

12.14 hrs.

PAPERS LAID ON THE TABLE**STATEMENT GIVING REASONS FOR IMMEDIATE LEGISLATION BY PASSPORTS ORDINANCE.**

The Minister of External Affairs (Shri M. C. Chagla): I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Passports Ordinance, 1967, under rule 71 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed on the Table, See No. LT-599/67].

AGREEMENTS ENTERED INTO BY INDIAN REFINERIES LTD. (NOW INDIAN OIL CORPORATION LTD.) IN CONNECTION WITH HALDIA-BARAUNI-KANPUR PIPELINE.

The Minister of State in the Ministry of Petroleum and Chemicals and of Planning and Social Welfare (Shri Kaghuramallah): I beg to lay on the Table in pursuance of an undertaking given by the Minister of Planning, Petroleum and Chemicals and Social Welfare on the 1st June, 1967, while answering supplementaries on Starred Questions Nos. 211 and 212, a copy each of the following Agreement Contracts entered into by the Indian Refineries Limited (now Indian Oil Corporation Limited) in connection with construction of Haldia-Barauni-Kanpur pipeline:—

- (1) Agreement with SNAM Progetti,
- (2) Contract with SNAM Saipem,
- (3) Contract with Bechtel Asian Corporation Limited,
- (4) Contract with Bechtel International Corporation,
- (5) Contract with Bechtel International Limited.

[Placed in Library, See No. LT-600/67.]

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Passports Bill, 1967, which has been passed by the Rajya Sabha at its sitting held on the 8th June, 1967."

PASSPORTS BILL**As PASSED BY RAJYA SABHA**

Secretary: Sir, I lay on the Table of the House the Passports Bill, 1967, as passed by Rajya Sabha.

12.16 hrs.

RULING ON POINT RAISED IN CALLING ATTENTION NOTICE RELATING TO NON-SUPPLY OF CBI REPORT TO ORISSA GOVERNMENT

Mr. Speaker: Now, I shall give my ruling regarding the question that was raised about the CBI Report the other day.

On the 8th June, 1967, after the Home Minister had made a statement in response to a Calling-Attention-Notice regarding the reported refusal of the Central Government to make available to the Orissa Government the CBI report on Shri Biju Pattnaik, Shri Nath Pai supported by several other Members raised a point of order that the report of the CBI which had been placed on the Table of the House by an hon. Member of the Third Lok Sabha was a part of the record of the House and hence the report was not a secret document. Further to this point of order, Prof. Ranga supported by several other Members contended that it was not proper for the Government of India to refuse to supply the copies of certain documents in their possession to the Orissa Government. Dr. Lohia, also speaking on the point of order stated that the refusal of the Central Government to give copies of the document to the Orissa Govern-

[Mr. Speaker]

ment would affect the Centre-State relations as provided in the various articles of the Constitution. After hearing the points of order, I said that I would hear the Minister of Home Affairs and the Minister of Law. Accordingly, on the 9th June, 1967, the Ministers made their statements. The Minister of Law stated as follows:—

"I wish to submit to you two points; the first is that the matter does not arise in the Lok Sabha. Secondly, if it arises, it is upon the subject-matter of a ruling by your distinguished predecessor on the 26th February, 1965."

After referring to the said ruling and reading parts of it, the Law Minister continued "that although what was claimed to be a copy of the report or summary of the report was placed on the Table, it is still open to Government to claim that it is a confidential document and, therefore, they are not bound to disclose it, publish it or communicate it".

The Minister of Home Affairs gave the background in which the CBI was asked to make a report to be considered by the Cabinet. I need not go into the details of his statement.

On this, Shri S. N. Dwivedy contended that what the Orissa Government wanted from the Central Government was the report submitted by the CBI to the Government of India and not to the Cabinet. He added that according to him, since the document was no longer a secret document, the Government of India could not refuse to give copies to the State Government.

I have considered the various issues arising out of the points made here and I give my conclusions as follows:—

After my distinguished predecessor, Sardar Hukam Singh, gave his ruling

on the 26th February 1965, an hon. Member of the then House, Shri Kamath, placed on the Table of the House what he claimed to be a summary of the CBI report with respect to some of the activities of the Orissa Ministers, and later Shri S. N. Dwivedy placed on the Table of the House what he claimed to be a copy of the full report with respect to that matter. The Government have not so far admitted or denied the correctness of any of these documents. From the statement of the Home Minister, it is clear that they still classify the report as confidential and they are not prepared to make it public. The right of the Government in this respect is absolute and the Speaker cannot compel them to lay such a document on the Table of the House, much less to disclose it or communicate it to any one else.

Shri Hem Barua (Mangaldai): You have come to that conclusion?

Mr. Speaker: There was no demand in the House that Government should lay the report on the Table of the House and indeed even if there had been a request and the Government had not complied with it, the Speaker had no power in the matter.

As regards the contention that the documents laid on the Table of the House by some members of the Opposition during the Third Lok Sabha are part of the record of the House and hence are not secret documents, I have to say that according to rule 369(2), all papers and documents laid on the Table shall be considered public. Therefore, the documents laid on the Table during the Third Lok Sabha by Shri Kamath and Shri Dwivedy are already public. But what is overlooked here is that those are not the documents which Government have placed on the Table of the House, and therefore, the documents which may be in the possession of the Government have not become *ipso facto* public.

The questions raised by Prof. Ranga and Dr. Lohia and Shri Dwivedy are really not points of order. They are matters which can either be debated or addressed to the Minister to elicit information. The Speaker is not called upon to rule on these points as they are not points of order.

As I have already said, the Speaker has no authority to compel Government to place it on the Table.

Shri N. Sreekantan Nair (Quilon): A Daniel has come to judgment.

Shri P. K. Deo (Kalahandi): What about the call attention?

Mr. Speaker: I will find out.

Shri Bal Raj Madhok (South Delhi): May I seek a clarification?

Mr. Speaker: On the point concerning the ruling? No. If one is allowed, then others will follow.

श्री मन्त्रिमये (मुंगेर) : अध्यक्ष महोदय, आपने कहा कि आप को नियम के अनुसार या मंत्रिमय के अनुसार कोई अधिकार नहीं है, लेकिन मैं आप की मारफत मंत्री महोदय से प्रतीति करना चाहता हूँ कि उड़ीसा सरकार ने जो एक अच्छी कार्यवाही करने का संकल्प किया है, यानी जिन मंत्रियों के खिलाफ आरोप लगाये गये हैं, उनकी निष्पक्ष न्यायालय के द्वारा जांच हो, इस काम में मदद करने के लिये—मैं आप को नहीं कह रहा हूँ कि आप जबरदस्ती उन से करवायें—लेकिन आपकी मारफत उन से विनती करता हूँ और प्रश्न पूछना चाहता हूँ कि केन्द्र और राज्य का रिश्ता सुधारने के लिये और परस्पर विश्वास पैदा करने के लिये तथा मंत्रियों के खिलाफ जो आरोप धा गये हैं, उनकी जांच करवाने के काम में मदद करने के लिये, क्या वह सी० बी० आई० की रिपोर्ट की आधिकारिक नकल उड़ीसा सरकार को, एम्बेस्यारी कमिशन की नियुक्ति से पहले दे देंगे ?

The Minister of Home Affairs (Shri Y. B. Chavan): I think I made that point clear last time, that the Government's attitude towards any enquiry to be instituted by the Orissa Government is very clear. It is for the Orissa Government to take a decision, and since they have taken a decision, our attitude would be it would be a good thing to co-operate in this matter. As I said last time, the documents which were examined are also with the Orissa Government. If they want a CBI official on deputation to help them I am prepared to consider that. They had asked us about some Judge of the High Court to be spared for that. I am making efforts for that. We will certainly give them all co-operation and aid necessary for this, but this is a secret document, it is not Government's intention to communicate this to them.

डा० राम मनोहर लोहिया (कन्नौज) :
स्पीकर साहब, आप हँसते नहीं ।

श्री मन्त्रिमये : उन्होंने कहा कि नहीं देंगे ।

Mr. Speaker: The Home Minister has also made it clear, if I remember correctly, that if the commission, after appointment, wanted the document, he will give it to them. He did not say he will not give.

Shri Bal Raj Madhok: If the Orissa Government appoints a commission of inquiry, and the commission demands that document, will he give it?

Shri Y. B. Chavan: I have made it clear that if the commission, after appointment, requires it, then we will certainly consider it.

श्री रबी राय (पुरी) : गृह मंत्री के जवाब से मालूम होता है कि केन्द्रीय सरकार सब अप्टाचार की जड़ है । मैं पूछना चाहता हूँ कि वह जो बयान में आप ने लिखा है कि उड़ीसा के जो भूतपूर्व कांग्रेसी मुख्य मंत्री थे श्री सदाशिव त्रिपाठी, उन्होंने सी० बी० आई०

[श्री रवी राय]

की रिपोर्टें मांगी थी। किंतु वक्त सदाशिव त्रिपाठी ने बः सी० बी० आई० की रिपोर्टें मांगी थी तो वह कोई जांच बैठाने के लिये नहीं मांगी थी, ऐसा जवाब मैं उनके कहने से हम को लगता है या वह सदन को गुमराह तो नहीं करना चाहते हैं? सभी जो मुख्य मंत्री हैं वह उसकी रिपोर्टें जांच बैठाने के लिये चाहते हैं जबकि कांग्रेस के भूतपूर्व मुख्य मंत्री श्री सदाशिव त्रिपाठी ने वह रिपोर्टें जांच बैठाने के लिये नहीं मांगी थी बल्कि वह मांगी थी सूचना के लिये . . .

डा० राज मनोहर लोहिया : घ्रापस की लड़ाई के लिये मांगी थी।

श्री रवी राय : यह सदाशिव त्रिपाठी जो भूतपूर्व कांग्रेसी वहां के मुख्य मंत्री थे और सभी जो गैर कांग्रेसी मंत्रिमंडल है, उसके द्वारा रिपोर्टें की मांग को श्री सदाशिव की बात के साथ जोड़ करके क्या वह मंत्री सदन को गुमराह करना चाहते हैं?

Shri Y. B. Chavan: We do not change our attitude from man to man and from party to party. Our attitude is based on certain principles. Even if he was a Congressman, we do not change our attitude; even to a non-Congress Government we are not changing our attitude.

डा० राज मनोहर लोहिया : यह सबान दूसरा या अग्रिम महोदय।

श्री जयु लिवरे : रवी राय जी के सबान का जबाब नहीं है। उन्होंने कहा कि दोनों के उद्देश्य अलग थे। वर्तमान उड़ीसा सरकार का उद्देश्य बला उद्देश्य है इसलिये क्या वह फर्क नहीं करेंगे और उनको नहीं देंगे? यह सबान बा, उस से कोई सम्बन्ध नहीं है।

Shri Y. B. Chavan: It is not the intention or the purpose for which it is required, it depends on the character of the document. Our whole case is based on that.

Shri K. P. Singh Deo (Bolangir): As the present non-Congress State Government has had the enterprise and has had the boldness to take concrete steps to root out corruption, is it the duty of the Government of India to throw obstacles and impediments in the way of their bringing to justice those corrupt members of the Congress Government of 1961-65 by refusing to furnish a document in which there might be some evidence which might book the culprits. (Interruptions).

Shri Y. B. Chavan: There is no question.

Shri Chintamani Panigrahi (Bhubaneswar): In the meantime, a new development has taken place....

Mr. Speaker: This is a calling attention notice. Except the four names here, nobody else can get up.

An hon. Member: What about point of order?

Mr. Speaker: Minister will not answer, I will answer. We have made a new rule. Any point of order the Speaker will answer.

Shri P. K. Deo: I would draw your attention to a quotation from the Hindustan Times of 31st May, which says: "If the Centre persisted the State might consider whether to continue sending periodic reports on the law and order situation to the Centre". Two questions arise out of this. Firstly, the State Government has made a bold decision to give a chance to the complainants to prove their charges and at the same time to Mr. Biju Patnaik to exonerate himself and to rehabilitate the lost position of the Congress through the new chance being given to both the parties so that the actual fact could be brought to the notice of the people. I do not understand nor appreciate why the Government takes the stand that they will consi-

der; why they cannot say in categorical terms that when this report is called for judicial cognisance along with the various reports laid on the Table, they will be given. The Commission instituted under the Commission of Enquiries Act cannot take a judicial decision on these reports without seeing them and so they want it. Why cannot they say in categorical terms that this report would be made available? Secondly it raises a very delicate Centre-State relationship. Orissa is a surplus State regarding food. There is the law and order situation. We do not want that this cordial relationship should be snapped. We all want that cordial relations between the State and the Centre should continue. What is the wisdom in the Home Ministry decision to put all impediments in the State-Centre relationship?

Shri Y. B. Chavan: The hon. Member has offered his comments. I do not think he has asked for any information.

Shri P. K. Dee: I wanted a categorical answer to my question.

Mr. Speaker: You gave a long background. What is the question? Put the question.

Shri P. K. Dee: You know all that background. In view of all that, if the commission of enquiry asked for the report to take judicial cognisance of it, will it be made available to the commission?

Shri Y. B. Chavan: I said that if the commission requires it for purposes of evidence, certainly our intention will be to give it to them.

12.25 hrs.

ELECTION TO COMMITTEE

CENTRAL ADVISORY COMMITTEE FOR
NATIONAL CADET CORPS

The Minister of Defence (Shri Swaran Singh): Sir, I move:

"That in pursuance of sub-section (1) of section 12 of the National Cadet Corps Act, 1948, as amended by the National Cadet Corps (Amendment) Act, 1952, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps for a term of one year, subject to the other provisions of the said Act and the Rules made thereunder."

Mr. Speaker: The question is:

"That in pursuance of sub-section (1) of Section 12 of the National Cadet Corps Act, 1948, as amended by the National Cadet Corps (Amendment) Act, 1952, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps for a term of one year, subject to the other provisions of the said Act and the Rules made thereunder."

The motion was adopted.

12.29 hrs.

GENERAL BUDGET—GENERAL DISCUSSION—contd.

Mr. Speaker: We have seven more hours for the debate. We shall take up the General Discussion now.

Shri P. K. Dee (Kalahandi): Before you go to the next item, regarding the privilege motion I have given notice against the Prime Minister....

Mr. Speaker: No, not here. It should be brought to my notice in the Chamber.