

[Shri B. R. Bhagat]

Rameshwar Sahu, I beg to lay on the Table—

- (1) a copy each of the following Notifications under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944, making certain amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960:—

- (i) G.S.R. 333 dated the 6th March, 1965.
 (ii) G.S.R. 334 dated the 6th March, 1965.
 (iii) G.S.R. 335 dated the 6th March, 1965.

[Placed in Library. See No. LT-4052/65].

- (2) a copy each of the following Notifications under section 159 of the Customs Act, 1962:—

- (i) G.S.R. 354 dated the 28th February, 1965.
 (ii) G.S.R. 355 dated the 28th February, 1965.
 (iii) G.S.R. 356 dated the 28th February, 1965.
 (iv) G.S.R. 357 dated the 28th February, 1965.
 (v) G.S.R. 336 dated the 6th March, 1965.

[Placed in Library. See No. LT-4057/65].

- (3) a copy each of the following Notifications:—

- (a) The Central Excise (Second Amendment) Rules, 1965, published in Notification No. G.S.R. 376 dated the 28th February, 1965, under section 38 of the Central Excises and Salt Act, 1944.

[Placed in Library. See No. LT-4058/65].

- (b) The Agricultural Refinance Corporation (Staff) Regulations, 1964, published in Notification dated the 4th

July, 1964, under sub-section (5) of section 46 of the Agricultural Refinance Corporation Act, 1963. [Placed in Library. See No. LT-4059/65].

12.33 hrs.

STATEMENT RE: ALLEGATIONS
AGAINST SHRI A. K. SEN

Mr. Speaker: Shri Surendranath Dwivedy. There is one thing that I would request. I would like the statement of Shri Dwivedy as also that of the Law Minister to be made at one and the same time, i.e., one after the other. If the Law Minister is also ready, I will allow him.

The Minister of Law and Social Security (Shri A. K. Sen): Yes.

Shri Surendranath Dwivedy (Kendrapara): During the discussion of the no-confidence motion on 16th March, 1965, Shri Homi Daji, an Opposition Member, said that Shri A. K. Sen, Union Minister of Law and Social Security who was a member of the Cabinet Sub-Committee which was dealing with Orissa affairs, had applied for a plot of land in Bhubaneswar when he was a member of the Sub-Committee and that a plot was allotted to him before the Sub-Committee finalised its report.

Shri A. K. Sen said that it was a serious allegation, and that he was prepared to resign if this could be substantiated. You were also pleased to observe that the House must take notice of it.

I have since made enquiries about this matter, and want to place the following facts for the consideration of the House.

From the records of the Government of Orissa, which I have been able to see, I can state with full sense of responsibility that the former Chief Minister of Orissa, Shri Biren Mitra and the former Chairman of the State

Planning Board, Shri Biju Patnaik, showed considerable interest and asked the Estate Officer to find a plot of land in Bhubaneswar for Shri A. K. Sen, the Union Law Minister.

An hon. Member: When?

Shri Surendranath Dwivedy: In fact, a Government order ultimately signed by the Additional Chief Secretary to the Government of Orissa, on 3rd September, 1964, states that a three-fourth acre plot in Unit VII, which is now available, may be reserved for Shri A. K. Sen, Union Law Minister. I have a photostat copy of the record which, with your permission, I am prepared to place on the Table of the House.

Mr. Speaker: Yes, this may be placed on the Table of the House.

Shri Surendranath Dwivedy: This is the note of the Estate Officer to the Joint Secretary. It says:

"Jt. Secy.

"Orders at p. 12/N with regard to the withdrawal of plots Nos. 57 and 58 from the Capital Co-operative Building Society, may kindly be seen. I had the occasion to discuss this question with the Chief Minister who was pleased to observe that plot Nos. 57 and 58 may be defreezed and placed at the disposal of the Society. A 3/4th acre plot in Unit VII, which is now available, may be reserved for Shri A. K. Sen, Union Law Minister. In view of the orders of the Chief Minister, we may have no objection to defreeze the two plots, namely plots Nos. 57 and 58.

"For favour of approval.

Sd./- (illegible)

2nd September.

On this the Joint Secretary writes:

"Addl. C. S. may kindly see orders on p. 12/N. In view of the changed circumstances, the two

plots may not be kept reserved and may be replaced at the disposal of the society.

"Addl. C.S.

Sd/- illegible

3-9-64

Sd/- illegible

3-9-64

Sd/- illegible
3-9-64."

These notes are exchanged between the Estate Officer, Joint Secretary and Additional Chief Secretary to the Government of Orissa between 2nd September, 1964 and 3rd September, 1964. You have already permitted me to place a copy on the Table of the House.

The House might remember that allegations against Orissa Ministers were before the Government of India and were raised in Parliament several times during the last two years. A memorandum to the President was submitted in July, 1964, which was forwarded to the Prime Minister. The Law Ministry was very much in the picture. Since Shri Biju Patnaik had filed a case in a Calcutta Court against a newspaper on this matter, the Law Ministry examined the question whether a Commission of Inquiry under the Commissions of Inquiry Act, 1952, could be appointed under the circumstances, and so far as my information goes, the late Solicitor-General, Shri Sanyal, was asked to give his opinion on the matter in the month of August, 1964. Regular cases for enquiry into **the matters were registered before the Special Police Establishment on 10th September, 1964 and the CBI was entrusted with the task of investigation. The Cabinet Sub-Committee was later appointed to go into these reports and come to some findings.**

It is indisputable from the above facts that a plot of land was reserved for Shri A. K. Sen by the Government of Orissa at Bhubaneswar in September, 1964. As a matter of fact, after this permission is given, the all

[Shri Surendra Nath Dwivedy]

allottee has to be informed and he would have to go through certain procedures in order to take the allotment and possession of the land. These must take some time. Whether this was effected during the period mentioned by Shri Daji, it is for Shri Daji or for Shri Sen to clarify.

The facts that I have placed before the House show that there are many more persons involved in Orissa affairs than is sought to be painted by the Government, and they are afraid to appoint a Commission of Inquiry on fear of further startling disclosures about men in authority and Congress leaders both at the Centre and the State of Orissa.

It is not my purpose to attribute any motives to anybody, nor am I interested in witch-hunting. Since the matter has been raised in the House, I hope this may help in clearing doubts even regarding Shri Sen. If, as a result of what I have placed before you, Shri Sen can clarify the whole position, I would be indeed happy. I trust this will be viewed in the spirit in which I have raised it.

Thank you.

Mr. Speaker: Has he information whether these two plots, Nos. 57 and 58, were allotted to Shri Sen?

Shri Surendranath Dwivedy: I have no information whether on any particular date he took it or not, but so far as this record goes . . .

Mr. Speaker: I was only further enquiring whether that allotment has been made or not.

Shri Surendranath Dwivedy: The allotment has been made according to the records. This was reserved for him.

Shri A. K. Sen: Mr. Speaker, Sir, I am obliged at least to Shri Surendranath Dwivedy that he had not raised this in the brash way in which the

other hon. Member has done on the last occasion. I am very sorry that I have not had enough time to prepare for this case because this has come up from Shri Surendranath Dwivedy only this morning and you were pleased to send me. You will excuse me if my particulars fall short of some of the requirements, but I shall be happy to submit such particulars as you may require.

The matter arises in this way. I have had now the advantage of seeing the copies of many letters written by and to my brother, when he was alive, the late **Shri Sukumar Sen**, concerning the plot of land which was going to be settled by him when he was the Chairman of the Dandakaranya Authority in 1962. The matter starts from 1st August, 1962. I shall place all these letters on the Table; I do not want to read them because it will take time. But I will give the gist of them.

On 1st August, 1962, his Secretary, one Mr. Ramani wrote from Koraput that Mr. Sen was shown certain plots in Bhubaneswar when he was there last and he would be obliged if the particulars were sent to him so that he may make a choice. They were sent to him and he made a particular choice; it was not found possible to be given to him. He made another choice in the alternative which I found is plot No. 113 in front of the Government House. That is the plot possibly which Shri Daji had in mind when he said it. The correspondence went on from 1st August till 13th February in the course of which he was given the rules of membership of the co-operative society. He became a member of the Capital House Building Co-operative Society of Bhubaneswar by paying the share money of Rs. 10 and Re. 1 as application money, and he was sent the rules saying that the allotment would be made if the application was made with a treasury challan, and in the

meantime that Plot No. 113 would be reserved for him if he wanted to apply. Unfortunately, it is well-known that he died before he applied, after 13th February, when he was informed; he died in April. It is rather painful for me to recount it. Then, what happened? I never knew anything about it. His wife, in great distress, left for England; she was there, away, for about a year. In the meantime, it appeared that two other officers, one the Secretary of the Governor and the other, the Registrar of Co-operative Societies, wanted this land to be allotted to them because they had heard nothing from the family of Sukumar Sen. Unfortunately, I find that no letter was sent either to my sister-in-law or to me or to any member of his family so that they could decide whether they would keep it or not or continue the membership of the society or not. The whole of 1964 was taken up. I remember I went to Cuttack and Bhuvanagar at the end of December, 1963, but in the meantime, the notes which I find, show that orders were sought that this land which was meant for my brother might be allotted to these officers as nothing was heard from his family. One officer, I find, notes that this should await the decision of the Chief Minister as it was originally meant for Mr. Sukumar Sen and further intimation should be obtained from Mrs. Sukumar Sen, that is, my sister-in-law, before that land was disposed of or allowed to be disposed of. Unfortunately, at that time, my sister-in-law was in England. I do not think she heard anything about it; at least she says she did not hear anything about it.

When I went to Bhuvanagar in December, 1963 in connection with the Regional P & T Conference there, I was told by some officers, either the Secretary or the Deputy Secretary, or somebody who was sent by the Chief Minister, that the Chief Minister's order was awaited for the allotment of this plot of land to the two officers and whether the family wanted it to

be kept for them and they wanted to know the views of the family. I told them I knew nothing about it, that my sister-in-law was away and that on my going back I would make enquiries. In the meantime, I was asked to write to the co-operative society in August if it was desired that his membership should be continued by any of the members of his family. As far as I remember, after I came back, I did write to some co-operative society. I cannot find a copy of it. In any event, it must have been addressed not to the co-operative society—because, when I went to Bhuvanagar in March, 1964, after, you remember, the riots had taken place in Pakistan and Calcutta, the riots were going on in Rourkela and a large number of refugees were being sent to Orissa for being settled. I was sent by the late Prime Minister, Shri Jawaharlal Nehru, to go and talk to the Chief Ministers of Orissa and of Bihar for the purpose of finding out how these refugees could be settled in these two States. I think Shri T. T. Krishnamachari was instrumental in sending me there. And Shri Khanna was then the Minister. When I went there, I was told by the Chief Minister—the Rehabilitation Secretary was Mr. Dias—that they have received no intimation from Sukumar Sen's family and that the matter could not be held up any longer because there were other applicants. I told him definitely that when I go back I will find out and write back. I have got a copy of the letter, which I wrote to the Chief Minister, the original of which must be in the files in Orissa. I shall place copies of my brother's letters, the replies from the Government of Orissa and my letter of 19th April, 1964, on the Table of the House. I wrote to him saying that my sister-in-law was away and that therefore nothing could be said definitely, but that reservation may be continued until some member of his family chose to apply for the allotment which was meant for him according to the rules. No reply was

[Shri A. K. Sen]

given to any member of his family. I am trying to find out whether any reply did reach them because they are all in Calcutta. But what happened is,—I find now from the files—in the meantime, the allotment to these two other officers, Mr. Dass and Mr. Bawa had been almost finalised and it was only awaiting the sanction of the Chief Minister as the co-operative society had allotted it to them and everything was completed. And when my letter went, the Chief Minister appears to have given an order which is at page 12|N, not 16|N—16|N is dated 2nd September, and 12|N is dated 11th August, 1964. The Orissa Government have been requested to send a detailed account. It appears that since the allotment in favour of these two persons of the land which was meant for my brother had progressed almost to finalisation, the Chief Minister said it need not be held up, but, if, as I had requested, any member of the family had applied for any land, two plots mentioned as Plot, Nos. 57 and 58 in that very order sheet of 11th August "might be reserved as per request of the Law Minister." That is written there. I shall read out that portion and I shall also place a copy of that, the note at page 12/N. This is after the receipt of my letter; the decision was taken three months later. It reads as—Ten more plots were carved out in the Forest Park area and were numbered 50 to 59. As per the decision of the Capital advisory committee these plots were placed at the disposal of the Capital Co-operative Building Society for allotment, the same society of which my brother was a member. It says "we have so far not received any representation for plots 57 and 58 from the society." That means nobody had apparently from the side of Sukumar Sen's family applied to the society or for any allotment. "The Chief Minister was pleased to tell me a couple of days back that the two plots from the said area may be kept free for allotment for sometime as per

the request of the Mr. Asoke Sen, Indian Minister for Law." I would, therefore, submit that Plot Nos. 57 and 58 measuring quarter of an acre each may be temporarily withdrawn from allotment made to the Capital Co-operative Building Society." If at all, apparently, my late brother's family might have a grievance that without reference to them, the plot which was meant for him was given to the two officers and some other plot, which is far inside the town—Nos. 57 and 58—was kept reserved for sometime for allotment, or "kept free for allotment for sometime as per the request of the Indian Minister for Law." I never made any request for any other land. I only said that the land which was meant for my brother may be kept pending until somebody, some member, of his family, applied for it. This was the note on the 11th August. After the 11th August, it does not appear that any intimation went from the Estate Office to any of the heirs of Shri Sukumar Sen; apparently they did not hear anything. What happened is—this is the order of 2nd September which Shri Surendranath Dwivedy has read out—they said that these plots which were temporarily kept pending may also be allotted because there were other applicants. Some officer wrote that this may be allotted; this may not be kept pending and if at all somebody—I find my name mentioned—wanted, some unit VII may be considered. Nobody has ever applied; nothing of the sort. This is the position.

I have now got the certificate and copy of the records which the Chief Minister sent me of the co-operative societies. The Deputy Chief Minister wrote "I would like to know if Shri Asoke Sen, Union Minister of Law, has applied for allotment of a plot of land in Bhubaneswar to any of the house-building societies functioning at Bhubaneswar. If any such application has been received, the details of the same and the action taken thereon may be indicated."

Records of six co-operative house-building societies were sent. They said, "Shri Asoke Sen never applied for membership of any house-building co-operative society and is not a member of any society. Shri Asoke Sen never applied for a plot of land in Bhubaneswar in any house-building society. Shri Asoke Sen was not allotted any plot of land in any of the house-building societies in Bhubaneswar."

Sir, these are the letters of my brother and his secretary, the replies received by him, and the copy of his membership certificate. His society membership card is still continuing—No. 2373 of Capital House-building Society. I may read out my own letter which I wrote on 19th April to Shri Biren Mitra:

"My dear Biren,

"I do not know to which society my brother, late Shri Sukumar Sen applied for a plot of land in Bhubaneswar. Apparently I had addressed a previous letter wrongly. As my sister-in-law is not here, please see that the reservation of my brother may be continued until any member of his family decides to apply for membership according to the rules."

On that, on the 11th August, the order was made that the land allotted for him may be disposed of and given to some other officers and some other plots Nos. 57 and 58 may be kept reserved for some time. I find from the records that within 15th September, both these plots 57 and 58 were allotted to others.

Mention was made about the question as to whether a commission of inquiry was feasible or not in view of the suit filed by Shri Patnaik. I think we dealt with that matter not before 11th August but later before Mr. Sanyal had died, two or three weeks before. It was in the last week of August, i.e., after the order of

11th August. I did not know anything about this order then. The Prime Minister knows what my advice has been about the commission of inquiry. Mr. Dwivedy also knows what the advice of the Law Ministry has been.

Shri Hari Vishnu Kamath (Hoshangabad): It is secret.

Shri A. K. Sen: But it was certainly not in favour of Mr. Patnaik.

These are the facts. May I, with your permission, lay on the Table of the House the copies correspondence with my brother and myself and the two orders of 11th August and 2nd September, 1964? Mr. Dwivedy has filed already the order of 2nd September. I have asked the Orissa Government to be good enough to send copies of other orders by which plots 57 and 58 have also been allotted.

Mr. Speaker: His assertion is that no plot whatsoever has been allotted to him in Bhubaneswar?

Shri A. K. Sen: I think the Chief Minister has written to the Prime Minister.

Mr. Speaker: What is his assertion?

Shri A. K. Sen: There is no question of my ever applying or ever having been allotted any plot.

Mr. Speaker: The Minister may place all the papers, and letters that he has got on the Table of the House. Mr. Dwivedy also would put them on the Table. Mr. Daji also might put them if he has got any proof about his own statement. I will certainly go through all these records and see if I have a recommendation to make or any occasion to place anything before this House.

Shri Surendranath Dwivedy: I lay the documents on the Table of the House. [Placed in Library. See No. LT-4050/65].

Shri A. K. Sen: Sir, I also lay the relevant documents on the Table of the House. [Placed in Library, See No. LT-4051/65].