

MR. CHAIRMAN: I am not allowing his point of order. I am allowing the question.

SHRI LOKANATH MISRA : Sir, I will only seek a clarification. We have received a bunch of papers. I am seeking a clarification whether it is under your orders. We have received the proceedings of the Half-an-Hour discussion on that day—the entire proceedings. Who has spent the money ? Have you ordered for it ? Is it done by Rajya Sabha ? Who has spent for this publicity ?

SOME HON. MEMBERS : Gold Spot.

SHRI LOKANATH MISRA : I am told that Gold Spot is spending Rs. 15 lakhs on publicity and here is a part of it.

कोका कोला निर्यात निगम द्वारा बाहर भेजा गया धन

- * 152. श्री जगदम्बी प्रसाद यादव :
 श्री निरंजन वर्मा :
 श्री आल आडवाणी : †
 श्री सुन्दर सिंह भंडारी :
 श्री कृष्ण कान्त :
 डा० शालिग्राम :
 श्री राजेन्द्र प्रताप सिंह :
 श्री अर्जुन अरोड़ा :
 श्रीमती विमल पंजाब देशमुख :
 श्री ए० जी० कुलकर्णी
 डा० (श्रीमती) मंगलादेवी
 तलवार :
 श्री त्रिविक्रम गोपाल देशमुख :
 श्री एन० पी० चौधरी :
 श्री आर० पी० खंतान :

क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) कोका कोला निर्यात निगम द्वारा पिछले पांच वर्षों के दौरान लाभ, लाभांश और स्वामित्व इत्यादि के रूप में बाहर भेजे गये धन का ब्यौरा क्या है ;

(ख) डी० जी० टी० डी० द्वारा कोका कोला के निर्यात के लिये पुनर्भरण के सम्बन्ध में क्या सिफारिशें की गई हैं ;

(ग) क्या सरकार का ध्यान कोका कोला निर्यात निगम को दिये गये अतिरिक्त प्रोत्साहनों के सम्बन्ध में हाल में की गई आलोचना की ओर दिलाया गया है ; और

(घ) क्या उनके लाइसेंस की शर्तों में हाल में संशोधन किया गया है ; यदि हां, तो उसका ब्यौरा क्या है ; यदि नहीं, तो इसके क्या कारण हैं ?

REMITTANCES BY COCA-COLA EXPORT CORPORATION

- ♦ 152. SHRI J. P. YADAV:
 SHRI NIRANJAN VARMA : SHRI
 LAL K. ADVANI : SHRI SUNDAR
 SINGH
 BHANDARI : SHRI KRISHAN
 KANT : DR. SALIG RAM : SHRI
 RAJENDRA KATV
 SINHA :
 SHRI ARJUN ARORA :
 SHRIMATI VIMAL PUNJAB
 DESHMUKH : SHRI A. G.
 KULKARNI : DR. (MRS.)
 MANGLADEVI
 TALWAR : SHRI T. G.
 DESHMUKH : SHRI N. P.
 CHAUDHARI : SHRI R. P.
 KHAITAN :

Will the Minister of INDUSTRIAL DEVELOPMENT^f औद्योगिक विकास मंत्री be pleased to state :

(a) what are the details of remittance of profits, dividends, royalties etc., by the Coca-Cola Export Corporation during the last five years ;

(b) the recommendations made by the D.G.T.D. regarding replenishment for Coca-Cola Export ;

(c) whether Government's attention has been drawn to the recent criticism about the

^f The question was actually asked on the floor of the House by Shri Lai K. Advani. % []

English translation.

extra incentives granted to the Coca-Cola Export Corporation ; and

(d) whether the terms and conditions of their licence have been reviewed recently ; if so, the details thereof; if not, the reasons therefor 1]

औद्योगिक विकास मंत्रालय में उपमंत्री (प्रो० सिद्धेश्वर प्रसाद) : (क) एक विवरण सभा पटल पर रखा जाता है।

(ख) तकनीकी विकास के महानिदेशालय ने संशोधन करके कोका कोला निर्यात निगम के लिए 5 प्रतिशत आयात सम्पूर्ति की सिफारिश की है।

(ग) जी, हां।

(घ) उद्योग (विकास तथा विनियमन) अधिनियम के अन्तर्गत कोका कोला निर्यात निगम को कोई लाइसेंस जारी नहीं किया गया है। लेकिन कोका कोला सान्द्रण बनाने के लिए उनको जनवरी, 1958 में स्वीकृति पत्र जारी किया गया था यदि संदर्भ उद्योग (विकास तथा विनियमन) अधिनियम, के अन्तर्गत किसी भी लाइसेंस की शर्तों और उपबन्धों के बारे में है तो प्रश्न ही नहीं उठेगा। फिर भी, यदि प्रश्न आयात लाइसेंसों से सम्बन्धित है तो स्थिति इस प्रकार है कि विदेश व्यापार मन्त्रालय कोका कोला सान्द्रण में आयातित वस्तु के अंश किस सीमा तक है तथा कितना आयात पुनः सम्पूर्ति लाइसेंस दिया जाना चाहिए इसकी संवीक्षा कर रहा है। औद्योगिक विकास मंत्रालय ने आयात सम्पूर्ति की सीमा निर्यात के 5 प्रतिशत तक रखने की सिफारिश की है।

विवरण

लाभ आदि की राशि रिजर्व बैंक आफ इंडिया द्वारा विनियमित की जाती है। विगत 5 वर्षों में रिजर्व बैंक आफ इंडिया द्वारा कोका कोला एक्सपोर्ट कारपोरेशन को प्राधिकृत प्रेषित राशि का व्यौरा अनुबंध 'क' में दिया गया है। [देखिये परिशिष्ट 77 अनुपत्र संख्या 23]

रिजर्व बैंक आफ इंडिया ने बताया है कि वे वास्तविक प्रेषित राशि का खाता कम्पनी वार नहीं रखते हैं। कोका कोला एक्सपोर्ट कारपोरेशन द्वारा प्रदत्त वास्तविक प्रेषित राशि के आंकड़े, जिन्हें उनके चार्टर एकाउंटेंट ने भी प्रमाणित किया है, अनुबंध 'ख' में दिये गये हैं। [देखिये परिशिष्ट 77, अनुपत्रसंख्या 24]

††THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT./**औद्योगिक विकास मंत्रालय में उपमंत्री (प्रो० सिद्धेश्वर प्रसाद) :** (a) A statement is laid on the Table of the House.

(b) The D. G. T. D. have recommended revision of the import replenishment for Coca Cola Export Corporation to 5 per cent.

(c) Yes, Sir.

(d) No licence under the Industries (Development and Regulation) Act has been issued to the Coca Cola Export Corporation, but a letter of approval was issued to them in January, 1958 for manufacturing Coca Cola concentrates. If, therefore, the reference is to the terms and conditions of any licence under the Industries (Development and Regulation) Act, the question would not arise. However, if the question relates to import licences, the position is that the Ministry of Foreign Trade are reviewing the import content in Coca Cola concentrates and the extent to which import replenishment licences should be given to them. The Ministry of Industrial Development have recommended import replenishment limited to 5 per cent of exports.

STATEMENT

The remittance of profits etc. is regulated by the Reserve Bank of India. The remittances authorised to the Coca Cola Export Corporation by the Reserve Bank of India during the last 5 years are mentioned in Annexure 'A'. [See Appendix LXXVII, Annexure No. 23]

The Reserve Bank of India have advised that they do not maintain company wise account of actual remittances. The figures of actual remittances furnished by the Coca Cola Export Corporation, as certified by their

•f[] English translation.

Chartered Accountants, are given in Annexure 'B'. [See Appendix LXXVII, Annexure No. 24]

SHRI LAL K. ADVANI : Sir, I understand that licences given to the company were on the condition that they would arrange for supply of concentrates through their own earnings from foreign sources. Now the Minister has given us a break-up of the total remittances till date. I would like to know what actually has been earned by this concern by way of foreign exchange, so as to be able to judge as to how precisely the functioning of this plant has affected our foreign exchange reserves. This is my first question.

My second question relates to the assurance given by the Minister last time. I would like to know what is the position of that committee what are its terms of reference—the high-power committee promised by the Minister last time which, he said, would undertake a thorough re-examination of all facets of the question. Relating to this I should like to know whether this policy would be exclusively pertaining to Coca-Cola company or is it pertaining to all foreign concerns, because we are concerned with all foreign concerns and the drain these cause to the foreign exchange resources. We are not concerned with any particular concern as it seems to be the concern of some Members of this House.

SHRI C. D. PANDE : It is a reflection on the House.

SHRI MOINUL HAQUE CHOUDHURY : Before I start answering, I would like to clarify the position that so far as the question of repatriation of profit etc. is concerned, it is dealt with by the Economic Affairs Department. This Ministry does not come into the picture nor are we consulted nor do we give any clearance. If any question with regard to that is asked, it could better be answered by that Ministry. So far as 20% replenishment is concerned, this is dealt with by the Foreign Trade Ministry and any question relating to that should be referred to that Ministry and probably better details can be given by them. So far as we are concerned we only give licence to the bottling plant which is 100% Indian and on that probably we will be able to answer better.

SHRI BHUPESH GUPTA : On a point of order.

SHRI MOINUL HAQUE CHOUDHURY : Let me complete my reply.

SHRI BHUPESH GUPTA : There cannot be double-standard. If some body rises I sit down and if I rise, somebody has to sit down. The Minister cannot have any privilege not to sit down when a point of order is raised. We have been given information as to which Ministry is concerned. Here this Ministry is directly involved because he has himself observed that he has certain functions in this connection. Naturally the other factors become relevant in taking the decision under his own Ministry. Surely the Minister cannot say that since these have been dealt with in some other Ministry—whether it is true or not I do not know—he cannot answer. Mr. Moinul Haque Choudhury is a new-comer and he should have a little patience. It will do him good. You can certainly answer. Supplementaries can be directed to you and you cannot say : 'I have no information'. Do I believe that the Minister will take decisions in so far as they relate to him without going into the other aspects of the matter which may be dealt with by other Ministries ?

SHRI MOINUL HAQUE CHOUDHURY : I am not saying -'at I will deny the answer but that the details relating to other Ministries can be better answered by them. So far as information with me is concerned, I would say that the accounts given to me show that as against an import of Rs. 3.714 crores, the foreign exchange earned by this company is Rs. 4.23 crores, there by showing that they had generated a surplus of Rs. 31 lakhs but this does not take into account the remittable foreign exchange liability of the firm if any which is not yet remitted and this is not known to us.

SHRI ARJUN ARORA : This is the cat out of the bag.

SHRI MOINUL HAQUE CHOUDHURY : Since the debate which took place here—I am sorry I was not present in the House because I was away—I had checked up with the Reserve Bank as well as the Economic Affairs Ministry and two sets of figures are there. One is the figure which has come from the company which is placed before the House. Another is the figure given to me by the Department of Economic Affairs. That

also I have placed before the House. The Reserve Bank has added further which I quote :

"It is not possible for us to verify from the record the actual remittances made by the company from year to year since our statistics are maintained subject-wise and not company-wise. Such information has to be collected from the company only duly certified by their auditors. In that regard the figures supplied to you are duly certified by the company's auditors since, however, the figures supplied to you are stated to be supported by their bankers' certificates, the figures may be accepted. However, the overall position of surplus/deficits has to be assessed in the manner as explained in the foregoing paragraph."

Sir, I understand that Shri Arjun Arora has already addressed a letter to the Minister in charge, Shri Y. B. Chavan. If any further details are to be obtained about this matter they can be obtained from that Ministry. So far as we are concerned this is the information.

SHRI ARJUN ARORA : Sir, now that he has mentioned my name, may I inform him that Y. B. Chavan, Finance Minister, has written to me saying that the matter is not with by one Ministry ? So all aspects of the matter will be looked into by the Industrial Development Ministry. There is that letter in my possession ; if the Minister or you doubt my statement I will produce that letter.

SHRI BHUPESH GUPTA : Do you require a Minister without Portfolio to deal with this matter ? Then ask the Prime Minister to appoint one.

SHRI MOINUL HAQUE CHOUDHURY : Sir, it is known to all hon. Members of this House that so far as foreign remittances are concerned that is dealt with by the Economic Affairs Department through the Reserve Bank. I have given the entire information at my disposal very candidly and frankly before the House. I do not know the reply given by the Finance Minister ; if the Finance Minister has sent such a reply, if a copy is given to me, I will sort it out with my colleague and certainly I will take the re-

sponsibility to deal with it if he so desires. Normally under the division of work this has got to be dealt with by the Reserve Bank. I can obtain information from the Reserve Bank and place it before this House but since the Reserve Bank has said that they have not got company wise figures we have got to rely on the certified account given by the company. I have placed that as well and I have also commented that this claim by the company of generating a surplus of Rs. 31 lakhs cannot be accepted because they are holding some money in their hands and unless and until that is clarified by the company . . .

SHRI BHUPESH GUPTA : Why did not the company tell that ?

MR. CHAIRMAN : No, no. He is not the company.

SHRI BHUPESH GUPTA : But the company has told him something. Have they given the figure as to what are the accumulated profits held by them ?

MR. CHAIRMAN : Now, Mr. Bhupesh Gupta, please sit down.

SHRI MOINUL HAQUE CHOUDHURY : I understand that the Committee which has been set up by the Foreign Trade Ministry is looking into this aspect of the matter also.

SHRI BHUPESH GUPTA : Sir, on a point of order. I can understand Mr. Moinul Haque Choudhury's difficulties. Mr. Moinul Haque Choudhury can certainly say, since the company has furnished him some information, as to what is the amount held as accumulated profits by the company which had not yet been remitted. Surely these figures have been given. An intelligent man like him would not satisfy himself unless he has got that figure, I am sure.

MR. CHAIRMAN : There is no point of order. Please sit down.

SHRI MOINUL HAQUE CHOUDHURY : I wanted to satisfy myself with figures but the Reserve Bank say that they have not got companywise figures and they have in their turn told us to accept the figures given by the company duly certified by their

Chartered Accountants. Those figures also I have placed before the House.

With regard to the working of the Committee, the Committee has been set up and I understand they had one or two sessions.

So far as the next question was concerned, whether we would follow the same policy with regard to the other companies I would like to tell the House that this is a matter which dates back to 2nd January 1958. Permission was granted to the factory on 2nd January 1958 and since then it is there as it is today whether you like it or not.

SHRI ARJUN ARORA : No, it is not as it was in 1958. From four companies they have become 24 companies.

SHRI MOINUL HAQUE CHOUDHURY : I am coming to that. This is a matter . . .

SHRI A. G. KULKARNI : You are mixing up the bottling company with the parent company.

SHRI MOINUL HAQUE CHOUDHURY : If I am not allowed to complete my answer what can I do ?

MR. CHAIRMAN : Let him complete the answer.

SHRI MOINUL HAQUE CHOUDHURY : Let me complete my answer. The hon. Member can put his question later. The permit was given to the Coca-Cola company on 2nd January, 1938. It is true that at that time there were four bottling plants. Since then eighteen new plants have been allowed till 1970. After I have taken over this Ministry I have passed an order that till the report of this Committee is announced, till the replenishment question is decided, I will not license any new bottling plant. There were certain cases recommended to me by the Licensing Committee. I have not allowed them despite all kinds of pressure on me . . .

SHRI BHUPESH GUPTA : What kind of pressure I would like to know. This is very important, The hon. Minister has said 'despite all kinds of pressure'. What kind of pressure is it ? I am a very innocent man . . .

SHRI MOINUL HAQUE CHOU-DHURI : I am answering it.

SHRI BHUPESH GUPTA : I fully sympathise with you. You should not be subjected to pressures. Will you kindly let us know what kind of pressure it is ?

SHRI MOINUL HAQUE CHOU-DHURY : The pressure is certainly from the applicants. They come and meet me almost every ten days. They want an interview with me. This is one. Another . ■ .

SHRI ARJUN ARORA : It cannot be described as pressure.

SHRI MOINUL HAQUE CHOUDHURY : There is another group of people who have got other drinks than Coca-Cola-They come and meet me saying :

"Do not give licence for new bottling plants".

SHRI BHUPESH GUPTA : Are they people from Africa ? This is very wrong. The hon. Minister should not answer like that. Name the people. Are they from Africa ? Who are they ?

(Interruptions) i
s

MR. CHAIRMAN : Order, TMA,, _____ ^

SHRI MOINUL HAQUE CHOUDHURY : I can assure the hon. Members of this House that I am not one who can be pressurised.

SHRI ARJUN ARORA : On a point of order. The Minister has mentioned two kinds of pressure which are being applied on him. Is the House not entitled to know the details of the pressures being applied on him from the two sides ? It is a question of privilege of the House.

SHRI BHUPESH GUPTA : Why did you withdraw your letter to the Ministry of Foreign Trade ?

SHRI ARJUN ARORA : He has succumbed to one type of pressure when he withdrew his recommendation on the 30th April.

SHRI C. D. PANDE : It is all blackmail.

(Interruptions)

SHRI AWADHESHVAR PRASAD SINHA: I rise on a point of order. A ghost has distributed papers about Coca-Cola to the Members of the Rajya Sabha, I have got it. It has no signature, nothing of the kind, and that proves the contention of the hon. Minister that there is pressure.

SHRI LOKANATH MISRA : I will supplement

श्री राजनारायण : श्रीमन्, आप ए प्वाइंट आफ आर्डर। देखिये, यह व्यवस्था का प्रश्न बहुत ही धीमे स्वर में हमारे मित्र लोकनाथ मिश्र जी ने उठाया, मगर इस व्यवस्था के प्रश्न को बिना निबटाये ही आप आगे बढ़ गये। उसी प्रश्न को हमारे मित्र रईसे बिहार उठा रहे हैं। मैंने भी कई बार सोचा कि उसे उठाऊँ और बिना उत्तर हुये उसको आगे बढ़ने न दूँ। यह देखिये पूरी की पूरी किताब है। मैं यह जानना चाहता हूँ कि राज्य सभा के अन्दर यह पोथी कैसे आई। क्या आपकी परमीशन से आई, हमारे सचिव के परमीशन से आई, यानी किसने इतना बड़ा कीमती काम किया कि कोला कोला का केस फिट करने के लिये उसने पूरा छाप कर तमाम मेम्बरों को बांट दिया। इसकी आप को जांच करनी चाहिये क्योंकि यहाँ पर आपकी सेक्रेटेरिएट की राय के बिना...

श्री सभापति : यह गलत बात है। हमारे सेक्रेटेरिएट से इसका कोई मतलब नहीं है।

श्री राजनारायण : मैं यह नहीं कह रहा हूँ। what he says. It has somehow been distributed. Since the proceedings of the House have been distributed without your direction, let us find out ; let us set up a Committee of the Rajya Sabha to find out how it happend. We cannot fight out the cases of the two competing firms. Gold Spot is fighting out Coca Cola. Today there are two Lobbies to fight it out. Let that be inquired into.

श्री ना० कृ० शेजवलकर : क्या कोई मेम्बर आफ पार्लियामेंट इवाल्व है इस में यह भी देखिये।

श्री राजनारायण : आप बतला दें ताकि लोग अनावश्यक ढंग से खड़े न हों।

श्री सभापति : मेरी बात भी सुन लीजिए।

These papers have not been distributed in the House. If they have gone to the Members' houses, then.

SHRIMATI YASHODA REDDY : Sir, on a point of order.

SHRI MAHAVIR TYAGI : They have been distributed at the residences. But the relevant question is what was the source from which the verbatim proceedings of this House were received by the distributor and how was it possible that the verbatim report has not reached us but reached the company ?

SHRIMATI YASHODA REDDY ; Sir, on a point of order.

श्री राजनारायण : श्रीमन्, प्रश्न यह है कि यह जो प्रोसीडिंग है जब तक कि यह करेक्ट न हो जाय सम्मानित सदस्यों के द्वारा और उस पर आप का एप्पुवल न हो जाय तब तक कोई आउट साइड एजेंसी इस को इस्तेमाल नहीं कर सकती।

SHRI A. D. MANI : Quite right, Sir. There is some point in it.

श्री राजनारायण : यह जो आप की तरफ से हमारे सचिव जी ने बताया कि आप उत्तर दें, यह नाकाफी है। मैं आप से कहना चाहता हूँ कि कहीं न कहीं इस में नाजायज संबंध है क्योंकि यह राज्य सभा की कार्यवाही है। यह राज्य सभा के मेम्बर को नहीं मिलती तो दूसरी एजेंसी को कैसे मिल गयी जब तक कि वह अनकरेक्टेड है, करेक्टेड नहीं है और वह आप के यहाँ से छपी नहीं है। यह संसदीय प्रथा है। राज्य सभा की कार्यवाही जब छप जाती है तो वह सब की जांच हो जाती है, कोई भी उसे खरीद सकता है, मगर अनकरेक्टेड नहीं खरीद सकता...

SHRI A. D. MANI : Quite right.

श्री राजनारायण : जब तक संशोधित न हो, नहीं खरीद सकता। यह प्रथा मेज पार्लिया-

मेंटरी प्रेक्टिस जो हाउस आफ कॉमंस की है उसके अनुसार है, इसको आप देख लीजिए। और एक बात मैं और निवेदन करूंगा कि आप इसकी जांच करायें। यह अनकरेक्टेड है, करेक्टेड नहीं है।

श्री सभापति : आप मुझे यह देखने के लिए कि करेक्टेड है या नहीं, टाइम तो दें या सवाल रोक कर मैं इसी को देखता रहूँ।

श्री राजनारायण : आप बिल्कुल बजा फरमा रहे हैं। आपको कायदे के मुताबिक कार्यवाही चलानी चाहिए। एक बात मुझे यह कहनी है कि माननीय श्री मोइनूल हुक चौधरी ने कहा कि मैं उन लोगों में से नहीं हूँ कि जो किसी के दबाव में आ जाते हैं। मैं जानना चाहता हूँ कि उनके मंत्रालय में दूसरे कौन लोग हैं कि जो किसी दबाव में आते हैं। क्योंकि उन्होंने कहा कि आई० एम० नाट वन आफ दोज ...

श्री सभापति : नहीं नहीं, आप बैठिये।

SHRI A. G. KULKARNI : Sir, on a point of order.

MR. CHAIRMAN: Will you allow the question to go on ?

SHRIMATI YASHODA REDDY : Sir, on a matter of privilege.

MR. CHAIRMAN : No one wants the reply.

SHRI A. G. KULKARNI : Sir, my point of order is this. The points raised in the House are important to the working of the Rajya Sabha. A booklet has been given and circulated. I want to say that it is a war between two competing firms in the country to put down each other. This company and that company should not use the forum of the Rajya Sabha for propagating their views. Let me put forth my point of view.

MR. CHAIRMAN: I do not want your point of view.

SHRI A. G. KULKARNI : My point of order is that as you have rightly stated, you

require time. Previously also, in the case of Olympic players, the CBI inquiry was conducted. I demand that this is a very serious matter. A CBI enquiry should take place as to how this pamphlet was printed and distributed. I have got a pamphlet with me ; I will hand it over to you and you may hand it over to the CBI. Because it is "uncorrected copy", our privilege is vitally involved. That is why I raise this point of order. A similar inquiry into the Olympic bungling was made by the previous Chairman who is now the President.

(Interruptions)

MR. CHAIRMAN : I will see what I have to do. I am not committing myself to any procedure. I will think over what I have to do. Now, let the question go on. Yes, Mr. Minister.

(Interruptions)

SHRI MOINUL HAQUE CHOUDHURY : A reference has been made by Shri Bhupesh Gupta about the withdrawal....

SHRI SUNDAR SINGH BHANDARI : He is answering Mr. Advani.

SHRI MOINUL HAQUE CHOUDHURY : The question has already been put, I thought.

(Interruptions)

MR. CHAIRMAN : Kindly address me and answer the question.

SHRI MOINUL HAQUE CHOUDHURY : Sir, the import entitlement was fixed in 1958. As far as I can find from the record in my Ministry, this was never fixed in reference to my Ministry. Might be, the DGTD consulted informally. So far as my Ministry is concerned, it was never consulted so far as fixation of the import replenishment was concerned. A reference was made to my Ministry on the 25th March 1971 by the Foreign Trade Ministry following some communications which they received from certain Members of Parliament as to what the view of the DGTD is about the replenishment.

SHRI BHUPESH GUPTA : Who are they ?

SHRI MOINUL HAQUE CHOUDHURY : I understand on the 13th April 1971, my Ministry sent a recommendation on the basis of the recommendations made by the DGTD, that five per cent should be the replenishment.

In the meantime, I received a number of representations from persons including some Members of Parliament. ..

SHRI BHUPESH GUPTA : Which Mem-bers of Parliament ?

SHRI MOINUL HAQUE CHOUDHURY: I am telling you. Why should you shout at me ? Allow me to complete my reply.

SHRI A. G. KULKARNI: He is in the habit of shouting.

SHRI MOINUL HAQUE CHOUDHURY: I am very respectful to this House always and I hope you will be kind to me.

As I said, on the 13th April 1971, my Ministry sent a recommendation that the replenishment should be five per cent. This recommendation was sent without taking my approval as Minister. In the meantime, I received representations from both sides, I received one letter from Shri Arjun Arora saying that the replenishment should be at 5 per cent and not 2 per cent. Others came and represented to me....

SHRI A. D. MANI : No replenishment.

(Interruptions)

SHRI MOINUL HAQUE CHOUDHURY: Others came and represented to me that from 20 per cent which was being allowed for so many years, 5 per cent was too drastic and not proper.

SHRI BHUPESH GUPTA : Who are they ?

SHRI MOINUL HAQUE CHOUDHURY: This request was made verbally by several persons. There is nothing in writing. *(Interruptions)*

SHRI A. D. MANI : On a point of order, Sir.

SHRI BHUPESH GUPTA: Sir, he has mentioned the name of Mr. Arjun Arora. He should mention the name of Mr. Arjun Arora. He should mention the others also. *(Interruptions)*

SHRI MOINUL HAQUE CHOUDHURY: Please wait.

SHRI BHUPESH GUPTA: Sir, this is very

wrong. Since he has mentioned the name of Mr. Arjun Arora, he should mention the names of others also.

SHRI A. D. MANI: On a point of order, Sir.

MR. CHAIRMAN : Please sit down.

SHRI MOINUL HAQUE CHOUDHURY: Mr. Arjun Arora made certain very valid points about his criticism. I ordered the Ministry to put up this file before me because these representations were before me as to whether 2 per cent was correct or 5 per cent was correct or 20 per cent was correct. So in my capacity as Minister of the Department, I ordered this file to be put up to me and for the first time I saw this file on 29-4-1971 along with the comments of the Department on the letter written by Mr. Arora.

श्री राजनारायण : फारेन ट्रेड्स के मिनिस्टर को हटा देना चाहिए आपके इस बयान पर।

SHRI MOINUL HAQUE CHOUDHURY: As I wanted to satisfy myself whether this recommendation given by the Ministry was correct or not, I ordered that the file should be recalled from the Ministry of Foreign Trade. ..

SHRI A. P. JAIN: A committee should be appointed to look into all these things.

(Interruptions)

SHRI MOINUL HAQUE CHOUDHURY: A lot of insinuations have been made on this point. I hope I will be allowed to make the position clear.

Accordingly on 30th April, 1971 in pursuance to my order this letter was withdrawn. In the meantime thereafter I had been on foreign tour and therefore, I could not look into the file till 21-6-1971. On 21-6-1971 I examined the entire papers and also the worksheets of the DG TD and I found that the recommendation of 5 per cent was correct, and therefore, I ordered on 21-6-1971 to confirm that 5 per cent and accordingly this had been confirmed. The allegation made that Mr. Mishra, the Foreign Trade Minister, influenced me to withdraw it is entirely baseless and without foundation.

श्री राजनारायण : देखिए, माननीय मंत्री जी ने यह कहा कि हमने फारेन ट्रेड के मिनिस्टर से फाइल मंगवाई। मिनिस्टर ने यह कहा कि हमने 5 परसेंट का आर्डर किया। अर्जुन अरोड़ा ने लिखा कि ढाई परसेंट करो, उनका नाम मिनिस्टर ने बता दिया लेकिन दूसरों का नहीं बताया।

SHRI BHUPESH GUPTA : Why not other names? Their names also should be given.

श्री राजनारायण : जिन्होंने 5 परसेंट से ज्यादा करने की बात कही उनके नाम नहीं बताए। जिन्होंने प्राफिट का कम पोर्शन भेजने को कहा उनका नाम तो बता दिया, उन्होंने प्राफिट का ज्यादा पोर्शन भेजने को कहा उनका नाम नहीं बताया। तो मैं यह कहना चाहता हूँ कि सारी बातें कहने के बाद अगर मंत्री कह दें कि मैं कोई एलीमेशन नहीं कर रहा, मैं कोई एस्पेशन नहीं कर रहा, कोई शिकायत नहीं कर रहा, कोई चार्ज नहीं लगा रहा मिनिस्टर आफ फारेन ट्रेड पर, लेकिन चार्ज तो उनका लग ही गया और अगर उनमें सेन्स आफ आनेस्टी होगी तो खुद इस्तीफा दे देंगे और यहां सदन में आकर बयान देंगे।

मैं चाहता हूँ आप मजबूर करें, बाध्य करें इस मंत्री को कि उनका नाम बताएं जिन्होंने 5 परसेंट से ज्यादा प्राफिट देने की बात कही।

SHRI BHUPESH GUPTA : On a point of order. I am not asking any other thing. I am only interested in the facts..

SHRI SITARAM KESRI : On a point of order . .

SHRI BHUPESH GUPTA : Sitaramji, you kindly sit down, you are very kind to me.

Sir, he mentioned the name of Mr. Arjun Arora and mentioned "also other Members", but he did not give their names. Surely when he has named one Member of this House, we are entitled to know who the others are, whether belonging to this House or the other

House. If you withhold those names from us, we have reason to believe that they are very close to you. I am not suggesting that. But Mr. Moinul Haque Cihoudhury will be open to the charge, if he does not divulge the other names that he is against Mr. Arjun Arora and that he wants to shield some people who are very close to him..

SHRI MOINUL HAQUE COHU-DHURY : If I mentioned the name of Shri Arjun Arora, it is not with any disrespect. I said that there were some very valid points in his criticism, and these I am looking into.

SHRI BHUPESH GUPTA : What about the others.

SHRI MOINUL HAQUE CHOUDHURY : So far as others are concerned, none of them is a Member of this House, and according to parliamentary practice the names of those who are not in this House should not be mentioned.

SHRI BHUPESH GUPTA : Are they ex-Members? Their names can be mentioned. Certainly you can mention their names even if they are not Members of this House.

SHRI RAJNARAIN : Yes.

SHRI BHUPESH GUPTA : Many things have been mentioned like that.

श्री राजनारायण : हो सकता है कि फारेन ट्रेड मिनिस्टर का भाई हो सकता है, उसका रिश्तेदार हो, हो सकता है मोइनलहक चौधरी का रिश्तेदार हो, नजदीकी हो। हमको तो शक होता है कि कोई श्री मोइनलहक चौधरी का रिश्तेदार है।

SHRI BHUPESH GUPTA : Mr. Chair-man, Sir, you give the direction. I am in your hands.

श्री राजनारायण : श्रीमन्, इस तरह से न चलिए। आप मंत्री को बाध्य कीजिए कि मंत्री उन नामों को सदन में बताएं।

SHRI BHUPESH GUPTA : Sir, you give the direction. He should tell us the names that are there on his file. One name has been

given. The names of those who recommended a higher percentage should be given irrespective of whether they are Members of Parliament. I would ask Mr. Choudhury not to lay himself open to suspicion or charge.

SHRI RAJENDRA PRATAP SINHA: Sir, the points made by the honourable Members there may be valid or may not be valid. We want to ask for much more important information belonging to this question. So we must be allowed to proceed and put questions on the statement made by the Minister and on the paper submitted to us. We want to put questions on the main body of the question.

श्री राजनारायण : श्रीमन्, क्या श्री आर० पी० सिंह साहब यह चाहते हैं कि इन लोगों का नाम परदे की आड़ में छिपा रहें। अगर कोई आदमी मंत्री का नजदीकी है, उसका रिश्तेदार है, तो उसका नाम सदन में बतलाया जाना चाहिए। अगर कोई आदमी मंत्री को नाम बतला देता है तो मंत्री को वे नाम सदन के सामने बतलाने चाहिये।

MR. CHAIRMAN : I cannot force the Minister.

SHRI BHUPESH GUPTA : Under the rules you can.

SHRI RAJ NARAIN : You can.

SHRI BHUPESH GUPTA : Under the rules, you can. The hon. Minister's argument is absolutely invalid. He says he cannot mention names because they are not Members of Parliament. That we shall see. On many occasions in this House mention of names has been made though they never belonged to Parliament. All that we want to know is the names of those who recommended. You are not imputing anything to them. You are stating facts. If you do not do that, we will be justified thinking that for some partisan or other considerations names are being withheld. You have the power to direct the Minister to give the names. Under what rule the Minister is seeking the protection of the Chair not to divulge the names when he has indicated the other name.

श्री राजनारायण : श्रीमन् आप मंत्री से कहें कि वे नाम बतलायें।

MR. CHAIRMAN: The Members have made a request. It is for the Minister to say something on that.

SHRIMATI PURABI MUKHOPADHYAY : Before the Minister replies, may I remind this House that Members should observe a code of conduct about writing letters when the case is before an inquiry committee or whatever committee it may be ...

SHRI ARJUN ARORA : This lady knows nothing.

SHRIMATI PURABI MUKHOPADHYAY : Shri Arora should not think that he is the brain-trust of the country..., *(Interruptions)*

SHRI ARJUN ARORA : I wrote a letter to the Minister when the Committee was not appointed...

MR. CHAIRMAN: Please sit down. I am not calling you.

SHRIMATI PURABI MUKHOPADHYAY : You should behave like a parliamentarian ...

SHRI BHUPESH GUPTA : Kindly direct him to divulge the names.

SHRIMATI PURABI MUKHOPADHYAY: Mr. Chairman...

(Interruptions)

SHRI ARJUN ARORA : What is the lady doing

MR. CHAIRMAN : What are all of you doing.

SHRI BHUPESH GUPTA : I agree with her that a code of conduct should be observed. First of all, Minister should observe the code of conduct. He cannot blow hot and cold— giving one name and withholding other names. Kindly direct him.

SHRIMATI PURABI MUKHOPADHYAY : Let the Minister expose those who have tried to influence his decision, this way or that way. Let him not shield anybody whoever he may be, whichever Party he may belong to.

SHRI ARJUN ARORA: You give me one minute on a matter of personal explanation.

श्री राजनारायण : श्रीमन्, देखिये, भद्र महिला ने जो सवाल उठाया है उसके बारे में आप से निवेदन करना चाहता हूँ। मंत्री अपने विभाग का हैड होता है और मंत्री को किसी भी समय कोई भी सम्मानित सदस्य पत्र लिख सकता है। मंत्री को पत्र लिखने के बारे में कोई भी सम्मानित सदस्य यह नहीं कह सकता है जब कमेटी बन गई तो मंत्री को खत नहीं लिखा जाय। मंत्री को अर्जुन अरोड़ा जी ने पत्र लिखा कि 5 प्रतिशत रिप्लेनिशमेंट की जगह 2½ प्रतिशत दिया जाना चाहिये। इसके बारे में अर्जुन अरोड़ा को धन्यवाद दिया जाना चाहिये।

SHRI LOKANATH MISRA : I want to know whether Shri Arora wrote a letter only in respect of Coca Cola company or in respect of other concerns also.

SHRI BHUPESH GUPTA : Now Shri Arora is in the dock.

MR. CHAIRMAN : Please sit down.

श्री राजनारायण : श्री अर्जुन अरोड़ा ने यह बात कहकर निश्चय ही मुल्क की खिदमत की है। अर्जुन अरोड़ा जी ने दूसरी कम्पनियों के बारे में क्यों नहीं लिखा ?

MR. CHAIRMAN: Please sit down _____
(Interruptions). Yes, Mr. Advani, please put the question.

MR. CHAIRMAN : Please sit down.

श्री राजनारायण : बिना नाम बताए आगे नहीं चल सकते।

SHRI BHUPESH GUPTA : Sir, we are not expendable... (Interruptions). Sir, we are not expendable. Why do you take such a view ?

श्री राजनारायण : आप इस तरह संसद चलाना चाहते हैं ?

MR. CHAIRMAN : There is no law compelling me, no law requiring me, to force a Minister to make a statement or to supply the answers that you want.

(Interruptions)

श्री राजनारायण : यह स्टेटमेंट नहीं है। उन्हें नाम बताने चाहिये। आपको पूरा अधिकार है कि आप मंत्री को बाध्य कर सकते हैं।

SHRI BHUPESH GUPTA : Just a minute, Mr. Rajnarain. Mr. Rajnarain, please sit down. Sir, I can understand that you cannot force. I know, Sir, you cannot force. But the Rules are there to force you. What do the Rules say ? Sir, the Minister can divulge the information unless in public interest he claims your protection. Upto now he has not, having divulged Mr. Arjun Arora's name, sought your protection in the public interest not to divulge the other names. Sir, this discriminatory treatment, this discriminatory attitude, in answering questions is contrary not only to this Rule, but also to the spirit of interpellation in Parliament. Therefore, Sir, I agree with you that you cannot force him or you cannot send him to jail or flight with him. But your moral direction is there which is very important. Sir, kindly tell us now. I say this that the Rules of the House compel him to divulge the other names unless he has, Sir, sought your permission to hide them in public interest and you have given him that permission. He has neither sought your permission nor does giving it arise in Question Hour. He is under an obligation under the Rules of the House, under the mandatory direction of the House, to divulge who the other people are who wrote. Otherwise, it is absolutely unfair and wrong to us. We want the names and we want to know about others also. It means

you are putting him under vigilance.....

(Interruptions). Arjun Arora should not be under vigilance. It is because, Sir, you are trying to reduce it and others are trying to increase it and they should be put under vigilance.

SHRI LOKANATH MISRA : But he is trying to reduce it in respect of one company only.

SHRI BHUPESH GUPTA : That is all right. I agree that all the companies should be there. Therefore, Sir, it is most unfair. I would say, Sir, that you should tell me what to do. Suppose my interpretation of the Rule is wrong. If it is so, I would not ask a question and I will sit down. Certainly I will quietly sit down. Kindly tell us, Sir. My

interpretation of the conventions in the House and the Rules of the House may be wrong and not permissible. If you say so, Sir, I will sit down. But, if you don't say so, Sir, he is under a moral obligation to answer the question and divulge the names. I know bigger people have done it in the past. Sir, I have a right to go to the Privileges Committee. >J have a right to go to the Privileges Committee

o«Slhis matter {Interruptions}----- Sir, if I say that these are tendentious things and these are withheld with a design, with a purpose, then what happens ? Can you deny it if I make the charge that they are being deliberately withheld because certain interested parties are there and the Government would like to shield them and not expose them before Parliament ? Let him answer that, Sir.

{Interruptions}

MR. CHAIRMAN : Mr. Arora, what is your explanation ?

SHRI ARJUN ARORA : Sir, my name has been mentioned by so many Members in so many ways. The lady Member said that I should not write a letter when the matter is being inquired into.

SHRIMATI PURABI MUKHOPADHYAY : Sir, I did not mention his name. I said, no MP should write.

SHRI ARJUN ARORA : I am also an MP. Sir, Shri Rajnarain correctly pointed out that a Member of Parliament can write to the Minister at any stage. In this case, by chance I wrote to the Minister before the Inquiry Committee was appointed. But I reserve to myself the right of writing to the Minister irrespective of departmental committee.... {Interruptions}.

Secondly, Sir, Mr. Lokanath Misra asked me a question. I said it is for the other concerns also. I said, it is for all bottlers. But, by chance only Coca-Cola is a foreign monopolist concern operating in India and they only can repatriate profits. They alone can do. But whatever I said, Sir, I say it is applicable to all. Thirdly, Sir _____

{Interruptions}

I support the demand of Mr. Rajnarain and Mr. Bhupesh Gupta that now that the Minister has taken my name, he should take the names of 25 others also who applied pressure on him. I wrote a letter to him....

MR. CHAIRMAN : Please sit down.

SHRI ARJUN ARORA : Obviously, the Minister was under pressure and he should give the names.

MR. CHAIRMAN : Mr. Advani.

SHRI LAL K. ADVANI : The information is very valuable. He has not answered my question whether this applies only to Coca Cola or to other foreign concerns also.... {Interruptions}. We are not concerned with others. Secondly, I would like to know this. It has been stated the committee had been asked to report quickly. How quickly this 'quickly' would be ?

SHRI MOINUL HAQUE CHOUDHURY : So far as the question of replenishment is concerned, it concerns the Ministry of Foreign Trade. I would request the hon. Member to address this question to that Ministry. I cannot give any answer without a notice. So far as this committee is concerned, it has also been set up by the Foreign Trade Ministry. I do not know all the details.

SHRI BHUPESH GUPTA : What about the names ? This is not the way. What about the names ?

{Interruptions}

श्री राजनारायण : श्रीमन्, मैं इस समय सरकारी पक्ष और विरोधी पक्ष के सम्मानित सदस्यों से बहुत ही विनम्रता के साथ निवेदन करूंगा और आपसे विशेष विनम्रता के साथ निवेदन करूंगा कि कोई ऐसी गलत परम्परा न डाली जाय। मंत्री महोदय जब इस बात को कबूल कर चुके कि उनके ऊपर कई प्रकार का दबाव डाला गया और एक प्रकार से संबंधित व्यक्तियों के नाम उन्होंने लिये तो दूसरे प्रकार के व्यक्तियों के नाम लेना उनके लिये बाध्य होना चाहिए। यह उनका नैतिक कर्तव्य है, यह उनका संसदीय कर्तव्य है, यह उनका राजनैतिक कर्तव्य है और हर प्रकार के

कर्तव्य उनको बाध्य करते हैं कि ये उन लोगों के नाम बतायें। आप देश की जनता को यह बतला दीजिये कि किसी मंत्री का कोई निकट का आदमी रहा है या प्रधान मंत्री का कोई निकटतम ...

श्री सभापति : मैंने ये बातें सुन ली हैं।

श्री राजनारायण : तो फिर क्यों नहीं मोइनूल हक चौधरी साहब उनके नाम बताते हैं। इससे देश की जनता में अनेक प्रकार की धारणाएं पैदा होंगी। इसलिये मैं आपसे अर्ज करता हूँ, बार बार अनुनय करता हूँ, सादर साग्रह अनुनय विनय करता हूँ कि नियमों के अंतर्गत आप मंत्री जी से कह सकते हैं कि मंत्री जी, आपको नाम बताना ही पड़ेगा। हम ऐसे मंत्रियों को देखना पसन्द नहीं करते जिनको दूसरे लोग प्रेशराइन करें, दबाव डालें और वे उनका नाम बताने में हिचकें। कारण क्या है। इसलिये मैं आपसे बार बार प्रार्थना करूंगा कि इस सदन में कोई रांग प्रिंसीडेंट आपके द्वारा नहीं डाली जानी चाहिये। आप इस चीज के एक नहीं अनेक उदाहरण देखेंगे। इस सदन में बराबर नाम लिये गये हैं चाहे वे बाहर के रहे हों या भीतर के रहे हों। मगर आज मंत्री जी यहाँ नामों को प्रगट नहीं कर रहे हैं। मैं आपसे प्रार्थना करूंगा कि आप इस सदन की कार्रवाई को ठीक ढंग से चलायें। उनका नाम न बताना उचित नहीं होगा और असंसदीय होगा। इसलिये आप मंत्री जी को बाध्य करें कि वे नाम बतायें।

श्री सीताराम केसरी : श्रीमन्, हमारा प्वाइंट ऑफ आर्डर यह है कि प्रश्नोत्तर के समय किसी भी सदस्य को व्यवस्था का प्रश्न नहीं उठाना चाहिये। दूसरी बात यह है कि चूँकि बार बार व्यवस्था का प्रश्न उठाकर एक ही बात कही जाती है, इसलिये मैं आपसे आग्रह करता हूँ कि एक ही सदस्य को आपको इतना समय नहीं देना चाहिये कि सारा समय वही ले लें।

SHRI BHUPESH GUPTA : Names should be given. Or I put it that some Minister wrote that letter ; some high-up in the Ruling Party wrote that letter.

MR. CHAIRMAN : Now, let me say something ; otherwise the Question Hour will be over. I want to say something on this very matter. Several Members of this House have made requests to the Minister to disclose the names.

SHRI RAJNARAIN : To you.

MR. CHAIRMAN : You won't allow me to talk, Mr. Rajnarain.

श्री राजनारायण : मैंने आपसे निवेदन किया कि आपसे कहा।

श्री सभापति : आप बीस बार निवेदन कर देंगे, मुझे बोलने का कोई हक नहीं है क्या ? सिर्फ इस हाउस में आपको ही अकेले बोलने का हक है ?

Now I cannot force the Minister to make a Statement but the Minister has got the request of the Members of the House before him and it is for him to decide what to do in this matter.

SHRI MOINUL HAQUE CHOUDHURY : Sir, so far as ...

SHRI SUNDAR SINGH BHANDARI : Sir, if it is a part of the Question, it cannot be allowed. Our supplementaries will not be allowed. So, he is also not permitted to speak on this matter. You give him some other day.

श्री राजनारायण : श्रीमन्, मैं आपके द्वारा अपने मित्र ...

श्री सभापति : आप कुछ काम न करने दीजिए।

श्री राजनारायण : आप चाहते हैं कि मैं अज्ञान के गर्त में विचरण करूँ ? मैं आपके द्वारा श्री सुन्दर सिंह भंडारी जी से निवेदन करना चाहता हूँ कि नियमों का अवलोकन

किया जाय। चेयरमैन को यह अधिकार है कि अगर किसी प्रश्न का स्वरूप पूरा नहीं हुआ है तो उसके लिए समय के बाद भी चेयरमैन उनको आज्ञा प्रदान कर सकता है।

MR. CHAIRMAN : Now, please sit down. Let the work proceed. I want you to say something about this.

SHRI MOINUL HAQUE CHOUDHURY : Sir, when I said that representations were made in favour of more than 5 per cent or less than 5 per cent, there was no question about pressure. Shri Arjun Arora had done a singular service personally to me by bringing this matter to my notice and, therefore, I got hold of the file and I could examine the same. There is nothing wrong about it. When I mentioned his name, it was not with any idea of disparaging him, rather it was to compliment him. In the same way some other Members have the right to make representations before the Ministers. I also say that since the whole matter originated with me on a letter of Mr. Arjun Arora, therefore, incidentally I mentioned his name. Those people, who are not before the House and cannot defend themselves, I am very sorry, with great respect I would say, that I do not like to divulge their names.

SHRI BHUPESH GUPTA : I charge the Government with bribery. Let him divulge the names.

MR. CHAIRMAN : The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

EXPANSION OF HINDUSTAN CABLES LTD., RUPNARAINPUR

♦153. SHRI KALYAN ROY : Will the Minister of INDUSTRIAL DEVELOPMENT/औद्योगिक विकास मंत्री " be pleased to refer to the reply to the Starred Question No. 268 given in the Rajya Sabha on 18th May, 1970 and state :

(a) whether expansion of the Rupnarain-pur Factory of M/s. Hindustan Cables Ltd. has since taken place : if so, what was the production in 1969, 1970 and till July, 1971 ;

(b) whether Government are aware that production in the said factory is facing serious difficulties ; if so, the reasons therefor ; and

(c) whether Government propose to hold independent inquiry into the affairs of the company ; if not, the reasons therefor ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT/औद्योगिक विकास मंत्री (SHRI MOINUL HAQUE CHOUDHURY) :

(a) No, Sir ; does not arise.

(b) Yes, Sir, due to the difficult labour situation in the factory.

(c) No. Sir. The Government proposes to undertake a thorough study of the working of the factory to locate bottlenecks in production and to devise measures to remove them.

PRODUCTION vis-a-vis LICENSED CAPACITY

♦154. SHRI ARJUN ARORA : DR. SALIG RAM : SHRI RAJENDRA PRATAP SINHA : SHRI KRISHAN KANT :

Will the Minister of INDUSTRIAL DEVELOPMENT/औद्योगिक विकास मंत्री be pleased to state :

(a) whether it is a fact that in certain industries the production is more than its licensed capacity ; and

(b) if so, the details of the additional production separately in respect of each company ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT/औद्योगिक विकास मंत्री (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (b) Yes, Sir, a number of instances have come to the notice of the Government over the last few years, where industrial undertakings have substantially increased their production beyond the licensed capacity. The Industrial Licensing Policy Inquiry Committee had referred, in its report, to 45 such cases, details of which are given in Appendix IV-F of this Reports, copies of which have been laid on the I Table of the House.