

पूर्व और पश्चिम की तरफ जो गाड़ियां जाती हैं उनमें बहुत सी शटल हैं, पैसेन्जरस हैं, लोकल ट्रेन्स हैं, उनमें से बहुतों को उन्होंने कैंसिल कर दिया है ? अभी हाल में निकाला कि वैस्टर्न रेलव की बहुत सी ट्रेन्स को कैंसिल कर दिया गया । शटलज में कुल तीन-चार डिब्बे होते हैं जिसमें से एक गाड़ का चला जाता है । क्या यह बात वास्तविक है कि पहले तो ट्रेन्स को कैंसिल कर दो और फिर शटलज ट्रेन्स देंगे जो बेवक्त पर चलती हैं ? जो पीक आवरज हैं उसमें दोनों तरफ के आने जाने वाले यात्रियों को बहुत कठिनाई होती है, जैसे बनारस आने के लिये, मुगलसराय और पटना जाने के लिये संकट उत्पन्न हो जाते हैं ।

श्री मधु दण्डवते : टाइम-टेबल निश्चित करते समय जो दिक्कत माननीय सदस्य ने बताई उसकी तरफ ध्यान दिया जाता है । लेकिन फिर भी अगर कोई दिक्कत है तो उसके हटाने के लिये हम कोशिश करते हैं ।

श्री श्यामलाल यादव : रेलों में बहुत कम, तीन-चार ही डिब्बे लगाते हैं ।

श्री मधु दण्डवते : सारे देश में जो रोलिंग स्टॉक है, उसको ही इस्तेमाल करना पड़ता है । डिब्बे कैसे एक्सचेंज कर सकते हैं । वे इतने इलास्टिक नहीं हैं कि उनकी लैंग्थ बढ़ा दें ।

SHRI V. C. KESAVA RAO: On account of the presence of alarm chain system in the trains, the ticketless travellers as well as the dacoits are able to stop the train wherever they want. May I know from the hon. Minister whether he would consider the question of removing alarm chain system from the trains?

PROF. MADHU DANDAVATE: Sir, the medicine that is suggested by the hon. Member will be worse than the disease itself. If some dacoity takes place and somebody really wants to pull the chain and at that time the chain is no more there, in that event the element of danger may be greater. But I may inform the hon. Member, as I told this House

sometime back that we have improved our system of patrolling in the trains with the help of the State Governments and during the last 15 to 20 days, the number of dacoities and robberies in the trains has considerably gone down as a result of the new system.

कतिपय कम्पनियों के विरुद्ध कड़ाचार के आरोप

*308. श्री जगदीश प्रसाद माथुर :†

श्री हरिशंकर भाभड़ा :

श्री कलराज मिश्र :

क्या विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को बड़े व्यापारी घरानों द्वारा चलाई जा रही कुछ कम्पनियों के विरुद्ध हाल ही में कड़ाचार की शिकायतें प्राप्त हुई हैं;

(ख) यदि हां, तो उन कम्पनियों के नाम क्या हैं और उनमें से प्रत्येक के विरुद्ध क्या-क्या आरोप लगाये गए हैं; और

(ग) क्या सरकार ने उनके विरुद्ध कोई कार्यवाही की है; यदि हां, तो इस सम्बन्ध में ब्यौरा क्या है ?

Allegations of malpractices against certain companies

*308. SHRI JAGDISH PRASAD

MATHUR:†

SHRI HARISHANKER

BHABHDA:

SHRI KALRAJ MISHRA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any complaints of malpractices have recently been received by Government against some companies run by big business houses;

(b) if so, what are the names of those companies and what are the allegations made against each of them; and

†[] English translation.

†The question was actually asked on the floor of the House by Shri Jagdish Prasad Mathur.

(c) whether any action has been taken by Government against them; if so, what are details in this regard?]

विधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण): (क) से (ग) कम्पनी कार्य विभाग को विभिन्न स्रोतों से बड़े धराने को सम्मिलित करते हुए कम्पनियों के विरुद्ध विभिन्न प्रकृति की शिकायतें प्राप्त हो रही हैं। वर्ष 1976-77 की अवधि में जिसके आंकड़े उपलब्ध हैं, 5071 शिकायतें प्राप्त की गई थी, जिनमें छल कुप्रबन्ध निधियों का गलत प्रयोग आदि के आरोपों का उल्लेख किया गया था। प्रत्येक शिकायत की परीक्षा की जाती है और उस पर उचित कार्यवाही की जाती है।

बहुत अधिक संख्या अन्तर्निहित होने की दृष्टि से, कम्पनियों के नाम और उनके विरुद्ध लगाय गए आरोपों के ब्यौरे दना सम्भव नहीं हैं। अगर माननीय सदस्यगण बड़े धरानों द्वारा चलाई जा रही किन्हीं विशेष कम्पनियों के विषय में सूचना चाहते हैं तो वह प्रस्तुत की जा सकती है।

†[THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) to (c) The Department of Company Affairs is receiving complaints of several nature against companies including large Houses from various sources. In the year 1976-77 for which figures are available, 5071 complaints were received, which included allegations of fraud, mismanagement, mis-application of funds, etc. etc. Every complaint is examined and appropriate action taken.

In view of the large number involved, it is not possible to give the details of names of companies and the allegations made against them. If, however, the Hon. Members want information in respect of any particular companies run by Large Houses, the same can be furnished.]

†[] English translation.

श्री जगदीश प्रसाद माथुर : क्या मंत्री महोदय, यह बताने की कृपा करेंगे कि इनमें प्राविडेंट-फंड के नियमों के उल्लंघन के कितने मामले हैं ?

श्री शान्ति भूषण : प्राविडेंट-फंड के उल्लंघन का मामला तो इसमें नहीं है। प्राविडेंट-फंड तो दूसरा विभाग डीस करता है।

श्री जगदीश प्रसाद माथुर : क्या मंत्री महोदय का ध्यान उत्तर प्रदेश में बिरला धराने के हिण्डाल को काखाने की तरफ भी कभी गया है। हिण्डाल को के विषय में उत्तर प्रदेश के बिजली मंत्री ने भी कभी कुछ शिकायतें की थी। जहां तक मेरी जानकारी है शायद केन्द्र सरकार से इसे नेशनलाइजेशन को भी कहा था। नेशनलाइजेशन का प्रश्न आप का विषय नहीं होगा। क्या केन्द्र सरकार ने उनके ऊपर प्रदेश सरकार की ओर से जो मुबद्दा चल रहा है, उस विषय में कुछ मार्गदर्शन दिया है। यह कहा जा रहा है कि केन्द्रीय सरकार उन पर मुबद्दा न चलाने उन पर कार्यवाही न की जाने की सलाह दे सकती है; इन बातों में तथ्य क्या है ?

श्री शान्ति भूषण : इस प्रश्न का माननीय सदस्य नोटिस दें तो मैं इस की जानकारी दे सकूंगा।

SHRI LAKSHMANA MAHA-PATRO: Sir, the hon. Minister has stated that a variety of complaints have been received over the years. I would like to know about a particular variety. One variety is misutilisation and not making payment of the provident fund that is collected from the workers. I would like to know whether it is a fact that these people, these big business houses, in their respective companies, are resorting to the practice of creation of scarcity of materials that they produce so that they can send them to the black-market and make more money.

SHRI SHANTI BHUSHAN: Sir, the Department of Company Affairs is concerned with the administration of the Companies Act and the M.R.T.P. Act. So far as creation of scarcity is concerned, I do not think that will be covered by the Companies Act or the M.R.T.P. Act. Creation of scarcity is not a head under which complaints are registered.

SHRI ANANT PRASAD SHARMA: Will the hon. Minister tell the House, how many of these complaints are against the big houses in the country and how many against the multi-nationals? Will he also tell the House—if not today, he can lay a statement on the Table of the House later on,—how many such complaints have been received in 1977-78?

SHRI SHANTI BHUSHAN: As I said, so far as these complaints are concerned, they are quite large in number and no separate statistics is maintained, namely, complaints against large business houses, Complaints against small business houses and so on. As I said earlier, if the hon. Member has the name of any particular concern in mind, certainly, in regard to that concern, it would be possible to give the figures. If the hon. Member has the name of any particular multi-national company in mind, if he would give me notice, we would give all the figures in regard to that particular multi-national company.

SHRI U. R. KRISHNAN: I would like to know from the hon. Minister: What are the heads of accounts under which money is being misused and what are the proposals he has in mind to check this misuse of funds?

SHRI SHANTI BHUSHAN: I have not been able to understand as to what are the heads of accounts under which there is misuse of funds.

SHRI U. R. KRISHNAN: What are the heads of accounts under which money is being misused by the profiteers or the industrialists and how is the Government going to check this practice?

SHRI SHANTI BHUSHAN: Sir, I must express my incapacity in regard to understanding the question. Misuse of funds can be there by any means. There is no question of any connection between the misuse of fund and the head of accounts.

SHRI U. R. KRISHNAN: Some of the companies are not all depositing the provident fund money and the compulsory deposit amount.

SHRI N. K. P. SALVE: Sir, the hon. Minister has stated that the question of artificial scarcity does not fall within the realm of Company Law. But linked with it is the question of defrauding the rights of the shareholders. That falls fairly within the realm of Company Law and the Department of Company Affairs. May I know from the hon. Minister whether there is any mechanism which automatically co-ordinates instances where clandestine sales are effected by the management, detected by the Income-tax people and action is taken by the Company Law Board? Secondly, may I know whether there is any mechanism to find out whether there is any secret production or production made in secret and sold away, the proceeds of which are taken by the management? Is there any mechanism by which you can get at these offences which defraud the rights of the shareholders?

SHRI SHANTI BHUSHAN: Sir, what is being suggested by the hon. Member is, if there are secret sales of its products by a company, namely, the price at which it is sold is different from the price which might be credited in the account books of the company...

SHRI N. K. P. SALVE: You have not understood my question. One is under-invoicing and the other is secreting the entire production.

SHRI SHANTI BHUSHAN: Namely, the entire production is not brought

into the account books at all, and secretly sold away. That would be a clear case of misappropriation of the funds of the company. If the production of the company is not brought into the accounts and is secretly sold away, that will be a clear case of misappropriation of the funds of the company. We have separate figures of misappropriation of funds of all kinds of course, whether by this method or by other methods and when any complaints are received, in that case we see whether the inspection of the accounts can be made or an investigation in the affairs of the company can be made or sometimes we even refer...

SHRI N. K. P. SALVE: My question is not understood unfortunately. The Income-tax Department is vitally interested in it. They detect such cases—quite a number of them. Is there any mechanism as a result of which you coordinate your activities with that Department?

SHRI SHANTI BHUSHAN: If we receive any such complaints from any source and if we find that there is *prima facie* material in respect of the complaints, in respect of the sources, namely, that the object of evading income-tax, if some transactions namely, some production is not brought on to the accounts of the company and are sold with the result that the shareholders are deprived of that price, are brought to our notice, we certainly go into them and sometimes when there is a strong case we even take the help of the CBI so that appropriate action could be taken in the matter.

DR. RAFIQ ZAKARIA: Is the Minister aware that there are two kinds of malpractices being indulged in by these big business houses? One is the illegal malpractices and the other legal malpractices. The legal malpractices are those which are indulged in, in a subtle way, through the provisions of Company Law itself.

For instance, Sir, under the Company Law a person is allowed to be a managing director of two companies and a director of 20 companies. In order to get their hold and see that all kinds of malpractices are somehow or other indulged in, relatives are appointed as solicitors and other friends are appointed in such a manner that the real control remains in the hands of those who are really operating and manipulating these big houses. Is the Minister prepared to have a thorough probe into these malpractices so that their intention of really curbing the control of these big houses will be achieved more effectively?

SHRI SHANTI BHUSHAN: Even when complaints of this nature are received that the relatives or friends are being appointed in various capacities, like solicitors, advisors and so on and so forth, with a view to taking away the funds of the company or misusing the powers of the company to the detriment of the shareholders, certainly these complaints are gone into they are examined, investigated and appropriate action is taken.

DR. RAFIQ ZAKARIA: I would like to be satisfied. It is not a question that the complaints are not gone into, but out of thousands of such cases only one or two complaints may be brought to your notice. Are you thinking of any foolproof mechanism by which these kinds of practices which are within your knowledge are gone into and put to a stop in future?

SHRI SHANTI BHUSHAN: There cannot be any foolproof mechanism as such. There are human elements to the extent that complaints are received and of course, there are a large number of vigilant people. There are large number of complaints which are received in one year. As I said, in 1976-77, 5071 complaints were received. They are quite representative. They are gone into and appropriate action is taken.

DR. RAFIQ ZAKARIA: Sir,...

MR. CHAIRMAN: That is enough. Yes, Anand.

DR. RAFIQ ZAKARIA: Are you not thinking in terms of making any changes in the law, for instance instead of allowing one person to be director of 20 companies...

MR. CHAIRMAN: Mr. Anand.

SHRI JAGJIT SINGH ANAND: I only wish to draw your attention to the fact that the Government is deliberately trying to bypass the intention of the entire question. The question was regarding the complaints against some companies run by big business houses received pertaining to the recent period. The hon. Minister says that the recent period, i.e. 1977-78, has been over by four months. That in 1976-77, 5071 cases were there, but they do not keep separate files of cases pertaining to companies run by big houses and others. We have asked the question on the floor of the House and it was his business to get separate information about companies connected with big houses, specially in regard to the period of more than one year.

We had asked him earlier to name those companies. These companies must be named before the country to uncover the malpractices of these big houses which had been controlling the previous Government and are controlling this Government. Thirdly I would like to know what action has been taken. Will the Minister now please go into this question and not bypass it? Parliament is not meant to bypass the questions but to answer them. Will he now prepare a list of the companies, lay it on the Table of the House and tell us what action has been taken concerning those companies which are run by the big houses?

SHRI SHANTI BHUSHAN: So far as the big houses are concerned, perhaps the hon. Member has the large industrial houses in mind which are defined under the Monopolies and Restrictive Trade Practices Act. Now

the number of undertakings which pertain to these large industrial houses is itself 1031 as on 30th June 1978, so that if the hon. Member expected that I would give a statement containing all the allegations which have been received and the number of complaints against these 1031 undertakings, then I would submit... (Interruptions) I said that statistics are not separately maintained about large industrial houses, companies and other companies if any specific company the hon. Member has in mind, we will be happy to supply all the information.

SHRI JAGJIT SINGH ANAND: Sir, he should know what the question is.

MR. CHAIRMAN: Whatever figures are available, he has given.

डा० भाई महावीर : : श्रीमन् बड़े उद्योगों द्वारा जो कंप्यूमर्स प्रोडैक्ट्स मार्किट की जाती हैं उनके ऊपर कीमत दिखाने का जो नियम है उसके उल्लंघन पर आजकल क्या कार्रवाई कायदा और मजबूती से होती है या उस में कुछ ढील है। दूसरी बात...

श्री सभापति : : दूसरी बात नहीं खत्म करिए।

डा० भाई महावीर : दूसरी बात मैं यह जानना चाहता हूँ कि बड़े उत्पादकों की तरफ से जो कंप्यूमर्स से चार्ज की जाने वाली प्राइसेज है उसे बढ़ाने की कुछ घटनायें होती हैं तो क्या कोई ऐसी आटोनोमस मशीनरी सेट-अप करने का विचार करते हैं जो ऐसी वृद्धियों के बारे में छानबीन करके तय करे कि क्या यह उचित है या अनुचित तरीका है मुनाफाबाजी का? यदि ऐसी मशीनरी बनाने की कोई व्यवस्था नहीं तो क्यों नहीं?

SHRI SHANTI BHUSHAN: Sir, the hon. Member has asked a question which has two parts. One is about the requirement of displaying prices on the article. So far as this is concerned, that is a requirement imposed by the Essential Commodities Act

which is not administered by the Company Affairs Department. That is not a requirement under the Companies Act so that such complaints do not come to this Department. It is the Commerce and Civil Supplies Department which is concerned with it. Similarly, about the increase in prices, price control is again under the Essential Commodities Act and that is also not the concern of the Company Affairs Department.

Measures to check pollution from the Mathura Refinery

*309. SHRI KHURSHED ALAM

KHAN:†

SHRI IBRAHIM KALANIYA:

SHRI BHAGWAN DIN:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that a recent survey by the National Environmental Engineering Research Institute has shown that the de-pollution measures taken to meet the threat from the Mathura Refinery are inadequate; and

(b) if so, what further measures Government propose to take to counteract the ill effects of pollution on the historic monuments in and around Agra?

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) No survey has recently been conducted by the National Environmental Engineering Research Institute (NEERI), Nagpur on environmental pollution from Mathura Refinery. However, the Institute was entrusted with the work of measuring the existing air quality of Agra region with particular reference to the levels of pollutants for a 15 months period covering two winters and one summer i.e. between November '75 and March 77 by

†The question was actually asked on the floor of the House by Shri Khurshed Alam Khan.

the Expert Committee on environmental impact of Mathura Refinery during its deliberations. The study did not include any investigations regarding adequacy or otherwise of anti-pollution measures on account of threat from Mathura Refinery.

(b) The Expert Committee on which NEERI was also represented, has submitted an unanimous report which is under consideration of the Government.

SHRI KHURSHED ALAM KHAN:

Sir, may I know whether there is unanimity on this matter between this organisation, the foreign experts and our Archeological Department who has a full-fledged Engineering Section? If there is unanimity, then I would like to know whether you are going to take only the advice of experts from outside, or you are going to believe your people also who are more intimately connected with the maintenance of these monuments and who are more familiar with the atmospheric pollution in this country, keeping in view the local conditions.

SHRI H. N. BAHUGUNA: Sir, we will consult everybody and be guided by every knowledgeable man in order to see that no harm is done to the Taj Mahal which is a monument which brings India all its pride. Nevertheless, so far as this Committee is concerned, it had on it almost men from all disciplines from within the country.

SHRI KHURSHED ALAM KHAN:

I would like to know whether the Minister is aware that it has already been decided to give a coating of some chemical paint to the Taj Mahal as it has already been damaged by the pollutants from the Power House and a number of foundries which are there in Agra. With the additional pollutants from the Power House and a fact that the hon. Minister will be one of the parties to the destruction of this monument of love?