was the Revenue Minister at the time when many of these things were being done, and who himself, in his capacity as Revenue Minister, sanctioned many of these improper things which the then Chief Minister and Deputy Chief Minister did. Has any reply been received from him; if so, at what stage is that enquiry, at what stage are the proceedings against him, because only lately he has been promoted to the Chief Ministership of that State? I do not wish to go into this matter in further detail because enough has been said on this question.

Our Party has also pressed for this, that a proper commission of enquiry under the Commissions of Inquiry Act must be set up. The point is this Government has pledged itself, in principle at least, to accept the main findings of the Santhanam Committee's Report, and I would say that the hard

core of this report, which deals with the question of how allegations against Ministers, whether of the Central Government or of the State Government, ought to be dealt with, the hard core of that report contains the recommendation that if a *prima facie* case is established against Ministers, there are only two courses open to Government, if any proper principles are to be observed. One is that a regular case has to be registered for investigation with a view to prosecute the Minister concerned, the other is that a commission of inquiry under the Commissions of Inquiry Act, 1952, should be appointed. Which of these two courses is being followed? Are they going to be allowed to get away with the loot?

Shri Chagla of all people, an eminent ex-Chief Justice, asked us here: "Why do you want a commission of inquiry? The man has resigned, that is enough." I say he is a thief of public property, and any thief of public property has to be brought to book and must answer for his actions. That is why we want a commission of inquiry. A commission of inquiry is needed for this very reason. Mere resignation is not enough, because we have not yet set up such standards of public life that a person who resigns once, or loses his job once, cannot come back again by the backdoor and get even a cushier, more lucrative job. Have you established that principle or standard? It has not been established. Therefore, there is a case for a commission of inquiry, and I believe that all the parties on this side of the House, and I am sure a number of Members on that side of the House too, individual Members, are convinced about this that a commission of inquiry should be set up.

An hon. Member: They will not accept it.

Shri Indrajit Gupta: I would like to point out one thing.

15 hrs.

An attempt is being made in certain quarters to limit the whole context and the scope of this motion of no-confidence to what Mr. Azad referred to as this miserable little Orissa affair. But I would suggest to you, Sir, that this matter since it has come up in this form, should be viewed in its proper context. It is not a question of individual's private morals; it is not a crisis of morals. If we try to put it on that plane, we will never be able to root out corruption in this country. It is not a question of anybody's private or personal morals. It is the all-pervasive corruption which we see at the fountain head, at the higher echelons of administration and of the Government. This corruption is only the by product of the growth of monopoly capitalism which this Government is fostering in this country. Where else do you find this interlocking of venal politicians and their immediate relatives, certain officials of the Government and their linking with big businessmen and moneyed people? It is that which is producing this phenomenon. Today it may be the case of Mr. Patnaik. It will be somebody else tomorrow. How can we forget the typical example of Mr. Ram Rattan Gupta, the big industrialist of Kanpur and a member of this House of the ruling party who took a loan of Rs. 13 lakhs from the Life Insurance Corporation and who had not bothered to repay it although repayment was long overdue and proceedings had been launched against him. Till now he has been evading repayment. This gentlemen was nominated again by the Congress Party in 1962 elections and on an election petition, the tribunal found that the election had been rigged and votes had been tampered with in the interest of the ruling party, by the returning officer. He was unseated. I want to know whether that returning officer, Mr. Nigam who did this tampering of votes, did not do so on some *quid pro quo*. Certainly he must have done it not on his own volition, there

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must have been a *quid pro quo*. What was that *quid pro quo*? Maybe. Mr. Ram Rattan Gupta promised something because he is a man of means and financial resources or it might have been, as is seen from subsequent developments, immediately after the election that returning officer who had already been superseded earlier by the U.P. Government was promoted to be the commissioner of a division. What is this phenomenon?

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Indrajit Gupta:** I am asking this Government.

**Shri Daji:** Sir, He is speaking as our Leader.

**Mr. Deputy-Speaker:** I thought Mr. Mukerjee was the leader.

**Shrimati Renu Chakravartty** (Barrackpore): He is our first speaker he should get all the time that the other first speakers got.

**Shri Indrajit Gupta:** It is in the highest public interest to unravel all the tortuous ties which are behind this phenomenon of corruption. Other wise, we will never be able to get at the root of it. So many things had been talked about and they had never been denied in this country nor are they being investigated and they concern people who are at the very top. Do you expect that the common man in this country, the smaller official, the humble peon or the railway ticket collector or somebody like that, will mend his ways so long as these things are allowed in the upper echelons? I want to know whether any investigation or enquiry or examination or probe—choose any word you like, I do not mind, whichever word would smell sweet to

you will be instituted on the basis of the serious allegations which have been circulated around this country. They had not been authoritatively denied. For example, when Mr. TTK was the Minister of Commerce and Industry, is it a fact or not that in that period, TTK & Sons acquired sole selling agencies of a huge lot of things? I have got a long list, I have no time to read them, there are 17 or 18 imported consumer products some of which certainly do not require any selling agency; they are so well known such as Max Factor's cosmetics or Bournvita. These things should be enquired into so that a high standard could be maintained. Is it a fact or not? Similarly, Mr. Morarji Desai's son is reported to have become one of these get-rich-quick people at a period when Mr. Desai was the Finance Minister. If his son paid his taxes as all honest citizens should, we should like to know how within such a short period of time he is reported to have acquired so much wealth. I have here with me a copy of a statement issued by the leader of my group in the Andhra Pradesh Legislative Council. It has been issued in public and I see that he has been carrying on correspondence with the Andhra Government and there are some accusations about the allotments of houses by the State Housing Board for middle income groups.

**Mr. Deputy-Speaker:** We are not concerned with the Andhra Government; the Andhra Government is not represented here. (*Interruptions.*) They must have some relevance to the motion.

**Shri Indrajit Gupta:** How can you understand the relevance unless you let me continue? I assure you that there is relevance. Since I do not like you to pull me up again, let me begin by saying what the relevance is. It concerns the present Union Steel Minister, Mr. Sanjiva Reddy. That is the relevance; there is no other relevance. The housing board has made allotments of its houses on:



the 29th of May 1964 to six persons of whom four names I shall mention. One is Mrs. Nagarathinamma, wife of the Union Steel Minister; that is, Mrs. Sanjiva Reddy. The second is the wife of the present Chief Minister Shri Brahmananda Reddy. The third is closely related to another Minister and the fourth is the Secretary of the Andhra Pradesh Congress Committee. I am not concerned with these last two for the moment. It is charged publicly that no public notification was made though that was the procedure and no lottery was taken, though that was also the procedure. It is found that allotments are made like this. Here again the beneficiary happens to be the wife of one of our Union Ministers. Will an enquiry be held?

**Shri Daji:** It is a paying proposition to be the wife of a Minister.

**Shri Indrajit Gupta:** It is my contention that what has been brought to light by the CBI report and the sub-committee's note thereon is something which is meant to subserve the interests, not of the ruling party as a whole but of a narrow powerful group within the ruling party. I want my friends on those benches to consider this matter dispassionately. There is a group. I know somebody says it should not be called syndicate. I do not mind if by any other name this stink can be made less stinky. But what is popularly known as the syndicate is a party, behind the scenes, without a shadow of doubt. Otherwise we cannot explain Mr. Atulya Ghosh's defence of Mr. Patnaik . . .

**An hon. Member:** It is the communist way of purging persons from the party.

**Shri Indrajit Gupta:** . . . . . and his fulminations against the CBI. It is not a question of political pressure being exercised in a way that Mr. Chagla put it; it is political pressure not from outside. It may be that it was within the ranks of the sub-committee itself because I find for several weeks or months, there are two distinct schools of thought being propounded by different sets of congressmen about

the CBI. There is one school which holds that this CBI should mean "Cat in the bag indefinitely," now, when we are talking about cats in the bag today. There are some people who want it to be relegated to the status of "Cat in the bag indefinitely." There are some others perhaps who felt that the CBI should mean "Catch Biju's indiscretions or improprieties." There was a tussel in the first round: it was the latter who won; some sort of enquiry was instituted. These findings came before the Cabinet sub-committee, and then, it seems that certain pressures were felt, which had been at work long before.

Reference has already been made by other friends on this side about a little AICC at Rancni. I need not go into that again. But Mr. Atulya Ghosh, who is a very important political figure in this country, has recently made a statement—for which he got himself into trouble later on—that he refused to accept donations for the Congress from people who were criticising the taxation policy of the ruling party. This led to some embarrassment, because there were some donors perhaps who do not entirely like the taxation policy as it is at present, and would like it to be liberalised. When he was asked why circulars were sent by him to different business houses for donations. Mr. Atulya Ghosh hastened to add that he did not mean "general criticism", "I only meant those people who criticised the Government in my presence." (*Interruption*). This is the root of the matter. It is at Mr. Atulya Ghosh's instance that the Chief Minister of my State, Shri P. C. Sen—he had no business to do so otherwise—went out of his way to make a public statement, and later he wrote a letter, defending his friend Shri Biren Mitra, which was very rightly resented by many Congressmen in Orissa as an unwarranted interference. The point is that there is a narrow group, call it as syndicate or what you will, which is operating behind the scenes. It is in the interests of this group that this thing has been done.

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I would demand of the Government that they should also carry on some little enquiry or investigation—or whatever they would like to call it—into the allegations about the way that money has been spent by Mr. Atulya Ghosh in Bengal. The moneys I am referring to are public money—the money of the Assam Relief Committee, the money of the Bengal Flood Relief Fund—and I am confident that an enquiry held will show that no accounts are available of a large portion of these funds. But Mr. Atulya Ghosh has built himself a big country-house for which a special road has been constructed at Government expense, for which at the back of the house, a plot of land has been officially notified by the Government as a forest, so that 4. to 50 forest guards could be brought there to do the personal work of Mr. Atulya Ghosh. I would like to know whether this has any bearing with the fact that the shares of Mr. Ghosh's newspaper, *Jansewak* which he produces in Calcutta,—the majority of shares of that *Jansewak* are held by Shanti Prasad Jain & Co.,—and that Mr. Shanti Prasad Jain, a notorious gentleman, has been hauled up in the courts for defalcation of Rs. 30 lakhs from Bennett Coleman and the *Times of India*. The Special Police Establishment, I believe, has carried out an enquiry into that affair, but we hear no more of it. It is put in cold storage; shelved. We would like to know about it, because I am trying here to point out the interlocking that prevails; we would like to know how far this interlocking and interlinking have gone and until we are able to get at the root of this, until the Government is prepared not only to tackle personal, individual cases of corruption but also to live up to its old pledge which is embodied in the directive principles of the Constitution, it will never be possible to get at the roots of corruption. Here is article 39 of the Constitution—directive Principles of State Policy—wherein it is said that economic concentration of power and formation of monopoly

combines will not be permitted. Unless this Government has the honesty and the courage to live up to those directive principles, it will never be able to get at the roots of this corruption. One main reason for my party for supporting this motion of no-confidence is that we have no confidence whatsoever that this Council of Ministers is capable of performing that task.

I will probably have only a few minutes left. I shall just refer to one or two other matters. I have already referred to the directive principles. I charge this Government with subverting and violating these directive principles. They are very quick—and they are very easy—at preparing charges of subversion against others, but I say a document, a statement, could be prepared, showing the corrupt and subversive and anti-constitutional activities of this Council of Ministers.

**Shri Daji:** Hear, hear. A White Paper.

**Shri Indrajit Gupta:** Why should it not be prepared? Here is article 39 of the Constitution which, in clauses (b) and (c), says:

“The State shall, in particular, direct its policy towards securing—

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;”

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;”

I submit that these directive principles are being sabotaged and subverted by this Government, and that is why it deserves the no-confidence of the people of this country.

I will say again, as I had occasion to mention the other day, that they are subverting article 191 of the Constitution by their behaviour in

Kerala, Article 101(1) lays down all the possible grounds on which a person can be disqualified in this country from being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State. There are five grounds given; these are exclusive. There are no other grounds on which it is possible to disqualify anybody. I say that this Government not only did not disqualify certain people in Kerala from being chosen, from being elected, from standing for the election but in fact, the Home Minister boasted: "We want them to stand so that the people may disown them." When once they are elected, once they are chosen, in terms of this article, now, it is sought to prevent them from functioning or from being members of the Legislative Assembly and discharging their functions as members. How is it possible? I am sure Shri Asoke Sen and Shri Chagla can get out of it by some sort of legal jugglery or legal terms, but in all moral conscience, is this not a subversion of this article? I could understand it—though I would never agree, as my hon friends to my right had said—that if you had banned that party and said, "We will not allow the members to stand for election" one can at least understand the consistency of it, but when you have allowed certain citizens of this country to stand for election, to appear before the electors, to be chosen by them, what right have the Government got, after they are chosen, to prevent them from functioning as members of the State legislature? I therefore charge the Government with subverting the Constitution itself.

Not only that. They are subverting the faith of the people in parliamentary democracy. Who will vote now? And why should they vote? Why should a voter exercise his vote? What is the use if I am allowed to choose a candidate of my own choice and then that candidate is not allowed to function as my representative inside the Assembly? Is this not a

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subversion of my constitutional right? And is this the way you hope to strengthen the foundations of parliamentary democracy? You are preparing the path which leads inevitably, has led inevitably, to an Ayub Khan or another dictator. You are the people who are subverting it.

I would also say this, as has been mentioned in our motion of no-confidence. The hon. Prime Minister is not present, but I would recall to you the first broadcast that he made to the nation after assuming office, in which he gave a pledge that top priority would be given to the question of holding the price-line. We have not forgotten it. I charge this Government with breaking faith with the people and allowing things to come to such a pass what today a gigantic middle-class revolt is visible on every side in this country, people who never took to the path of agitation before. Today, you see them agitating—the school teachers, university and college professors, doctors, house surgeons and Class I LIC officers. Do you disown them? Are you going to reply by saying that we are the people who have been guilty of inciting and instigating them? You are driving them to a pitch of desperation, of frustration, which is compelling them to come out on the streets in this manner. I would say this is the way in which the pledge, solemnly given soon after the demise of Pandit Jawaharlal Nehru, has been broken and faith has not been kept with the people.

Therefore, Sir, these are some of the grounds on which we wish to indict this Government. I will say, in the end, that since most of the debate is likely to be restricted to the issue of corruption and the issue of the Orissa Government, it is our firm belief that when many petty individuals have been known to amass millions in a few years during the last 17 years of independence—some of my hon. friends on those benches

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tell me in private conversation that when a country develops you cannot help an odd bit of corruption here and there—when it becomes obvious that there are millionaires in this country and with the help of the State and the public treasury those millionaires are helped to grow bigger and bigger to the detriment of the common good, then it becomes inevitable that other people are tempted to fall into the path of temptation, to climb into that class. They want themselves also to become millionaires, at least small ones if not big ones, and their own sons and relations also get embroiled in this unhealthy ambition. Therefore, if you help to breed monopoly capitalism you will breed its by-product also and you will get drawn into that net whether you like it or not.

Therefore, we are indicting this Government on this ground, first and foremost, that the root cause of corruption, which is the growth of monopoly capitalism with all its concomitants—black money, blackmarketing, illegal gratification and so on—has not been removed. Unless it is fought against there is no hope for the future of this country, and this Government has proved itself to be totally incompetent, incapable and unwilling to take that step because it is itself serving the interest of big capital.

I hope that certain Members on the Congress benches will search their own hearts, because simply because a motion of no-confidence has been brought against the Council of Ministers it does not mean that we are necessarily indicting the whole ruling party. I am convinced, in this particular case which is before us for our immediate attention, that this was a matter where the interests have been dictated by one narrow group inside the ruling party. I hope that Members on that side who have still got some honesty, some conscience left, will have the courage to speak up and to support this motion of no-confidence, which at best can only

mean that the present Council of Ministers will have to be reshuffled. Everybody knows that this elephantine leviathan will remain for the time being, for a little while and they will survive this vote. We know it. But let at least the Council of Ministers be censured and pilloried, let it be changed, let it be re-shuffled and let some honest men be brought in, courageous men whose conscience is above everything else. Then only this country can prosper.

**Shri Morarka (Jhunjhunu):** Sir during the period of less than six months this is the second motion for a vote of no-confidence which this Ministry is facing. The provocation for this vote of no-confidence is the finding of the CBI which has been placed on the Table of the House by one of the Members. In fact, the main purpose of this motion of no-confidence is only to discuss that CBI report. I personally believe that if the Opposition had any other means available to them to discuss that report, perhaps this motion for a vote of no-confidence would not have come at all.

Sir, hon. Members, who have brought this motion for a vote of no-confidence know the fate of this motion, that it is going to be defeated. This motion will not serve any other purpose except discussing some of the findings of the CBI.

**An hon. Member:** It is not a finding; it is a report.

**Shri Morarka:** Now, Sir, before I go further, I would like to read the reasons given in support of the vote of no-confidence. The main motion is:

“That this House expresses its want of confidence in the Council of Ministers.”

The reasons given are:

“(1) That they have failed to ensure the highest standards of

public conduct by deliberate suppression of abuse of powers."

I do not know what it means. If this Government suppresses the abuse of power, how is it a cause for grievance on the part of the Opposition. I think the mover wanted to say something else but he made a mistake here. Apart from that, it says:

" . . . deliberate suppression of abuse of powers by a person in authority in the State of Orissa as well as in several other States;

(2) That they have brought the whole concept of constitutional government into contempt by (a) putting party interests above national interests; (b) attempting to seize and exonerate those who are guilty of such abuse of power; and (c) refusal to institute an open judicial enquiry into the said abuse of power and corruption."

Sir, I seriously ask hon. Members, particularly the mover who is not here, after hearing the speech of the hon. Minister of Education this morning, could they seriously say that this Government is interested in shielding anybody much less a corrupt person?

Leave that aside. Let me give you briefly what this Government has done. Before I do that, I think it is necessary to make one point clear. We are not here considering the guilt or innocence of any individual. This debate is not to impeach Shri Patnaik or Shri Mitra. We are only considering a charge that has been levelled against the Government with respect to the attitude of the Government towards such persons or such things.

First of all, I wish to begin by saying that this Government instituted an investigation in the case of the Serajuddin affair knowing fully well that it involved a Cabinet Minister. When the report came the Cabinet Minister was asked to resign. At that time what the late Prime Minister said is worth quoting here. He said:

"Even though I am not personally convinced that Shri Malaviya has done anything which cast a reflection on his impartiality and integrity, yet I accept his resignation and in doing so I have followed and must follow those high principles of parliamentary government by which the office of a minister is governed and I have discharged my duty accordingly."

Then, take the case of Shri Pratap Singh Kairon. Whatever others may think, he was a very strong party man, he was an able administrator and a powerful Chief Minister. Even then, when the charges were made an enquiry was instituted. The report came and as a result of that report he was asked to go and he did go.

Take the present case of the two ex-Chief Ministers of Orissa. What happened? Complaints were made. An enquiry was instituted and as a result of that enquiry a Cabinet Sub-Committee consisting of eminent jurists, able administrators, expert financiers and men of public standing came to a decision that even though there was no pecuniary benefit to these people still there was impropriety. As a result of that finding those gentlemen were asked to go and they did go. I would say a little more about the Orissa affair and about the CBI report and also about the Cabinet Sub-Committee a little later.

Take the case of Kerala. When the Communist friends were in charge of Kerala administration, because they were not following or observing the orthodox standards of public administration, this Government did not hesitate even to relieve them of their strange responsibility that they were shouldering.

15.29 hrs.

[ SHRI THIRUMALA RAO in the Chair ]

That is not all. At the instance of the public an enquiry was insti-

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tuted into the affairs of the Bakshi regime in Kashmir after his leaving the office. I think everybody would admit that the political situation in Kashmir is a little more delicate. Notwithstanding that, without caring for the repercussions and all those things, an enquiry was instituted into the affairs of the Bakshi regime.

Then, complaints were made about the conduct of the Chief Minister of Mysore and the Chief Minister of Bihar. There also this Sub-Committee was asked to look into them. They did look into them and gave their verdict.

Then again, when there were some whispers, some press reports, a Deputy Minister of this Government went to the Prime Minister and said "Sir, there are some charges against me, some whispers against me and therefore I should not be included in the Government now. "Wait till those charges are cleared," said that Deputy Minister. This is the standard of public conduct that our people have set up and this is the standard of life that our Government is following. Now, does it lie in the mouth of these people, in the mouth of the mover, to say that for not keeping a high standard of public life and public administration this Government should be censured? I would like to know from the hon. mover whether he knows of any instance where police officers have been sent to investigate into the affairs of Chief Ministers while they are in office. I would like to know from him whether he knows of any case where a Cabinet Minister is interrogated by the police officers while he is still a Minister. I would like to know from him whether there is any instance in his mind where another Minister of the Council of Ministers repeatedly asked questions by the police department.

There can be more than one view and I dare say there are different views—about the propriety or desirability of sending police officers to look into or investigate into the affairs of Chief Ministers while they are in office. Because, it is embarrassing for both. In the first place, a police officer may not get all the records. In the second place, even if the allegations are proved unfounded, the Chief Ministers would still be under suspicion because people would say when the Chief Ministers are in office, who dare find anything against them. So, in the larger public interests I think it is not a good policy to depute police officers to investigate into the affairs of Chief Ministers while they are in office. If they are removed from office and then this investigation is conducted, it is a different matter.

**Shri J. B. Kripalani** But who initiated this policy?

**Shri Morarka:** What do all these instances which I have mentioned indicate? Do they indicate that this Government puts party interests above national interests? Do they indicate that this Government is not interested in maintaining the highest standard of public conduct? Do they indicate that they are interested in shielding or exonerating any guilty men? I will say in all humility "No". The answer to all these questions is an emphatic "No".

The only charge that is levelled or made time and again is that we do not institute a public inquiry or a judicial inquiry. Judicial inquiries and public inquiries are also not unknown to this Government. They do appoint them whenever they are necessary. But they cannot be appointed merely to oblige a member of the opposition who has got political differences in his own State. In this particular case which we are discussing, and on which I will say something more later, if the findings prove that there is a case for a public inquiry, I think this Government will not and should not hesitate to have a public

inquiry. Because, after all, everybody is interested in the purity of administration. Then, the persons found guilty, they themselves feel aggrieved at the conclusions of the CBI as well as of the Cabinet Sub-Committee. Similarly, the members of the Opposition are also dissatisfied. If they feel that the case should be finally and fully tried before the public and this can be done only by instituting a public inquiry, I do not think this Government will hesitate to institute a public inquiry. But I repeat that a public inquiry, or a judicial enquiry cannot be and should not be instituted merely to oblige an individual here or there.

I propose to demonstrate two things. Firstly, I will show that the findings of the CBI are incomplete and imperfect. I also propose to show that the findings of the Cabinet Sub-Committee are fair and just.

**An hon. Member:** What?

**Shri Morarka:** I repeat that, I propose to show that the findings of the Cabinet Sub-Committee are fair and just.

The hon. Mover of the motion from mentioned amongst all the examples of the charges only one charge, namely, the iron plant—low shaft furnace. Please give me some time first to deal with this point.

**Mr. Chairman:** I may inform the hon. Member that his time is nearly over.

**Shri D. N. Tiwary:** Let him continue. His time can be deducted from the time allotted to the Congress Party.

**Shri Morarka:** Mr. Chairman, all that I want is that you should give me a little more time to put all the facts before the House and put them in proper perspective; let the House then judge it. It is no use being impatient and trying to be too technical about the time factor. I do hope

to convince the House, at least on the two matters which I have examined before you, that the CBI report was incomplete and imperfect. I will also prove how the findings of the Sub-Committee are fair and just.

**Shri J. B. Kripalani:** The Congress Party can be convinced because it is in a majority.

**Shri Morarka:** Why should Dada make an interruption now? When he gets his chance let him say what he wants.

Coming to the low shaft furnace, the pig iron plant was established by Mr. Patnaik in Orissa. It went into production in September 1959. These are admitted facts. Then he found that his plant was not running economically and it must be expanded. He approached the Government for permission to expand the plant. Then, sometime later, on the 1st April 1963, this plant was transferred to the Orissa Development Corporation for a price which was fixed by two auditors. These are admitted facts. The CBI, which investigated this affair, had stated that they could not find out whether the price fixed was correct or not, in its report.

**An hon. Member:** So-called report.

**Shri Morarka:** It may be so-called or it may be the CBI report itself. I do not want to be technical. Let me quote from the document which has been laid on the Table of the House.

**Shri U. M. Trivedi:** Let him place it on the Table if he is referring to it.

**Mr. Chairman:** Let him not be interrupted.

**Shri U. M. Trivedi:** How did he get it? Was it also stolen?

**Shri Morarka:** The hon. Member wants to know how I have got it. Some generous member has distributed it to all the members. It was thrown at my door and I got it.

**Shri U. M. Trivedi:** Similarly, Shri Kamath also got it from you.

**Shri Morarka:** The other point is, the CBI said that they could not ascertain the profitability of this concern, whether the concern was working at a profit or not. The third point is about the 2½ per cent royalty which this concern will have to pay for all times to come to some institution. These are the three main points. I will not deal with the smaller points

In the board of directors of this company there were two representatives of the State Government—the Director of Industries and the Secretary, Industries Department. The CBI did not consider it proper or necessary to talk to these people to ascertain even the basic facts. About profitability, every year the accounts of this particular plant are audited by the Accountant-General of Orissa, because the Orissa Government has invested Rs. 3 lakhs in this concern. So, the Accountant-General of Orissa knows whether this concern is making a profit or loss. But the CBI did not go and ask him any questions to ascertain the position. So far as the royalty or commission of 2½ per cent is concerned, the hon. mover of the motion, Shri Dwivedy, while making his speech tried to create the impression in this House that this 2½ per cent perpetual commission on the expanded capacity of this project would go to Shri Patnaik.

I think, Shri Dwivedy was less than fair to Shri Patnaik, to himself or to the CBI because it is clearly stated. . .

**Shri Surendranath Dwivedy:** I will only quote from the CBI Report.

**Shri Morarka:** You may quote from the CBI Report. I have got a copy of it; unless you have got another edition..... (*Interruption*).

**Shrimati Renu Chakravartty:** Stolen property is with them also, the members of the ruling party.

**Shri Nath Pai:** Which is that copy?

**Shri Morarka:** Sir, I am not yielding.

**Shri Nath Pai:** Mr. Chairman, on a point of order.

**Mr. Chairman:** They are all copies. There is no original.

**Shrimati Renu Chakravartty:** Stolen property of this side.

**Shri R. S. Pandey (Guna):** Shri Nath Pai has been medically advised not to speak or excite himself. For the sake of preservation of his health he should keep quiet.

**Shri Morarka:** This 2½ per cent commission under the agreement a copy of which was available to the CBI is earmarked for a technical institute of engineering and design to be established and registered under the Societies Act and there will be three trustees—one of them would be the State or Government nominee, another would be the Corporation's nominee and one person would be the nominee of Kalinga Industries.

**Mr. Chairman:** I would suggest to the hon. Member to conclude.

**Shri Morarka:** There are two points.

**Mr. Chairman:** If he is taking all the time in explaining one point, there would not be much time for the other.

**Shri Morarka:** Then you must give me some more time.

My short point is that if the CBI wanted to come to a proper and rational conclusion on all these facts, the CBI had enough powers and resources to go to the Government officers, to the AG, to see the copy of this agreement and then make comments about that. Instead of doing that what they have said is that this transaction is very suspicious and we must find out whether the method of fixing the price was proper or not etc. I, therefore, say in all humility that the method adopted by the CBI



in the inquiry or investigation, whatever you may like to call, was not exhaustive and perfect. Therefore the CBI report left much to be desired.

Another point which is again a very short point is that there is an allegation that Rs. 97,000 by way of stamp duty which were payable or which should have been payable by Shri Patnaik were not paid by him but were paid by the State Government. Everybody here without going into the details will feel that Shri Patnaik has cheated the Government of Rs. 97,000. But what are the facts? The facts of the case are that in 1956 Shri Patnaik applied for a loan from the Industrial Finance Corporation of Rs. 97 lakhs. The loan was sanctioned to him. The condition was that over and above the personal guarantee of Shri and Shrimati Patnaik the loan would also be guaranteed by the State Government. The State Government while guaranteeing the loan said, "We will charge you a commission of 1½ per cent". The 1½ per cent commission means about Rs. 1,50,000 every year. At that time the State Government also thought that no stamp duty would be payable on this document but in the agreement they provided that if duty was payable the same would be paid by the State Government. Why? Because the State Government was going to make a profit of Rs. 1,50,000 every year and already the State Government has made a profit of more than Rs. 8 lakhs on this contract. The CBI did not see this agreement. The CBI did not try to find out who the person was when this agreement was signed. You would be surprised to know, Sir, that the person who signed this agreement is no other man than Shri R. N. Singh Deo, the signatory to this memorandum who complained. Most of the irregular things which have been complained of here and which have been investigated into by the CBI were done during the time Shri R. N. Singh Deo was the Industry and Finance Minister, Shri Mahatab was the Chief Minister or when

Shri Hare Krushna Chaudhuri was Chief Minister.

**Shri Ranga:** That is why he got rid of the Ministry.

**Shri Morarka:** You have already warned me about my time; so, I would point out only one more thing. And that is concerning the further probe to be undertaken. Much has been said about this further inquiry. I was myself surprised to find the history of this complaint, the memorial and this inquiry. On the 3rd of July, 1963, the then Chief Minister of Orissa, Mr. Patnaik, requested the leader of the Opposition there in the Assembly to examine the case of the Orissa Agents—not only as the leader of the Opposition but also as the Chairman of the Public Accounts Committee. This offer of Mr. Patnaik was accepted on the same day by Mr. R. N. Singh Deo. Then, after about 10 days, he sought a clarification as to whether it will be limited to the examination of only this thing or that other things also could be gone into. The clarification was given to the effect, "You can examine whatever you like." The Chief Secretary was instructed to make available all the papers that Mr. R. N. Singh Deo wanted. The business concerns were also informed that they may please give all the help and documents and papers that Mr. R. N. Singh Deo or his other colleagues wanted. Nothing happened. Some article appears in the newspaper soon after 13th and that unnerved Mr. R. N. Singh Deo there and he said, "My honesty, my integrity, is all being questioned. I do not want to do this thing. I will not go anywhere near these files." (*Interruptions*).

**Shri Ranga:** You are the Chairman of the P.A.C. and you behave in this manner.

**Mr. Chairman:** Order, order.

**Shri Ranga:** Why does he find fault with the Chairman of the P.A.C. for having refused to play the role of a judge?

**Mr. Chairman:** Mr. Ranga, you must allow him to proceed. He is only giving the facts and not his comments.

**Shri P. Venkatasubbalah (Adoni):** He is conscious of the fact that the Chairman of the P.A.C. is incompetent by himself.

**Shri Ranga:** What is the use of asking the Chairman of the P.A.C.? (Interruptions). He found that he would be getting into this unnecessarily and, therefore, liberated himself from this.

**Mr. Chairman:** There is no point in Mr. Ranga offering an explanation to every argument advanced by the third party here.

**Shri Ranga:** He is the Chairman of the P.A.C. here.

**Shri Morarka:** If I say in the course of my speech one single word which is not true, I will stand . . . (Interruptions).

Sir, when the motion of No-Confidence is against my Government, is it not my duty to put before the House the correct facts? Is Mr. Ranga going to bamboozle all the people like this? Why is he so afraid of the truth coming out? (Interruptions).

**Shri Ranga:** He uses the word 'bamboozle'. Do you consider it to be right and proper?

**Mr. Chairman:** Probably, he does not convey what he wanted to convey.

**Shri Ranga:** Is he not capable of saying that he withdraws that word? It comes very ill-indeed from the Chairman of the Public Accounts Committee. I am very sorry for that.

**Shri K. N. Tiwary (Bagaha):** On a point of order, Sir. They are disturbing and interrupting like anything everytime when any Member speaks from this side. If they behave like that, we will not allow anybody to

speak from that side. (Interruptions).

**Mr. Chairman:** The hon. Member may please conclude his speech.

**Shri Morarka:** Thereafter, the Chief Minister requested the Speaker to direct the Public Accounts Committee to examine these charges. The Speaker then directs the Public Accounts Committee to examine these things. In the meantime, a difficulty is brought to light, namely that unless the accounts are audited by the Comptroller and Auditor-General they could not go into those things. So, the Chief Minister then writes to the Auditor-General 'Please audit these accounts and give the audited report to these people to examine these things'. The Auditor-General first raised some constitutional difficulty, but then ultimately he also agreed, and that special audit is now going on. It was going on, and the so-called CBI report or Shri Kamath's report has liberally drawn from the comments of the notes of special audit.

**Shri Surendranath Dwivedy:** Has my hon. friend seen that special audit report? How does he say that it has liberally drawn on the special audit report?

**Mr. Chairman:** The hon. Member is not bound to reply to Shri Surendranath Dwivedy.

**Shri Surendranath Dwivedy:** He may not be bound to reply, but I can interrupt him for this purpose. I would like to know whether he has seen the special audit report. Otherwise, how can he say that the CBI report has drawn from it?

**Mr. Chairman:** The hon. Member should have some patience and listen to the Member who is speaking.

**Shri Morarka:** I am very sorry. These quotations are in Shri Kamath's report. For, the CBI says that they had taken this information from the

notes on special audit report. I may not have seen the special audit report but this document which my hon. friend's party has placed on the Table of the House does give us all this information.

My point is this. After the special audit report is made, and after the Public Accounts Committee has examined these things, if there is a case for a judicial probe or a judicial inquiry, or even without it, if there is necessity for that, this point can be considered at the appropriate time, and I am sure the Government is not at all interested in hiding anything or in shielding anybody who is corrupt or who is not fit to remain as a Chief Minister or who is not to hold any public office.

Before concluding, I would like to say that the Cabinet Sub-committee's findings . . .

**Mr. Chairman:** The hon. Member should conclude now. I cannot allow him more time.

**Shri Morarka:** I have taken 22 minutes so far.

**Mr. Chairman:** I would not say now how much time he has taken, but after he resumes his seat, I shall let him know the time he has taken.

**Shri Morarka:** I am obliged to you for your indulgence.

The Cabinet Sub-committee has found . . .

**Shri J. B. Kripalani:** Shri M. C. Chagla has said that it is a Cabinet secret.

**Shri Morarka:** The Cabinet Sub-committee has said:

"However, the Sub-committee felt, in the course of its examination of the material that the manner in which Shri Patnaik and Shri Mitra, directly or otherwise, conducted Government transactions in which were also involved the interests of private concerns owned or controlled by them or by their relations, was definitely not in keeping with the normal

standards of public conduct. The Sub-committee desire to record their profound concern at the picture emerging as a whole . . .

**Shri U. M. Trivedi (Mandsaur):** My hon. friend is reading from a document. He may place it on the Table of the House.

**Shri Morarka:** I do not understand this observation of my hon. friend Shri U. M. Trivedi.

**Mr. Chairman:** The Speaker's ruling was that if a Member had any document in his possession, he could utilise it, and with his permission, if the Member himself wants to place it on the Table of the House, he can do so. At this moment, therefore, the hon. Member cannot demand it from Shri Morarka, but he has to have it done through the Speaker.

**Shri U. M. Trivedi:** I can request you, Sir, to have it placed on the Table of the House.

**Shri Morarka:** I am quoting from the document of Shri Kamath. I am not quoting from any other document.

**Shri U. M. Trivedi:** My hon. friend said that it was the Cabinet Sub-committee's report; earlier he had said that it was Shri Kamath's report: Surely, Shri Kamath is not the Cabinet Sub-committee.

**Shri A. K. Sen:** Shri Morarka is not being allowed to speak. He is being interrupted every second.

**Shri Morarka:** The whole difficulty is that whenever any point is made, the Opposition becomes so nervous and feels so jittery; whenever I reply to a point they feel that their case has been demolished and, therefore, they start interrupting in this manner.

श्री हुकम चन्द कछवाय : माननीय सदस्य तो कांप रहे हैं ।

श्री उ० यू० त्रिवेदी : बलती तो माननीय सदस्य कर रहे हैं और नरबस हम को कह रहे हैं ।

**Shri Morarka:** Then, the Cabinet Sub-committee says:

"The Sub-committee desire to record their profound concern at the picture, emerging as a whole from the series of such individual transactions in many fields of activity of the State Government, of improper use of authority by leaders of the Government."

Now the Sub-Committee has made these observations on the basis of the material placed before it. It does not say it is exhaustive, it does not say it is conclusive, it does not say that there is no other material which can come before it.

I only want to say this. After all, what is propriety? Propriety, according to me, is correctness of behaviour or morals and also conformity with conventions. It is not necessary that a person guilty of impropriety should benefit; it is also not necessary that the State should suffer a loss. In fact, there can be impropriety even in transactions where the State has actually gained. It is a question of the behaviour of an individual; it is a question of his observing a minimum standard, norms, standards of public conduct etc.

**Mr. Chairman:** The hon. Member should conclude now. I cannot allow him to go on any more. He will resume his seat.

**Shri Morarka:** In conclusion, I would only say that the findings of the Cabinet Sub-Committee were fair and just on the basis of the material placed before it, and the findings of the so-called CBI were imperfect and incomplete.

**श्री उ० मू० त्रिवेदी :** उपसभापति महोदय, जब हमारे बुद्धिमान, ज्ञानवान, विद्वान, वयोवृद्ध और प्रामाणिक शिक्षा मंत्री जवाब देने खड़े हुए, तब ऐसा मालूम पड़ता था कि वह कुछ जमा कर

बहुत अच्छी बात कहेंगे। लेकिन आखिरकार तो वह प्रामाणिक थे। झूठी बात कब तक कह सकते थे ? उन के मुंह से एक सही बात निकल गई। (Interruptions). उन्होंने एक वाक्य कहा कि वह मिनिस्टर रहने के लायक नहीं थे। उन्होंने एक बात और कही कि हम सब लोगों को, चाहे हम विरोधी दल के हों और चाहे सरकारी पक्ष के हों, एक स्टैंडर्ड रखना चाहिए। जिस को हम सब मानें और बहुत ऊंचा स्टैंडर्ड हमारा होना चाहिए। मैं उन के साथ बिल्कुल सहमत हूँ। अमर हमारा यही स्टैंडर्ड रहता, तो हम रिप्रेजेंटेशन आफ दि पीपल एक्ट की दफा 7(ग) को भी न बदलते। चतुर्भुज जसानी का केस हुआ। उस वकन कानून यह था कि अगर किसी भाँ आदमी का गवर्नमेंट के साथ किसी तरह से, किसी प्रकार का, डायरेक्ट या इनडायरेक्ट इन्टेस्ट हो, तो सरकार के साथ सम्बन्ध होने से वह विधान सभा या लोक सभा का मेम्बर नहीं रह सकता है। इस कानून को हम ने तब्दील किया—हम ने अपनी बेईमानी का परिचय दिया, क्योंकि हम जानते थे कि हमारे पास ऐसे ऐसे आदमी पायेंगे, जो सरकार में दखल देंगे, सरकार में घुसेंगे, उस से फायदा उठावेंगे, और हम उन को नुकसान नहीं पहुंचाना चाहते। जब सितम्बर, 1963 में उड़ीसा एजेन्ट्स के मालिक—मैं उसे मालिक कहता हूँ—बीरेन मित्रा के खिलाफ...

**Shri Shree Narayan Das (Darbhanga):** On a point of order. The hon. Member just referred to an Act passed by this Parliament and said that it had been dishonestly done.

**Shri U. M. Trivedi:** What is the point of order?

कोन सा रूल है पायंट आफ आर्डर का ?

**श्री हुकाम चन्द कछवाय :** माननीय सदस्य कोन से रूल में पायंट आफ आर्डर कर रहे हैं ?

**Mr. Chairman:** I cannot allow Shri Kachhavaiya to interrupt the proceedings in this way. He should not do it (*Interruptions*). I am pulling him up also. I would appeal to all Members not to interrupt the hon. Member who is on his legs unless there is something substantial to warrant it.

**Shri Shree Narayan Das:** My point of order is this. The hon. Member just referred to an Act passed by this Parliament and said that it was dishonestly passed by us. This is not permissible.

16 hrs.

**श्री उ० मू० त्रिवेदी :** यह एक ऐतिहासिक बात है । रिप्रेजेंटेशन आफ पीपल एक्ट की दफा 7 में तरमीम की है । यह एक ऐतिहासिक सत्य है । इससे क्यों इन्कार किया जाता है । क्यों यह बात आपको चुभती है ? इसलिए चुभती है कि आपकी बदनामी होती है ? अगर ऐसी बात है तो आप फिर से तरमीम कर दीजिये ।

**Shri Shree Narayan Das:** He has referred to a section which has been passed, and he says it has been dishonestly done.

**The Deputy Minister in the Ministry of Community Development and Co-operation (Shri B. S. Murthy):** *Beyimani* must be withdrawn.

**Mr. Chairman:** Your complaint is that he said that the Representation of the People Act has been passed by a section of the House. You say the whole House passed it.

**Shri Shree Narayan Das:** He said that that Act was amended dishonestly by us.

**Mr. Chairman:** Your point is that it was dishonestly passed? Did you use that word?

**Shri U. M. Trivedi:** What word did I use?

**Mr. Chairman:** Have you used the word "dishonestly" in Hindi?

**Shri U. M. Trivedi:** I have not said that that Act is dishonest. I said we had dishonest intentions, the Congress Party had dishonest intentions, the Government had dishonest intentions.

**Mr. Chairman:** I would request you to avoid such words.

**Shri U. M. Trivedi:** I cannot avoid it because it is a fact. It is a statement of fact. How can I avoid it? It is my opinion about a particular action which has been done. I am within my rights in using that language.

**Mr. Chairman:** You can exercise your right if you are within your rights.

**Shri U. M. Trivedi:** I will not transgress the limits.

**Mr. Chairman:** I request you to avoid the use of such words. It creates a furore on one side or the other. It is an appeal to every Member of the House to desist from using such words. If it is used by them, you take objection. If you use it, they take objection. Therefore, I request you to avoid the use of such words.

**श्री शिव नारायण (बांसी) :** बेईमानी शब्द को यह विदग्ध करें ।

**Mr. Chairman:** I do not want any interruptions.

**Shri Shree Narayan Das:** Will you please look into the proceedings as to what he has said?

**Shri Bade rose—**

**Mr. Chairman:** I do not allow any interference. He is capable of taking care of himself, and I am here to deal with him. When I ask for your opinion, you can stand up.

**श्री शिव नारायण :** यह अनपार्लिमेंटरी शब्द है, इस को इन्हें विदग्ध करना चाहिये ।

**Mr. Chairman:** Please pass over to your next point.

**Shri U. M. Trivedi:** Yes, Sir.

अगर आप शान्ति से सुनेंगे तो ऐसी गलत बात नहीं निकलेगी। इन्होंने बहुत सी बातें सुनाई हैं। अब आप मेरी बात भी सुन लें।

यह दरखास्त 13 सितम्बर, 1963 को बी गई। इस में साफ लिखा हुआ था कि श्री विरेन मित्र ने एक व्यापार उड़ीसा एजेंट्स के नाम से किया और इस नाम से जो कॉन्ट्रैक्ट किये वे उड़ीसा गवर्नमेंट के साथ किये। कालिंगा ट्यूब्स का वह एक एजेंट बना। एक छोटे से छोटा इनकम टैक्स अफसर जो है उस के पास भी यह चीज जाती तो दोमिनट में ही वह इस नतीजे पर पहुंच जाता है कि उड़ीसा एजेंट्स का मालिक सिर्फ विरेन मित्र है। लेकिन इस नतीजे पर पहुंचने के लिए इलेक्शन कमिशन के पास जब गवर्नर ने मामला भेजा तो उसको काफी समय लग गया। उसने रिपोर्ट दी कि जो दिखता है उसे ही हम देखते हैं। उसमें कुछ नुक्ताचीनी नहीं कर सकते हैं। हमारे पास ज्यादा पावरज हीनी चाहिये। इस तरह से गोलमाल बात करके उन्होंने उसको वहीं छोड़ दिया।

**श्री अ० प्र० शर्मा:** इलेक्शन पेंटीशन में इसका फौसला हुआ।

**श्री उ० मू० त्रिवेदी:** किसी ने इसका फौसला नहीं किया। दफा 191 में रिपोर्ट आती है, फौसला नहीं हुआ करता है। दफा 191 की जब रिपोर्ट गई तो उस में क्या चीज थी यह भी मैं आपको बतलाता हूँ। आप जो थोड़ा बहुत कानून जानते हैं उनको पता होगा कि इंडियन पीनल कोड में दफा 302 है। उस दफा 302 के अनुसार उसका टेलीफोन नम्बर भी 302 था, उड़ीसा एजेंट्स का। किस कम्पनी का यह टेलीफोन नम्बर था? यह उसी कम्पनी का था

जिस में डिप्टी चीफ मिनिस्टर श्री विरेन मित्र थे। मेरे पास कटक की डायरेक्ट्री है उस में भी दिया हुआ है। उड़ीसा एजेंट्स के तमाम जितने कागजात थे, जितने लेटर हैड्स थे, उन में भी 302 टेलीफोन नम्बर दिया हुआ है। दस्तखत किम के द्वारा करते थे सभ कागजात पर? दस्तखत प्राइवेट मैकेयरा टू श्री विरेन मित्र श्री किरफायत उल्ला के द्वारा करते थे। बिजिनेस रन करने वाला कौन था? श्री मित्र थे। विरेन मित्र का बयान है कि मेरी औरत के पास रुपया नहीं था। सिर्फ 2076 रुपये में मैंने बिजिनेस शुरू किया। उस पर पटनायक साहब क्या कहने लगे, यह मैं आपको पढ़ कर सुनाता हूँ:

"I can only say that this is disgusting. I put him, (Shri Biren Mitra) into business in 1959. In four years the firm's gross profits were over Rs. 15 lakhs (for the period ending 31st March, 1963)".

यह वह कमाता है। कौन कमाता है? श्री विरेन मित्र कमाता है। फिर आप कहते हैं कि श्री विरेन मित्र डिमक्वालिफाई नहीं हुए। आपको शर्म आनी चाहिये। उनको मुख्य मंत्री पद से ही नहीं हटाया जाना चाहिये था बल्कि उनको तो असम्बली का मੈम्बर भी नहीं हम रख सकते हैं, वह असम्बली के मेम्बर भी नहीं रह सकते हैं। लेकिन अभी तक आप उनको मेम्बर रखे हुए हैं। सिर्फ उन्होंने चीफ मिनिस्टरशिप में इस्तीफा दिया है। . . .

**श्री रामसेवक यादव:** यह पंचवर्षीय योजनाओं की करामात है।

**श्री उ० मू० त्रिवेदी:** मेरे पास विरेन मित्र का एफिडेविट है। उस में वह कहते हैं . . . . .

**श्री राम सेवक यादव:** पंचवर्षीय योजनाओं फल दे रही हैं।

**श्री उ० मू० त्रिवेदी:** वह कहने लगे कि मेरे ऊपर यह इल्जाम लगाया जाता है कि

मैंने ऐसा किया। आगे जा कर वह खुद अपने मुँह से कहते हैं कि यह मेरा कारोबार था और वह कारोबार मैंने किया। कर्लिंगा ट्यूबज के साथ में एजेंट था। इसके बाद जब उन से ब्यान लिया गया तो उन्होंने कहा कि यह रिपोर्टर या स्टैंडों की गानती है। मैंने तो इनको यह लिखाया था कि मेरी श्रौत है और इन्होंने ऐसा लिख दिया। आप देखिये कि ऐसा कहने वाले आदमी की बात मानी जाती है।

आप सब ईमानदार हैं और हम सब गिरे हुए हैं ऐसी बात नहीं है। आपको सब को सोचना होगा कि क्या ऐसे आदमी को बरदाश्त किया जा सकता है? क्या यही स्टैंडर्ड हम लोगों के सामने रखना चाहते हैं? क्या इसी स्टैंडर्ड के ऊपर हमारे छागला साहब कहते हैं कि ऊंचा स्टैंडर्ड हमको बनाना है? यह तो ऊंचे स्टैंडर्ड का रूप नहीं है।

भाइयो, मैं आज यह नहीं कहना चाहता . . (इंटरःप्राञ्ज)। सभापति महोदय, अगर मुझ से गलती हो गई है तो क्षमा मैं आप से चाहता हूँ।

श्री सुरेन्द्रनाथ द्विवेदी : हिन्दी की वजह से यह गलती हुई है।

Mr. Chairman: If you speak in English, you will not commit such mistakes.

श्री उ० म० त्रिवेदी : मैं आपको दूसरी बात बताता हूँ। यह चीज सिर्फ उड़ीसा में हुई हो, ऐसी बात नहीं है। बिहार के मामले में सब-कमेटी की रिपोर्ट मेरे पास मौजूद है। आप जिसे सब-कमेटी कहते हैं, उसकी रिपोर्ट मेरे पास मौजूद है . . . . .

श्री राम सेवक यादव : यह मैमोरेण्डम भी टेबल पर रख दीजिये।

श्री उ० म० त्रिवेदी : यह मैमोरेण्डम भी है और यह कविनेट सब-कमेटी की रिपोर्ट भी है। अगर आप चाहें तो मैं टेबल पर रख दूँ।

एक माननीय सदस्य : नहीं।

श्री उ० म० त्रिवेदी : उसको पढ़ कर तो मैं सुनाऊंगा जरूर क्योंकि मैं जानता हूँ कि यह रिपोर्ट सब-कमेटी की है . . . .

श्री हुकूम चन्द कछवाय : मैं निवेदन करता हूँ कि इस को टेबल पर रखने की इजाजत दी जाए। यह बहुत महत्व की चीज है।

Shri Ranga: May I request the hon. Member to place it on the Table.

Mr. Chairman: There is no hurry for it. It can be considered.

श्री उ० म० त्रिवेदी : यह कहा जाता है कि जो इनकवायरी मि० सहाय के खिलाफ की गई है वह उनके खिलाफ नहीं जाती है। इन्कवायरी रिपोर्ट साफ बताती है कि किस प्रकार से हमारा नैतिक पतन हो गया है। नैतिक पतन इस स्तर तक गिर गया है कि वह एक दिन हम को ले डबेगा, ले वेंडेगा। यह हमें दबा देगा। शर्म से हमारा सिर नीचे झुका रहा है, हमें नीचा देखना पड़ रहा है। यह सिर्फ एक आदमी के लिए शर्म की बात नहीं है, कांग्रेस पक्ष के वास्ते शर्म की बात नहीं है, हम जो भी विधायक बन कर आते हैं, लोक सभा के सदस्य बन कर आते हैं हम सब के लिए यह शर्म की बात है। लोग हमारी ओर ऊंची नजर से देखते हैं और चाहते हैं कि उच्च आदर्श हम उनके सामने रखें। लेकिन हमारा आदर्श जब गिर जाता है जब हम गिर जाते हैं तो हमें शर्म से नीचा देखना पड़ता है और हमारे देश की बदनामी दूर दूर तक होती है। इसलिये मैं बड़ी नम्रता से आपसे निवेदन करना चाहता हूँ कि हमारे संवीक्षण इस पर ध्यान दें और यह सोचें कि

[श्री उ० मू० त्रिवेद ]

क्या कम से कम हमारे लिये यह उचित नहीं होगा कि हम एक दफ़ा तो निकल जायें। इन को नहीं रहना चाहिये। यह क्यों रह रहे हैं। यह इन की गद्दी या जागीर थोड़े ही बनी हुई है। वे इसको छोड़ दें बिहार की बात कहते कहते मुझे याद आ गया पंजाब का स्टैण्डर्ड। पंजाब का स्टैण्डर्ड आप सब जानते हैं। पूरी की पूरी रिपोर्ट छपी है। और उस में की बातों से कौन इन्कार कर सकता है। हमारे देश के एक चीफ़ जस्टिस ने बहुत घर्से के बाद इस रिपोर्ट को दिया। उस का नतीजा भी हम सब जानते हैं। नतीजा यह निकला कि श्री कैरों को इस्तीफ़ा देकर निकलना पड़ा। यह चीज आखिर क्या प्रमाणित करती है। हमारे सामने वह प्रमाणित करती है कि जिन आदमियों के हाथ में हम ने सत्ता दी, जिन हाथों में सत्ता गई, उन लोगों ने उस का दुरुपयोग किया। जिन्होंने सत्ता का दुरुपयोग किया, जिन्होंने कानून गुनाह किये उन को अगर हम सजा नहीं देंगे उन के अपराधों को छिपाते चले जायेंगे, तो हम देश को बरबाद कर देंगे। इसलिये हमारे वास्ते यह आवश्यक है कि हम ऐसे आदमियों को सजा दें। हम इस बात से न घबरायें कि वे ऊंचे चढ़े हुए हैं। आप घबरा रहे हैं। मैं जानता हूँ कि कोई ईमानदार आदमी इस बात को नहीं कहेगा कि आप घबरा नहीं रहे हैं। श्री मोरे जैसे आदमी भी खड़े हो कर आपत्ति करते हैं। और वह भी एक बार नहीं, दो बार नहीं, तीन बार नहीं, बार बार। यह घबराहट ही थी। हमें मालूम है कि वह घबराहट ही थी। हमारे चागला साहब जैसे विद्वान भी बहस नहीं कर सके। हाँ श्री मोरारका बहस जरूर कर सके क्योंकि इस में उन को दर्द नहीं होता। वह भी उसी कोटि के हैं जिस कोटि की वह रक्षा करना चाहते हैं।

Shri K. C. Sharma (Sardhana): This is highly objectionable.

Shri U. M. Trivedi: Everything is objectionable!

मैं सरकार की प्रकली इस नीति पर नहीं कहता हूँ। आज हम देखते हैं कि क्या हो रहा है हमारे यहां पर। यह सरकार क्यों हमें दुखी कर रही है और क्यों खुद दुखी हो रही है। इस का एकमात्र कारण है हमारी दबू नीति। हमारा दबूपन। यह दबूपन चला जाये तो बहुत सी बातें हल हो सकती हैं। डरपोकपना इस बात पर है कि जो आदमी ऊंची सत्ता पर बैठे हुए हैं उन के खिलाफ हम कठोर कदम नहीं ले सकते। हम ऐसे दबू बने हुए हैं कि हम आज नागालैंड का सवाल, तीन लाख आदमियों का सवाल भी हल नहीं कर सकते हैं। हमारे सी० आर० पी० के जवान मारे जाते हैं। आज हमारे सी० आर० पी० के जवानों को जेल के सीखचों के पीछे रक्खा हुआ है। क्यों रक्खा हुआ है। इसलिये कि उस के जवानों ने उन लोगों पर गोली चलाई थी जो कि नागालैंड में चोरी करने के वास्ते आये थे। हमारी सरकार डर गई और सोचने लगी कि नागालैंड नाराज हो जाएगा इसलिये हमारे जवानों को जेल में घुसेड़ दिया। वहां हमारे साथ ऐसा व्यवहार होता है जैसे हम कोई जापानी या चीनी आ गए हैं। और इसे हम बर्दाश्त कर रहे हैं, इसलिये कि हम दबू हैं। हमारी 13 हजार एकड़ जमीन को कच्छ में पाकिस्तान ने दबा कर रक्खा हुआ है, गुजरात के उत्तर में दबा ली है। यह मुझे इस लिये मालूम पड़ा कि मैं सी० आर० पी० के हैडक्वार्टर्स में ही रहता हूँ। वहां चालीस जीपें दबाने के लिये भेजी गयीं लेकिन हुकम नहीं हुआ कि उन लोगों को खदेड़ कर निकाल दें। पाकिस्तान हमारी 13 हजार एकड़ जमीन दबा कर बैठा हुआ है, क्योंकि उन को कोई हिला नहीं सकता। आखिर हम दबू नहीं हैं तो क्या है। हमारे दबूपन का यह परिणाम हो रहा है कि चाहे जहां देखिये, सब जगह हमारा हास हो रहा है और हमें नीचा देखना पड़ रहा है। 34 हजार वर्ग मील भूमि पहले से दबी हुई है पाकिस्तान के पास। 18 हजार वर्ग मील



लदाख में शत्रु ने दबा कर रक्खा हुआ है और हम उस को खाली नहीं करवा सकते हैं। मैं पूछना चाहता हूँ कि आखिर हम कब खाली करायेंगे। हम ने कसम खाई थी, हम ने और सारे सदन ने उठ कर कहा था कि हम तब तक शान्त नहीं होंगे जब तक एक एक इंच जमीन को खाली नहीं करा लेंगे। कहां चले गये वह वादे, कहां चले गये वह बोल, कहां चले गये हमारे वचन। किस को हम ने यह वचन सुनाये थे। आज हम चुप बैठे हुए हैं लेकिन जब हम जनता में जाते हैं तो वह हम से पूछती है कि क्या आप एसी ही बकवाद करेंगे। हमारी यह दम्बूपन की नीति कब तक रहेगी, यह मेरी समझ में नहीं आता।

मैं आपको मिसाल देता हूँ इस सरकार की इनएफिशिएंसी की और लापरवाही की। अभी डेढ़ या दो साल भी नहीं हुए, हमारे यहां जो गोपनीय हथियार डिफेन्स के वास्ते उपयोग में आने वाले हैं उनके लिये कौन लोग नियुक्त हुए हैं। 11 आदमियों की लिमिटेड कंसन्ट है, 11 डाइरेक्टर्स हैं उसमें। वह 11 डाइरेक्टर्स कौन हैं। पाकिस्तान के रहने वाले मुसलमान, जिनका पाकिस्तान से सम्बन्ध है। उस में सिर्फ एक मि० भट्ट है जो बारहवें हिस्सेदार है और हिन्दुस्तान के हैं। वही कंसन्ट पाकिस्तान को सप्लाई करती है और वही हमें करती है, फिर भी हम इसके ऊपर चुप बैठे हैं। कब तक हमारे साथ ऐसा होगा। हम क्यों इसके सम्बन्ध में आखें मूदे हुए हैं। मैं कहना चाहता हूँ कि यह कौंसिल आफ मिनिस्टर्स हमारे ऊपर राज करने लायक नहीं है।

दाउदी बोहरा प्रगति मंडल है। मुझे उन्होंने पत्र लिखे हैं। मेरे पास फोटो भेजे हैं, आप चाहें तो मैं सारी फोटो दे दूँ। उन्होंने यह बात लिखी है कि वहां मुल्ला जी हैं बड़े भारी, वह जिब्राह के गीत गाते हैं, लोग उनका सत्कार करते हैं, उनका स्वागत करते हैं, लेकिन लाखों और करोड़ों रुपये ब्लैक मनी

के रूप में हिन्दुस्तान से चले जा रहे हैं। मगर सिर्फ इस वास्ते उनको पकड़ा नहीं जाता, उनका चालान नहीं किया जाता, उन पर मुकदमा नहीं चलाया जाता, उनकी तलाशी नहीं ली जाती कि बमोका यानि चुनाव के वक्त एक लाख, दो लाख, दस लाख रु० का टुकड़ा कांग्रेस के सामने फेंक देते हैं। शर्म की बात है कि इस चार, पांच या दस लाख रुपयों के वास्ते हम अपने देश की इज्जत बेचने के लिये तैयार हैं। अपने देश की स्वतंत्रता बेचने के लिये तैयार हैं और उस आदमी पर ऐक्शन लेने के लिये तैयार नहीं होते हैं। इसी तरह से आज मेरे पास तार आया है, और एक पत्र भी लिखा है कि नेशनल डिसिप्लन स्कीम के मातहत यह तय किया गया है कि सुबह जिस वक्त बच्चे आर्यें सब से पहले "बन्दे मातरम" गीत गाया जाये। सब आदमी खड़े होते हैं और बड़ी इज्जत के साथ खड़े होते हैं, लेकिन अंजुमने इस्लाम नाम का एक स्कूल है गोधरा में। उसमें से एक टीचर को इसलिये निकाल दिया गया कि उसने आपत्ति की कि जो मुसलिम लीगी हैं वह खड़े नहीं होते हैं। मैं नहीं कहता कि सारे मुसलमान खराब होते हैं। मुसलमान अच्छे भी होते हैं। लेकिन जो मुसलिम लीगी होते हैं वह बैठे रहते हैं, बाकी लोग खड़े रहते हैं। अगर किसी टीचर ने आपत्ति की तो उसको नौकरी से डिसमिस कर दिया गया। कब तक हम इस तरह से आखें मूदे रहेंगे जब कि जहरीले सांप हमारी आसतीनों में घुसे हुए हैं। हम इसे बर्दाश्त नहीं कर सकते कि सरकार इस तरह से आखें मूद कर बैठी रहे। यह बर्दाश्त करने वाली चीज ही नहीं है। मैं कहना चाहता हूँ कि अब आखें खोलिये।

अभी मेरे पास तार आया है। बदकिम्पती से केरल में जो चुनाव हुए उन में किसी तरह से कांग्रेस सफल नहीं हो पाई। अब चूंकि वह सफल नहीं हो पाई इसलिये इधर उधर खुशामद करती है। वह मुसलिम लीग से कहती है कि हमारे साथ मिल जाओ। कांग्रेस

[श्री उ० मू० त्रिवेदी]

दूसरों को सम्प्रदायवादी कहती है लेकिन उसके लिये मुसलिम लीग सम्प्रदायवादी नहीं है। मैं कहता हूँ कि जो मुसलमान कांग्रेस में हैं उनको अपने पास रखो, उनको गले से लगाओ लेकिन जो लोग मुसलिम लीग में हैं, जो देश से लड़ने के लिये तैयार हैं, जो देश का विभाजन करने के लिये तैयार हैं, पाकिस्तान को मदद देने के लिये तैयार हैं, पाकिस्तान को रुपये भेजने के लिये तैयार हैं उनके साथ तुम बात क्यों करते हो।

"Triumphant Moslem League Processionist Attack Hindu Residential Area Tanur Calicut Stop Goondas Raid Jansangh Workers Houses in Presence of Police Stop Police Fire on our Workers Wounding Two Stop Indiscriminate Arrests Terrorism Prevails Urgent Representation Needed Stop—Pudaeswaran".

बहु तार मेरे पास आया है आज। कालीकट से तार आया है और आप आंखें मूंद कर बैठे हैं। यह दम्बू नीति आखिर हम कब तक बर्दाश्त करते रहेंगे। एक वल्लभभाई पटेल के नाते एक दिन में सारे गोधरा में जहाँ 56 परसेंट मुसलिम रहते हैं, सबों की अक्ल ठिकाने लगा दी गई थी, लेकिन आज हम ऐसा मीका ला रहे हैं कि सब लोग हमें दबाते चले जा रहे हैं। चीन हम को दबाता है। चुम्बी घाटी में हमला होता है। आदमी आ कर जमा होते हैं। एक हमारे यहाँ के पालियामेंट के पुराने मेम्बर डा० सत्य नारायण सिंह बेचारे रिपोर्ट करने जाते हैं तो उनको जेल में बन्द कर दिया जाता है और कंडेम्ड प्रिजनर्स सैल में रखा जाता है। वह तो भला हो पंडित जवाहरलाल नेहरू का उन्होंने उनकी मदद की। किसी तरह से फ्रेंच में श्री सत्यनारायण सिंह ने एक पत्र लिखा तो पंडित जी को पता लगा और उन्होंने उनको वहाँ से छुड़वाया। यह तो हमारी हालत है। जहाँ देखिये इन्फ्लेट्रेशन वाम

पन्थियों का, जो चीन के दोस्त है, हो रहा है। आप इसे भी रोक नहीं सकते। आखिर यह कब तक चलेगा।

मेरे पास एक चीज नहीं आप के ऊपर इल्जाम लगाने के लिये बहुत सी चीजें हैं। मैं आप के सामने इस वजह से यह प्रश्न रखना चाहता हूँ।

मैं यह अच्छी तरह से जानता हूँ कि हम आप को हिला नहीं सकेंगे, आप की मजबूत नींव गड़ी हुई है, आप हिलेंगे नहीं। लेकिन धक्का देने की कोशिश तो मैं कर ही रहा हूँ, मुमकिन है कि आप गिर जाओ, और अगर गिरो न तो सम्भव है कम से कम आप की समझ में आ जाए। मैं आप को अप्रमाणिक नहीं कहता। हो सकता है कि आप की समझ में भी आ जाए कि यह सच कहता है, हिम्मत करके यह कह तो रहा है, आप को तो आज कोई कहने वाला नहीं है। श्री चागला साहब ने कहा कि डिमोक्रेसी के वास्ते स्ट्रॉंग विरोधी दल का होना आवश्यक है, और विरोधी दल भी सच्चा हो तभी वह देश की सेवा कर सकता है। मैं ने इसी आशय से आज आप के सामने इन सारी बातों को पेश किया है।

मैंने पहले भी आप को पत्र लिखा था, प्रधान मंत्री साहब को भी पत्र लिखा था और प्रस्ताव भी पास किया था कि शेख अब्दुल्ला को बाहर न जाने दिया जाए। हमने उसे हज जाने के लिए इजाजत दी, उसके लिए पासपोर्ट दिया। नतीजा यह है कि आज वह काहिरा में हमारे खिलाफ बातें करता है। और बाहर जाने के लिए वह पैसा कहां से लाया? वही हमारा पैसा है। जेल में रखने के बाद हम उसको दो दो और ढाई ढाई हजार रुपया महीना एलाउंस देते रहे, वह पैसा खर्च तो होता नहीं था, वह बचता रहा। इसलिए उसके पास पैसे की कोई कमी नहीं है। हम उसे बाहर जाने की इजाजत दे रहे हैं और वह हमारे खिलाफ प्रचार कर रहा है।

अमरीका अमरीका हम चिल्लाते रहे पर अमरीका से दोस्ती का हाथ नहीं बढ़ाया । अगर कोई आया तो उससे शोक है कर लिया, वह अपने रास्ते गया और हम अपने रास्ते । ऐसा व्यवहार हमने किया । उसका नतीजा आज यह हो रहा है कि आज पाकिस्तान का राष्ट्रपति हाथ मिलाने के लिए पीकिंग जा रहा है । इस तरह आज हमारे दो दुश्मन हो गए । पहले एक ही था । अब एक और एक मिल कर वे ग्यारह हो गए । वे हमको नुकसान पहुंचाने की कोशिश कर रहे हैं और हम कुछ करने लायक नहीं हैं ।

एटम बम का सवाल उठा कि एटम बम बनाया जाए । हम चिल्ला रहे हैं । हम मनुष्य हैं । अगर हमारे कोई चांटा मारेगा तो हम उसकी तरफ दूसरा गाल भी नहीं कर देंगे कि एक और मार ले । हम मनुष्य हैं, अगर हम को कोई चांटा मारेगा तो हम को भी क्रोध आवेगा और हम अपनी पूरी ताकत से उसे चांटा मारेंगे ।

हमने देखा कि चीन ने एटम बम बनाया, किस के वास्ते ? हमको नुकसान पहुंचाने के वास्ते क्योंकि दुश्मनी तो हम से है, उसने हमारे ऊपर हमला किया है । और हम शांति से बैठ हुए हैं । और अब वह दूसरा एटम बम बनाने की तैयारी कर रहा है और पीकिंग जा कर अबूब साहब उससे बात कर रहे हैं, और हम अपने घर में बैठे हुए हैं और जैसी कि अंग्रेजी में कहावत है, हमने अपना सिर अंधेरे में दबा लिया है और समझते हैं कि खतरा दूर हो गया । यह कब तक बरदास्त किया जाएगा । मैं इस तरफ आप का ध्यान खींचना चाहता हूँ ।

सभापति महोदय, मैं अपना भाषण समाप्त करता हूँ । मेरा यह निवेदन है कि अगर हम को अपने देश की इज्जत कायम रखनी है तो हमको एक दफा यह बोला दबू नीति का उतार कर फेंकना पड़ेगा, और अगर हमने इस दबू नीति के चोले को उतार कर फेंक दिया

तो हम प्रमाणिक भी हो जाएंगे, और प्रमाणिक होने के नाते अगर कोई अप्रमाणिक होगा, चाहे वह चीफ मिनिस्टर हो या मामूली मिनिस्टर हो या डिप्टी मिनिस्टर हो या पालियामेंटरी सेक्रेटरी हो, अगर वह बेईमान आदमी है और हमारे शिकजे में आ जाता है और हमें सबूत मिल जाता है कि वह बेईमान आदमी है, तो उसको हमें वही सजा देने के लिए कदम उठाना होगा जो कि उस काम के लिए किसी मामूली आदमी को मिलती ।

इन शब्दों के साथ मैं श्री द्विवेदी के प्रस्ताव का अनुमोदन करता हूँ ।

Shri K. C. Pant (Naini Tal): Mr. Chairman, earlier today we heard a speech from Shri Chagla, one of the members of the Cabinet Sub-Committee, which has made the task of those of us who want to oppose this motion very much easier. I shall confine myself to what Shri Chagla referred to as the so-called Orissa affairs. Now, in dealing with this affair, I shall try, as far as possible, to deal with the issues rather than with the personalities involved.

The specific charges we have to consider are two; firstly, whether the Government of India has failed to ensure the highest standard of public conduct by deliberate suppression of the fact of abuse of power by persons in authority in Orissa; and secondly, whether the Government has attempted to shield and exonerate the guilty persons for the sake of party interest and to the detriment of the national interest. These are the two main issues and we have to see how far the facts support these charges.

What are the facts? My hon. friend, Shri Morarka, has already referred to one of them, namely, that on the 3rd July, 1963 Shri Patnaik, then Chief Minister of Orissa, offered to have the charges against him investigated by no less a person than the Leader of the Opposition who also happened to

[Shri K. C. Pant]

be the Chairman of the Public Accounts Committee in the Orissa Assembly. Some objection was taken to this procedure. I am not so much interested in the procedure as in the fact that a Chief Minister being charged of misuse of power and influence offered to have himself judged by the Leader of the Opposition. If this is not in conformity with the highest standards of public conduct, I would like to know what is. This hard fact has got to be accepted by all of us.

Then, objection was taken by Shri Ranga that the Leader of the Opposition was being deliberately dragged into the morass by this offer. But the point is that he accepted this task and only later withdrew from it when certain articles appeared doubting his integrity.

**Shri P. K. Deo:** Question.

**Shri K. C. Pant:** I can understand his getting hurt and upset by doubtless malicious articles; but the fact that he backed out in panic does not reflect the kind of moral courage and confidence that one would have expected to find in the first signatory to the charges. That is all I would say.

If it was not personal consideration but party consideration that led him to do this, then all I can say is that this is a clear case of putting party interest above public duty. It is a matter of gratification for us, of course, that he has greater confidence in the Congress Government at the Centre to do justice in the matter of this investigation than in himself. But he did not perhaps appreciate that in referring the charges to the Centre he had done avoidable injury to the concept of State autonomy in our federal structure.

As Shri Morarka has said earlier, when the Leader of the Opposition backed out, the Chief Minister took another step. He spoke to the Speaker and the Speaker authorised the PAC to go into these transactions. At the

same time, the Chief Minister insisted that a special and detailed audit should be conducted by the Comptroller and Auditor-General in Delhi into all the transactions that were objected to. The Comptroller and Auditor-General's report is awaited.

Shri Dwivedy made the point that almost 18 months have passed and the report has not yet come in. But he also mentioned, I think, that the papers were so voluminous that he was surprised how the Cabinet Sub-committee got through them so quickly. Obviously, if the papers are voluminous, the Comptroller and Auditor-General's Office will take time. Now the report is to come before the Orissa Assembly in the course of the next couple of months. This is the factual position.

Whatever else one might say on this, one thing that emerges is that far from a deliberate suppression of facts there is a deliberate insistence on bringing out all the facts.

Now we come to the next chapter, that is, when a memorial containing the allegations against Shri Patnaik and Shri Mitra was submitted to the President on the 13th August, 1964. The President sent it to the Prime Minister and the Prime Minister had to face this problem of how to dispose of it because the object the Prime Minister had before him was to form an opinion on whether or not there was substance in the allegations. What did he do? He sought the advice of the Cabinet Sub-committee and some officers of the CBI were sent to ascertain the facts in Orissa.

As to the propriety of sending these officers to Orissa there are two opinions among constitutional experts. I will come back to this point later. In this particular case it seems the Orissa Government agreed to receive these officers and, therefore, the inquiry was conducted and so I shall say nothing further on this. The C.B.I. sent in its report. But this is a point that I want

all our friends to consider. This report was obviously not the last word. The findings had to be verified and the C.B.I. enquiry was not made with a view to supply material to a court in which the defence puts up the other side of the case. It was not so. The Cabinet Sub-Committee had, therefore, not only to examine this but to take into consideration the other side of the case as presented by Mr. Patnaik and Mr. Mitra and also the Orissa Government which was the third party in these transactions. That the Cabinet Sub-Committee did and then it made its recommendations to the Prime Minister who eventually made a statement on the floor of the House on 22nd February, 1965 in the course of which he enumerated his conclusions, namely, (1) that Shri Patnaik or Shri Mitra had not personally derived any pecuniary benefit from the said transactions; (2) that in several instances, however, improprieties were definitely involved for which Shri Patnaik and Shri Mitra were responsible and (3) that in the light of these conclusions, Shri Mitra had stepped down from the high office of Chief Minister of Orissa and Shri Patnaik had resigned from the Chairmanship of the Planning Board.

These are the broad facts that we have before us. Before I pass on to analyse these facts in the light of the charges that have been made, I should just like to say one word about the documents on the Table, alleged to be reports of the C.B.I. and the Cabinet Sub-Committee. I am afraid the Government has slipped up very badly in the matter of the leakage of these reports and I for one feel that they should now take very firm action to fix the responsibility for this leakage and to tighten their security arrangements for the future. Normally, such a demand would come from the Opposition but in this case I can understand their reluctance to put forward this demand.

Now, all of us have a duty in this matter. I am sure that when the din

and dust of this debate is over, even the hon. Members—and I believe they are honourable—who spirited away the reports will on reflection come to the conclusion that though the publication of these secret documents may have seemed to be in their party's passing interest—I do not speak of personal publicity—in the ultimate analysis it is a sorry business which does not bring them out in a very good light.

16.33 hrs.

[MR. SPEAKER in the Chair]

Shri Daji: Why?

Shri K. C. Pant: I will tell you why. I am not challenging anybody's right to use the document. But there is no getting away from the fact that these documents are the fruits of crime.

An hon. Member: It is a gift from Biju Patnaik. (Interruption).

Shri K. C. Pant: I am not yielding.

Let us now proceed to examine the Opposition's charges in the light of the facts that I have enumerated. As I was saying, the Prime Minister's verdict was that Shri Patnaik and Shri Mitra were responsible for certain improprieties and this verdict led the two gentlemen to vacate their official positions. Now, some friends on the opposite are not satisfied with these conclusions. They insist that the degree of abuse of power has been underplayed. That is the crux of the matter. Ultimately, that is, after all, a matter of judgment and everyone will not be satisfied with the conclusions. But there is obviously no suppression of the fact of abuse of power. That is the point I want to make. The Prime Minister has gone out of his way to ascertain all the facts involved. Nobody has yet said that he has not done so. In a few months the whole country, as I said earlier, will have the chance to see the report of the Comptroller and Auditor General on

[Shri K. C. Pant]

the transactions concerned. They can come to their own conclusions. There is absolutely no substance in the charge that the facts have been suppressed.

The second charge was that the Government wants to shield and exonerate the guilty and, therefore, refuses to institute a judicial inquiry. The point in this connection is: who is to decide whether a judicial inquiry should be set up? Is it the friends opposite or is it the Government—in this case represented by the Cabinet Sub-Committee? Friends who have only read the alleged C.B.I. and the Cabinet Sub-Committee's report may not fully agree with the conclusions arrived at by the Cabinet Sub-Committee. But they will also concede that no man should be condemned on mere suspicion and without being heard. It would not be right to base one's conclusions only on an *ex-parte* police report, no matter how many virtues they see in an *ex-parte* police report today.

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

**Shri K. C. Pant:** The Sub-committee had the benefit of having all sides of the case put before it and it alone was in a position to come to a considered judgment on merits. The Sub-committee in its wisdom has not thought it fit to recommend a judicial inquiry.

Now, the other point is this. Nobody has cast any doubt on the credentials of the Cabinet Sub-committee. Tributes have been paid to Shri Chagla's judicial background and so on. And I would like to give you the names of the Cabinet Sub-committee members. They are: Shri Nanda, Shri T. T. Krishnamachari, Shri A. K. Sen, Shri Swaran Singh, Shri Y. B. Chavan and Shri M. C. Chagla.

**Shri P. K. Doo:** Shri Chagla was later included in the list, and with a motive.

**Shri K. C. Pant:** Nobody has cast any doubt on the proven administrative and judicial experience of these gentlemen. Nobody has done that.

**Shri Bhagwat Jha Asad:** Now that my hon. friend has said so, they will do it hereafter.

**Shri K. C. Pant:** In his statement the Prime Minister laid emphasis on the fact that the Cabinet Sub-committee had spent a lot of time in making a very careful examination of the allegations.

**श्री बहादुरी :** उसको बचाने के लिए

**Shri K. C. Pant:** And this has to be noted that the findings of the Sub-committee are unanimous, and there is no minute of dissent. Therefore, everybody is a party to it. This Sub-committee did not feel called upon to recommend a judicial inquiry. In my opinion that should be decisive.

It is no doubt Government's duty to punish the erring, where error has been established, but the severity of the punishment must be related to the magnitude of the crime. It would be unforgivable for the Government to allow extraneous considerations and political pressures to influence its judgment either way, and I repeat, either way, particularly while dealing with allegations against persons in high office. In this case, unless new facts are thrown up, I fail to see how Government can now agree to the demand for judicial inquiry and can go back on its considered judgment. At any rate, whether one agrees with this decision or not, the decision of the Central Government does not prevent anyone who feels aggrieved from going to court. The law of the land is there. And in any case, the Central Government is neither a substitute for a court, nor a court of law itself, and it cannot launch a prosecution in this case. That has to be remembered, and in fact Shri B. Patnaik has already gone to court, as has been mentioned earlier, against a

newspaper which has published the allegations against him.

Now, I come to the charge that Government has put party interests above national interests. My hon. friend Shri Morarka has mentioned various cases in which the party has taken action even against the tallest of its members when a *prima facie* case had been established. So, I shall not repeat the defence against the general charge.

**Shri Nath Pai:** Shri M. C. Chagla has said that a *prima facie* case has been established in this case.

**Shri K. C. Pant:** He has said that a *prima facie* case has been established and to that extent action has been taken. Shri M. C. Chagla was a party to that conclusion and decision.

As regards the Orissa affair, doubts have been raised regarding the constitutional propriety of making an inquiry against the then Chief Minister through the CBI. These doubts are not without substance, though they tend to get blurred because of the fact that the same party is ruling in the Centre as well as in the State. But suppose for a moment that the parties were different and the State Government refused to co-operate. Can the Centre still insist on sending the CBI to the State? That is one point that we have to consider.

There is also another constitutional question. What action can the Prime Minister take against an erring Chief Minister? The Constitution empowers the Centre to take action in certain contingencies such as the breakdown of the Constitution etc. But suppose, as in this case, that only improprieties are involved, and the above constitutional provisions cannot become operative, can the Prime Minister still advise the Chief Minister to step down, and even if he does that, what is the sanction behind that advice, so long as the Chief Minister enjoys the confidence of the majority in his State legislature? That is the question that we have to consider. In the present case, the Prime Minister has gone out

of his way to be painstakingly correct in instituting an official inquiry into the allegations. In fact, he has strayed into a region of the constitution involving State-Centre relationship which is not very clear. But when the findings of the inquiry revealed only improprieties, he did not take shelter behind the niceties of constitutional propriety but used his position as party leader to advise the Chief Minister to step down.

So far from putting party interests above national interests, the Prime Minister used party discipline to enforce strict moral standards in a situation where the constitution gave him no authority to do so.

श्री बागड़ी : जैसे लूट की जायदाद जन्म करनी हो ।

**Shri K. C. Pant:** This is possible today. Tomorrow other parties may form governments in the states. So there is really a pressing need for thrashing out the constitutional issues and evolving conventions to deal with such cases in future.

Before I conclude, may I say that I was somewhat surprised to hear Shri Kamath admit that he had access to the explanations offered by Shri Patnaik and Shri Mitra against the allegations made in the CBI Report? Now, friends opposite have given very wide publicity to the CBI Report. If their sole concern in this case was justice and not politics, one would have expected them at least to be fair enough to give equal publicity to the explanations of these two gentlemen and let the country judge for itself who was right and who was wrong. I am not speaking on the merits of the case at all, but only on the intentions (*Interruptions*).

**Shri Surendranath Dwivedy:** Shri Nanda would not co-operate.

**Shri K. C. Pant:** You have taken the initiative in one case; you could have taken the initiative in the other also.

[Shri K. C. Pant]

In conclusion, may I say that we on this side of the House are as concerned as our friends opposite to uphold the highest standards in the public life of the country?

**Shri Ranga:** Question.

**Shri K. C. Pant:** If anything, we have more reason to be concerned . . .

**Shri Nath Pai:** That is true.

**Shri K. C. Pant:** . . . because our party governments are running in the states . . .

**Shri Nath Pai:** And creating all this trouble.

**Shri K. C. Pant:** . . . and we are more answerable. We are conscious that the future of parliamentary democracy in this country is in a large measure linked with the ability of the Congress Governments to provide clean, efficient administration to the people. I wish some of our friends opposite had also formed governments so that we could have had a standard for comparison. But unfortunately, that is not so.

Now the possibility of errors of judgment by Ministers or even of black sheep being encountered in ministerial ranks cannot altogether be ruled out. But the test is this: how does the party deal with allegations against its own leaders? The Congress Party has shown a plucky willingness to face this test and not to shirk possible unpleasant consequences. The code of conduct is one example of its positive approach to this problem. The duty of the Congress in this matter is clear and we accept it. But it is no less the duty of the Opposition to help in the evolution of healthy conventions.

**Shri Bhagwat Jha Azad:** They will not.

**Shri K. C. Pant:** All of us should find time to turn the searchlight inwards once in a while.

**Shri N. Sreekantan Nair (Quilon):** I support this no-confidence motion

on the following grounds. First of all, I am not very much perturbed or surprised by the Corruption in Orissa because that is not the lone case. There have been a lot of allegations of corruption against Ministers. There has been the Mundhra scandal, there has been the jeep scandal, there has been the Serajuddin scandal, now there is the Orissa scandal, and there is the Kerala scandal. These are coming one after the other. One remains in the horizon for some time, then gives way to the next scandal which comes to the top then. So it is a series of scandals, one after the other, whether it is in the Centre or in the States.

What happened in Kerala? I have personal knowledge about the Kerala scandal. There have been very serious allegations of scandal and corruption not against one Minister only but against other Ministers also including the Chief Minister and the Industries Minister. The allegations were very serious. Some British companies, plantation companies, were given tax exemption to the tune of several lakhs, and hundreds of acres were planted by the companies for the Minister. There were many other allegations. What happened? The Congress High Command decided to brush aside these allegations, and it led to a revolt even within the Congress Party itself. Had these allegations been gone into by the Congress High Command, there would have been no by-elections.

Secondly, after having countenanced the corruption of the Chief Minister and the other Ministers, the High Command decided not only to condone their offence but also to give it moral support by supporting the same Chief Minister, and whipping up communalism in the State in order to win over the major community in the State, the Ezhaves, in the election campaign, which resulted in an upheaval of communalism throughout the State. The Ezhava communalism stirred up Nayar communalism. It stirred up



the Muslim communalism; it stirred up Christian communalism, and the result is that an organisation like the RSS has now come to the forefront and started fighting against the Muslim League. It is a tragedy that the Congress earlier decided to align themselves with the Muslim League and give it a garb of respectability. Now the RSS comes in and complains against the Muslim League. It is a case of the pot calling the kettle black. I do not differentiate between the Muslim League and the RSS, and if we are to ban one party, I would rather suggest that both be banned.

**Shri Bade:** The Muslim League looks to Pakistan, the RSS does not.

**Shri N. Sreekantan Nair:** You are behind by 2,000 years and you are destroying the integrity of India.

Some people demand that the Left Communists ought to be banned. I do not understand why action was initiated against them on the eve of the elections and why they were detained. The argument that it is dangerous to the security of India cannot hold good because we are tolerating blackmarketeers, we are encouraging by indirect methods profiteering, we have failed to hold the price line. In spite of all these failings the security of India has not been endangered. Then how can the security of India be endangered by allowing a few Communists in the southernmost tip of India to go to the Assembly, and even to constitute the Government in the State of Kerala.

Kerala and international affairs are too far apart. Actually, the Left Communists happen to be the single largest party in the State simply because of the unwise action of the Home Minister in arresting them on the eve of the elections and whipping up the emotions of the common people. Simply because there was so much opposition, towards the Congress Government at the Centre for their

various acts of discrimination, against the State, acts which are detrimental to the interests of the State, these people got a majority. There was also the other propaganda that if these people were elected, they would be released. Naturally people wanted to give them a chance. Anyhow, they are the single largest party in the State. If they are allowed to have a hotch-potch Ministry, if they succeed in forming such a pusillanimous Ministry, they will be called upon to face the serious problems of the State. Even a very strong Ministry cannot solve the problems that confront the State today. Therefore, they are bound to fail and naturally the people will be disillusioned. So, instead of the security of India being in danger, if you are generous enough to allow them to have a hotch-potch Ministry to handle the serious problems of the State, you will perhaps be rid of the party for good in Kerala. Even that large-hearted approach you are not in a position to take.

The second is about the linguistic imperialism that is being sponsored by the Central Government. India is a huge sub-continent. We have got fifteen languages approved only in five States Hindi is mainly used. By forcing it down the throat of the other States, you naturally give the people in these five States a handle to subjugate the people in the other States in the matter of employment, control of the Government, control of the Public undertakings and in every other aspect of life. That is the basic reason why there is opposition to Hindi being pushed down the throat of the people. If the Government of India is honest and sincere in evolving a national language, they certainly must not follow the lead given by the Hindi fanatics who now control the movement today. We must borrow all the international terminology in the current English usage for science and technical subjects and incorporate them into the new scheme of things and produce a synthetic language, taking all the important, expressive terms

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from all the Indian languages and get the sanction of the people in the rest of the country to have a common script. If you produce a synthetic language which is a combination of all the good aspects of the various Indian languages, certainly, it will be acceptable to all the States. Hindi, as it is now advocated by fanatics is a Hindi which would have sufficed 2000 years before Christ but it is not suitable for modern use. If you continue to push it down the throat of the non-Hindi people, serious consequences will flow from it. Till now the nationalist sections in the South and in the East parts of India had never supported the DMK demand for the separation of India. But if this sort of attitude continues, we will be forced to secede and the move will start. India will be split into two and do not think that your army or other forces would curb the people for long. Remember the self-immolation that took place in the South . . . (*Interruptions.*) It is because of your hatred, your intolerance and your insolence in trying to impose Hindi upon the people. We must be able to evolve a synthetic language. Otherwise, India will be split into two. I give this definite warning to this House.

Thirdly, I want to refer to the defective planning. The late Prime Minister Nehru in his poetic language told us that the planned development of this country is making India's face beautiful. But only certain portions in the face become beautiful. That is our complaint. So, there are only patches of beauty here and there and they are only conducive to ugliness rather than beauty. The lopsided development of India is a matter which has given rise to very serious animosity in the minds of the people in certain States, especially in Kerala. That is why people have voted against the Congress. You can see this memorandum which had been brought out by the present Government of Kerala, which is under the President's rule. In the memorandum, at page 8, this has been laid down and I shall quote it. It says:

"As regards Central sector projects, only a negligible amount of Rs. 0.79 crore was invested in Kerala in the First and Second Plan periods as against Rs. 920 crores in India as a whole. In the third Plan, the actual Central industrial investment in the State would be Rs. 25 crores as against Rs. 1,325 crores for all-India."

If this is the attitude and approach and if this is the fairness, how can you expect the people in Kerala and in some other parts of the South to come up, and how can they be loyal and how can you expect unity and integrity of India? It is naturally assisting their hatred towards the Central Government and this develops into a hatred against unity of India. At least for the integrity and the unity of India you must be fair and you must develop all parts of the country in such a way that all the regions can get their equal share. Kerala is an area where the population is so dense that we cannot cope up with it. The industry there is in an infant stage. We have not been allocated even a single unit in the heavy or basic industrial sector till now, and the few factories which we had, especially the mineral industry, had died out four years ago. No attempt has been made till now by the Government of India to revive this industry. They never attempted any research regarding the industry, before the breakdown, and the fall came as a surprise. Even the market trends were not studied in an industry which used to give us Rs. 2 crores every year as foreign exchange. So, the crash came as a bolt from the blue. The Atomic Energy Department stepped in and they said they were going to rectify and resuscitate the industry. But nothing has been done for four years. I took the initiative in calling in or inviting some top Russian scientists. They offered to assist us, and a sum of Rs. 63,300 was sought to start research in this project by the scientists of the Soviet Union. But this was rejected

by the Central Government at the instance of the Atomic Energy Department and the Centre has not till now revived the project. The workers one of the British firms in that industry have to get their wages and other dues from the company. The company had left all their assets and liabilities here, and I wrote to Shri Nanda but even then the 3,000 families are starving and they have not got their dues. They have to get Rs. 7½ lakhs from the Government of India. This is the state of the industries in the South.

Looking at the industrial aspect of Kerala, one must remember that it is a State where the water resources are immense. Perhaps it is the richest part of India in that regard, in that region, but yet, it has to go with a beggar's bowl to the State of Madras for getting some electricity so that we may run our industries with their help, the meagre and minor industries in the State, and that too, only for nine months out of 12 months in the year. Why is it so? Because the Central Government has always neglected the production of electricity in the State of Kerala, and the Madras Government has objected to any scheme that is advanced by Kerala because the shortage of power would preclude Kerala from getting some new industries established there and thus they may get all the industries allocated for the South. This is the kind of treatment we have received and the partiality of the Centre has led Kerala and many other parts of India to suffer from many ailments.

Another aspect of the question is mal-administration. You are shining in borrowed glory. We take huge loans from all foreign countries. We spend right-royally out of the loans we get, and we claim that we are fairly financially a viable State. Apart from the loans from the World Bank and the Aid-India Consortium of America, the PL 480 counterpart fund, funds alone come to Rs. 800 crores. The United States is in fact controlling the finances of this country. (*Interruption*). Yes, Their contribution is near-

ly 50 per cent of the superfluous wealth of this country. It has been pointed out by Galbraith and other experts of America. He was also Ambassador here (*Interruption*).

17 hrs.

Loans, internal and external, have swelled up into gigantic proportions. A good part of it is wasted in administrative expenditure. Such items as health, social and developmental services, agricultural research and co-operation are all classified as capital expenditure so that the financial position of the country will have a respectable appearance and the expenditure may come within the limits of the income. Top heavy administration is there and there is inefficiency in the public-sector undertakings where huge amounts have been sunk. With all these set backs, it is impossible for us to pay back any loans that we take from foreign countries with the result that in another two or three Five Year Plans India will become a bankrupt nation and we would not be able to pay back any of the loans that we have taken from other countries.

Then I come to the question of food policy. Our food policy has been a thorough failure. We have to thank America for PL. 480. We do not produce sufficient food in the country. We do not give our peasants the necessary irrigation facilities, we do not give them the required manure at subsidised rates so that they may produce more. If we had utilised one-tenth or even one-hundredth of the amount that we are spending in subsidising imported wheat, to help our peasants, we would have been self-sufficient in the matter of food. It has been very sadly neglected by this Government. I asked this question at the Bangalore Indian Labour Conference to one of the members of the Planning Commission. The reply given by Shri Rao, openly at that conference, was that this is the policy of the Government.

Therefore, Sir, in the matter of food policy they have mis-handled it and

[Shri N. Sreekantan Nair]

bungled it. They speak of unity and integrity of India. Even in the deficit States like Kerala we had to resort to riots to get the eye of the Government of India opened and get three ounces of ration per head. It is a sad picture of unity.

Inefficiency and bureaucratic tendencies reign supreme everywhere. Apart from the instance of the Ambassador in UAR, there is another clear instance of very serious impropriety. The Left Communists were allotted a symbol of "hammer and sickle with a star" which is the national symbol of the Chinese Government. Even if they asked for it, it should not have been granted to them by a senior Officer like the Election Commissioner of India,

Apart from its similarity to the Communist Party's symbol of "Sickle and corn", it is an exact replica of the national emblem of the Chinese Government. For a senior officer of the Government of India to allot this symbol to a party which is supposed to be pro-Peking is something which amounts to treason. If he did not know that it is the symbol of China, I say it is ignorance which cannot have a parallel.

With these words, Sir, I support the motion of no-confidence moved by my hon. friend.

17.05 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, March 16, 1965/Phalguna 25, 1886 (Saka).*

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