

RAJYA SABHA

Monday the 1st December, 1969/the 10th
Agrahayana, 1891 (Saka)

The House met at eleven of the clock,
MR. CHAIRMAN in the chair.

ORAL ANSWERS TO QUESTIONS

BOARD OF DIRECTORS OF M/s BENNETT
COLEMAN & Co.

*296. SHRI A. G. KULKARNI : Will the Minister of INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS be pleased to refer to the answer to Starred Question No. 553 given in the Rajya Sabha on the 18th August, 1969 and state :

(a) the progress so far made with regard to the application to be submitted to the Court for change of the Board of Directors of M/s. Bennett Coleman & Co.

(b) whether it is a fact that Mr. S. P. Jain, is trying to get this nominee a favourable position in the reconstituted Board; and

(c) if the answer to part (b) above be in negative, what are the names of the Board of Director ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS (SHRI K. V. RAGHUNATHA REDDY) : (a) to (c) Since the Starred Question No. 553 was answered in the Rajya Sabha on the 18th of August, 1969, the Bombay High Court has disposed of the petition under section 398 of the Companies Act, 1956 by its order dated 28th August, 1969 dealing with the reconstitution of the Board of directors and other connected matters. The Board of directors has been reconstituted by the Court under the aforesaid order. The salient features of the Judgment dated 28th August, 1969 are as under :—

The Board is to comprise eleven directors as below :—

(a) Directors appointed by the Court—

1. Shri K. T. Desai—Chairman
2. „ S. M. Mahanukar
3. „ K. S. Engineer
4. „ G. V. Desai
5. „ G. D. Parikh—appointed by Court order dated 1-10-69.

(b) Directors appointed by the Central Government.—

1. Dr. R. K. Hazari
2. Shri S. M. Kumaramangalam
3. Shri H. M. Trivedi.

(c) Directors representing shareholders

1. Shri Mauli Chandra Sharma
2. Shri Narindra Kumar
3. Dr. L. M. Singhvi. (He has since resigned and his place has been taken over by Shri A. K. Jain by Cooption by the shareholders' directors against the quota of directors representing shareholders.)

The Court has stated that the Board as constituted by it would give a effective majority to the directors appointed by the Court and the Government over the shareholders' directors. The period of operation of the reconstituted Board is to be seven years from the date of the Judgement.

S/Shri S. P. Jain, Gajend Chandra Jain, Alok Prakash Jain and Smt. Rama Jain have been restrained by an injunction from interfering with or intermeddling in the affairs of the company and its conduct and management.

The costs of the Central Government in these proceedings are to be borne and paid by Shri S. P. Jain.

With regard to the employees who have assisted the Government in the investigation, the Court has given protection to them against any punishment except on allegations other than those contained in the petition under section 398 of the Act. It has also been provided that they cannot be punished without the prior approval of the Court.

Seven appeals have been filed against this Judgement by some of the respondents in the petition under section 398 including Shri S. P. Jain and these are pending in the Bombay High Court.

SHRI A. G. KULKARNI : May I know from the Government whether they are aware that the Bennett Coleman and Company affairs are investigated under the Industries (Development and Regulation) Act for fraudulent management of the company? In such circumstances, may I know whether the Government will consider that such large-scale Press

media, for the healthy development of democracy in this country, should be turned either into a corporation or into a trust where the journalists, the editors and the employees will have interest in running such a trust and which will have what you call a social commitment to the purpose of democracy? May I know from the Government whether they will assure us that some such thinking will take place so that the development of this democracy in a healthier manner will be achieved?

SHRI K. V. RAGHUNATHA REDDY : Sir, the investigations in respect of this company were conducted under the relevant provisions of the Companies Act and proceedings were launched under section 388(B) and section 398 of the Act.

SHRI A. G. KULKARNI : Sir, you have heard my question and you have heard the Minister's reply. You either protect me or direct the Minister to reply either in the negative or in the positive. I have stated categorically my requirement and he has replied that it is being investigated under this rule or that rule. Is that a complete reply, Sir?

MR. CHAIRMAN : Do you want to add anything?

SHRI K. V. RAGHUNATHA REDDY : May I respectfully submit to the hon. Member, Shri Kulkarni, and yourself that two questions have been raised here. About the nature of the investigations. I said that the investigations were conducted under the relevant provisions of the Companies Act—I need not quote the provisions—and proceedings were launched against the concerned persons under section 388(B) and section 398 of the Companies Act. The other question which the hon. Member was pleased to raise refers to the general policy on which I cannot immediately comment. Certainly the observations which he has made here would be borne in mind when we deal with this matter.

SHRI A. G. KULKARNI : I want to know whether the Government is aware of the recommendation of the Press Council about the diffusion of ownership with regard to monopolies in the Press and, whether it has accepted the report of the Press Council. Apart from that, I want a categorical assurance from the Government that wherever such trusts and corporations are created by Journalists, editors and the employees, the Industrial Finance Corporation or the Newspaper

Finance Corporation will be directed to sanction maximum loans on merits and secondly, under no circumstances any representative of the Jains will be appointed as Chairman of the Bennett Coleman and Company. I want a categorical assurance on these two points.

SHRI K. V. RAGHUNATHA REDDY : Sir, I may respectfully submit that I am answering a very limited question raised by the hon. Member, Shri Kulkarni. As far as our views against monopoly are concerned, we have stated our position. We are against all kinds of monopoly and concentration of economic power. Certainly the observations which the learned Member has made will be borne in mind. Beyond that I am not in a position to say as these questions do not directly arise from this question.

SHRI A. D. MANI : The hon. Minister made a reference to the order of the High Court about the life of the re-constituted Board being seven years. Am I to understand from him that after seven years, the concern will go back to the shareholders as it should, or is it the intention of the Government to keep control of this company in perpetuity?

SHRI K. V. RAGHUNATHA REDDY : The judgement of the court is clear. I do not propose to interpret the judgement of the court.

श्री निरंजन वर्मा : क्या श्रीमान यह बताने का कष्ट करेंगे कि केन्द्रीय सरकार की ओर से बोर्ड आफ डाइरेक्टर्स में जो मिस्टर हजारी नियुक्त हुए हैं वे क्या वही व्यक्ति हैं जो बिड़ला ग्रुप आफ इंडस्ट्रीज की जांच करने के लिए नियुक्त हुए थे और श्री मोहन कुमार मंगलम वही सदस्य है जो श्री भरत राम की जगह नियुक्त किए गए थे और जो कम्युनिस्ट पार्टी के सदस्य रहे हैं ?

SHRI FAKHRUDDIN ALI AHMED : So far as Mr. Hazari is concerned, he has been a member of this Board for a long time and he is continuing as a member.

श्री निरंजन वर्मा : मैं पूछ रहा था कि क्या ये वही व्यक्ति हैं जो बिड़ला ग्रुप आफ इंडस्ट्रीज की जांच के लिए नियुक्त हुए थे ?

SHRI FAKHRUDDIN ALI AHMED : He is the same man.

श्री राजनारायण : जब यह मामला कोर्ट में गया तो सरकार से और श्री शान्तिप्रसाद जैन से जो एक संधि हुई, समझौता हुआ कि पला पला ढंग से बोर्ड आफ डाइरेक्टर्स बनाया जाय वह क्यों ? और वह फैसला क्या था ? उस में कौन कौन से नाम थे ? उन नामों में क्या क्या परिवर्तन कोर्ट ने किया और उस की कापी वाक्यादा क्या सरकार के पास है, उस समझौते की कापी जो सरकार ने शान्तिप्रसाद जैन से समझौता करने के बाद कोर्ट में दाखिल की थी कि ये बोर्ड आफ डाइरेक्टर्स में होंगे और क्या सरकार उस को मदन के पटल पर रखेगी और अगर नहीं रखती है तो क्या उस के लिए श्रीमान, आप उसे डाइरेक्ट करेंगे ? मेरा दूसरा प्रश्न है कि श्री कुमार मंगलम् साहब में कौन सी खूबी है कि इस समय जितनी जगहें हैं उन को उन में रखा जा रहा है, जैसे इंडियन एयर लाइन्स, उस के वह चेयरमैन बना दिये गये, बनेट कोलमैन कंपनी, उस के वह डाइरेक्टर बना दिये गये । तो इस प्रकार एक ही आदमी को सब जगह रखना कंसंट्रेशन आफ पावर में आता है या नहीं ? इस आदमी में कौन सी खूबी है, कौन सी प्रतिभा है, कौन सी जानकारी है कि जिसके कारण जहां भी मौका मिले उस को घुसेड़ दिया जाता है ? हमारी जानकारी है कि इन को एक्स कम्युनिस्ट होने के नाते और इस समय श्रीमती इन्दिरा नेहरू गांधी का कम्युनिस्टों से गठबंधन होने के कारण उन को यह पुरस्कार तो नहीं दिया जा रहा है ?

श्री फ़ख़रुद्दीन अली अहमद : जहां तक पहलें सवाल का ताल्लुक है, यहां अभी बताया गया कि कोर्ट ने जो एक आर्डर दिया उस के मुताबिक एक बोर्ड आफ डाइरेक्टर्स मुकर्रर हुआ है । इस से पहले जो गवर्नमेंट के साथ और शान्तिप्रसाद जैन के साथ बात हुई थी कि किस तरह से एक फ़ॉर्मोमाइज हो जाय जिस के जरिये से अखबारान का जो काम बंद है और कंपनी बगैरह या जो काम बंद है वह अच्छी तरह से हो, लेकिन इस के पेश्वर कि वह इस तरह से हो, कर्ट ने इस मामले में फैसला

दिया और अपना जजमेंट उस में दे दिया । जहां तक दूसरे सवाल का ताल्लुक है, मैं आज इस को डिस्कस करने के लिए यहां तैयार नहीं कि कौन सा आदमी अच्छा है और कौन सा खराब है । जिस को गवर्नमेंट अच्छा समझती है उस को मुकर्रर करती है । कुमार मंगलम् साहब एक लीडिंग लायर हैं, बहुत अच्छा आदमी हैं इस लिए उन को इस का मेम्बर बनाया गया है और दूसरा सवाल जो है वह गलत है क्योंकि उसका इस से कोई ताल्लुक नहीं है । किसी से हमारा कोई समझौता हुआ है या नहीं इस से इसका कोई ताल्लुक नहीं है । हमारा न कोई समझौता हुआ है और न किसी समझौते की वनियद पर उन को उस जगह रखा गया है ।

श्री राजनारायण : श्रीमान, मेरा प्रश्न था कि जो समझौता सरकार और श्री शान्तिप्रसाद जैन के बीच हुआ है उस में निश्चित बोर्ड आफ डाइरेक्टर्स की सूची सरकार सदन की मेज पर रखे ।

श्री सभापति : उस का जवाब आ गया है ।

श्री राजनारायण : हम को नाम नहीं मिले । जनता को अंधकार में नहीं रखना चाहिए । यह देश की जनता का कर्तव्य है कि वह सरकार से जाने कि सरकार ने श्री शान्ति प्रसाद जैन से जो समझौता किया था वह क्या था क्योंकि उसी से सरकार की नेचर मालूम होती है ।

श्री फ़ख़रुद्दीन अली अहमद : समझौता हुआ ही नहीं तो उसे जानने से फायदा क्या ?

श्री राजनारायण : वह समझौता हुआ है और कोर्ट के अंदर उन के नाम गये ह ।

श्री सभापति : मिनिस्टर मना कर रहे हैं कि वह नहीं हुआ है ।

श्री राजनारायण : आप चेयरमैन हैं डेमोक्रेसी में और यह राष्ट्र के हित के लिए पूछा जा रहा है । इस को छिपाया जाना क्यों जरूरी है ?

श्री सभापति : वह कहते हैं कि वे छिप नही रहे हैं ।

श्री राजनारायण : सरकार कोई चीज सदन से गोपनीय रखे क्यों ?

श्री सभापति : जब वह मना कर रहे हैं तो कोई सवाल नहीं उठता ।

श्री राजनारायण : आप उन को डाइरेक्ट करें । उन का मना करना ठीक नहीं है ।

SHRI C. D. PANDE : The hon. Minister had said that there was no agreement with S.P. Jain and Company. Is it a fact that a copy of the agreement was presented in the court and the Judge said; "I do not take cognizance of this treaty or agreement between the Government and S.I. Jain and Company." Can the Government deny this thing? What are the reasons or what were the considerations for dominating a publishing company by Government's action, so that the paper may be bullied into obedience to the Government's policy?

SHRI FAKHRUDDIN ALI AHMED : As I have already pointed out, there was a negotiation between the parties, but before a settlement could be arrived at, the court passed an order. Therefore, there was no necessity of the matter being pursued further.

SHRI RAJNARAIN : This is concealment of facts. यह प्रिविलेज का सवाल हो जाता है ।

MR. CHAIRMAN : Was an agreement filed in court? That was the question.

SHRI FAKHRUDDIN ALI AHMED : Before the agreement could be sent to the court, the court had already passed an order.

SHRI S. N. MISHRA : There was an agreement between the two parties. One party presented the terms of the agreement to the court. That is on record in the court. Now, the Minister is denying it, he says no such agreement could be made available to the court. Well, one can understand that the Minister, was not able to present it to the court but the other party has been able to present it to the court. I would like to know the terms of the agreement, the full text of the agreement. That is what the

House is entitled to know and the Minister is just withholding it from the House.

MR. CHAIRMAN : I will ask him again.

SHRI FAKHRUDDIN ALI AHMED : May that I just say that this has already been laid on that Table of the House earlier. Shri S. P. Jain moved the Bombay High Court on 1st September 1969 for recording of a compromise. In the affidavit filed that day in support of the application the following submission was made. The matter was heard by the Bombay High Court on 6th September 1969. The Council for the Union of India, on instructions, denied that any concluded agreement or compromise had been arrived at. This has been placed on the Table. So, the terms were being negotiated, but there was no concluded agreement. The application was dismissed by the Bombay High Court.

MR. CHAIRMAN : The Court said that there had been no concluded agreement.

DR. BHAI MAHAVIR : I would request you to ask the hon. Minister to reconcile the two statements that he has made. First he said there was no agreement that was made and secondly he said that before the terms of the agreement could be presented to the Court the Court had passed orders. I would like to know whether there was any agreement or not.

(Interruptions)

SHRI A. P. CHATTERJEE : The Minister must say whether the agreement was filed in court or not.

MR. CHAIRMAN : I understand from the Minister's statement that one party alleged an agreement and the Government of India, the Union, said that there had been no concluded agreement. That is what I have understood.

श्री राजनारायण : गवर्नमेंट के कहने का मतलब यह है कि अदर पार्टी ने जो एग्रीमेंट की बात कही कि यह एग्रीमेंट हुआ है वह उस ने झूठ कहा है । यह मामला कैबिनेट में आया है और इस सदन में हम ने इस मामले की कई बार चर्चा की है और इस मामले को ले कर दिनेश सिंह और शान्तिप्रसाद जैन की बीच का झट

बंधन खुला है। इस लिए इस मामले में अच्छी तरह से चर्चा होनी चाहिए।

SHRI S. N. MISHRA : There are obvious contradictions in the statement made by the hon. Minister. The hon. Minister earlier said to the House that before the agreement could be presented to the court, that is before the terms of the agreement could be presented to the court, the court pronounced its verdict. That is on record. Now, the hon. Minister backs out from that saying that the other party did present some terms of the agreement to the court, but we had not concluded any agreement with the other party. So, there are obvious contradictions between the two statements. I would like you to examine both the statements and then give your opinion to the House tomorrow.

MR. CHAIRMAN : Please clarify.

SHRI FAKHRUDDIN ALI AHMED : What I had stated was that certain terms were under negotiation and before the agreement was arrived at, the Court had already passed an order. There was no concluded agreement on the basis of which the court could take a decision. The terms were being negotiated, but before the agreement was concluded, the court gave orders. There was no concluded agreement.

श्री राजनारायण : श्रीमन्, जरा हमें सुना जाय। श्रीमन्, देखिये, गवर्नमेंट ने समझौता किया। श्रीमन्, आप जान लीजिये, गवर्नमेंट ने समझौता किया। हम लोगों को जानकारी हुई कि इस तरह का समझौता हुआ, सदन में चर्चा हुई, गवर्नमेंट ने घबड़ाहट हुई, अदर पार्टी ने उसको रेफर कर दिया, तब गवर्नमेंट ने यह कहा कि फाइनेल डिस्मिशन अभी गवर्नमेंट ने नहीं लिया है। यह सब बिल्कुल 420 है और यह शान्ति प्रसाद का समाजवाद बोल रहा है श्री फखरुद्दीन अली अहमद साहब के मुख से।

SHRI BHUPESH GUPTA : I want to make a submission. The issue need not be gone into in detail. We are interested in saying that Mr. Shanti Prasad Jain or his men do not come anywhere into it, that is the main thing. Therefore, we do not want . . .

MR. CHAIRMAN : Prof. Kothari.

PROF. SHANTI KOTHARI : The public confidence has been seriously shaken in our seriousness about the discussion on the monopoly houses having tremendous influence on the political life of the country. In view of the serious charges and allegations made against Mr. S.P. Jain's industrial and other ventures what is the hitch in laying on the Table of the House a copy of the letter referred to Members of the Jain family—in this case concerned with the Bennett Coleman—are frequent visitors to so many of the Ministers dealing with economic matters and since it has aroused a doubt in the public minds about our integrity, may I know if the Government is considering a ban on any such communication or contact by the big business houses with the sensitive authorities?

MR. CHAIRMAN : Twentyfour minutes we have taken over this.

SHRI K. V. RAGHUNATHA REDDY : Sir, the hon. Member, Prof. Kothari, has put a number of questions, and he had referred to Ministers. I do not know whom he has got in his mind.

PROF. SHANTI KOTHARI : Economic Ministers.

SHRI K. V. RAGHUNATHA REDDY : The hon. House knows, and the hon. Member knows, that we are against all kinds of monopoly and the Government certainly would like to regulate inter-corporate investments in the interests of proper management. These questions, though very important, in my humble submission, do not arise from this question.

PROF. SHANTI KOTHARI : Sir I want your protection. I asked, whether those companies in which the same gentleman is involved or has direct control or some sort of control through his family members, he or his friends or his relations were receiving financial nourishment from the Government?

SHRI K. V. RAGHUNATHA REDDY : He may kindly put a separate question.

SHRI ARJUN ARORA : Prof. Kothari asked a very direct question : What is the hitch in the Government placing this supposed agreement on the Table of the House ? I believe, Sir, according to all canons of parliamentary practice, that this question does very directly

arise from this question. It is wrong of the Minister to say that nothing of what Prof. Kothari has asked arises out of this question. So, I request you to please direct the Minister to reply to the very relevant, pertinent and direct question of Prof. Kothari as to what is the witch in laying the supposed agreement, which has been presented to the court, on the Table of the House.

SHRI BHUPESH GUPTA : On a point of order. The position is not that. We had been asking questions and the Minister should help the House...

MR. CHAIRMAN : Let him reply .

SHRI K. V. RAGHUNATHA REDDY : My senior colleague had already answered that there was no concluded agreement.

SHRI A. G. KULKARNI : Sir, on a point of order. An agreement is supposed to have been concluded. Now he says that there is no concluded agreement. The other party has given an affidavit to the court that it is an agreement . . .

SHRI BHUPESH GUPTA : You better tell what is the agreement, the names that were agreed upon. It is a simple thing.

श्री राजनारायण : एक सवाल और जान कीजिये ।

श्री सभापति : कभी आप बैठिये ।

श्री राजनारायण : क्या कैबिनेट में भी यह मामला गया था और वहां तय हुआ था न ? श्रीमन्, कंसिलमेंट आप फैंट हो रहा है यहां पर ।

MR. CHAIRMAN : Please sit down.

SHRI RAM NIWAS MIRDHA : Sir, all these things arise because the word agreement has been used. The Government has written a letter to the person concerned. That may or may not be an agreement in the technical sense. So, the confusion should be removed. What letter was that which was written by the Government as a result of the discussion between the parties? That should come out.

(Interruption)

MR. CHAIRMAN : You do not allow the Minister to reply.

SHRI K. V. RAGHUNATHA REDDY : My senior colleague had already made a submission that there was no concluded agreement. If there is no concluded agreement, Sir, the rest of the discussion in respect of any proposal would be only in the nature of discussing a proposal and not a matter of agreement. Unless the two parties agree on any proposition, it cannot be an agreement. I need not go into that question. I may only read a particular passage here from the statement which we have placed on the Table of the House answering a previous question :

"The matter was heard by the Bombay High Court on 6th September 1969. The Counsel for the Union or India, on instructions, denied that any concluded agreement or compromise as claimed by Shri S. P. Jain had been arrived at."

SHRI M. M. DHARIA : Sir, on a point of order. The question put to the hon. Minister is, if there is no agreement which is filed, then what was that piece of paper alleged to be an agreement that was filed in the court by Mr. Jain. Mr. Chairman, the House is interested in knowing the facts, and the minutes that are lost are because of the evasive replies coming from the Government. May I request you to direct the Government to say what was the piece of paper which was filed by Mr. Jain which they have stated is the agreement? We are interested in that information.

SHRI FAKHRUDDIN ALI AHMED : The only thing which I would like to add is, is it the policy that all the terms of negotiations which are entered into with parties, before they are concluded should be placed before the House?

(Interruption)

SHRI M. M. DHARIA : Sir, I raised a point of order. I wanted a direction from you to the Government telling the Government that the piece of document filed by Mr. Jain has created a lot of suspicion, and there is again a feeling that the Government is trying to protect Mr. Jain's interests. We are interested in knowing what was the document filed by Mr. Jain in the court and afterwards Government can give clarification.

SHRI BHUPESH GUPTA : A document has been filed in the court. A document which has been filed in the court is not a secret affair. Why the document should be withheld from the House? Therefore, the Government should tell us about the document. In fact, having filed it in the court, the Government should lay a copy of the document on the Table of the House. That is what we want.

(*Interruptions.*)

SHRI RAJNARAIN : Sir, on a point of order.

SHRI CHANDRA SHEKHAR : Sir, the document is a letter from one R. Prasad, Secretary in the Ministry of Industrial Development, written to one of the Jains in which some sort of agreement has been indicated and that letter has already been filed in the Bombay High Court. That letter is not a secret or confidential document. It is already a public document. So the Minister should say that this is the letter written by Mr. R. Prasad, Secretary, to Mr. Shanti Prasad Jain. That was a letter written in a wrong moment on a wrong presumption... (*Interruptions*) I do not defend. I have a right to say. I am not going to take promptings from you. This is not a secret document. It is a document submitted to the High Court and the Minister can easily say what the document is. . .

(*Interruptions*)

MR. CHAIRMAN : May I suggest one thing?

श्री राजनारायण : श्रीमन् मैं एक पाईट आफ आर्डर रज कर रहा हूँ।

SHRI B. K. P. SINHA : I do not know why the Government should be so secretive about it. This letter is not the first thing that went before the honourable High Court of Bombay. On the day when the matter was taken up this is my information as a lawyer which I have got from my lawyer friends—the court declared that Mr. Kunte's term was over and therefore some new Director would be appointed. The counsel for Mr. Shanti Prasad Jain made a statement and made a prayer for adjournment on the basis—that must be in the note of the High Court—that there was some sort of understanding between them and the Government of India, that the understanding had not been communicated

to the counsel and therefore the matter should be adjourned. Mr. Khambatta said—I think he is the Government's counsel—that he had received no instructions from his client. Therefore he did not agree to adjournment. Therefore the Judge rejected the prayer for adjournment and nominated an ex-Chief Justice as the Chairman of the Board of Directors in place of Mr. Kunte. Only a few days later, Mr. Shanti Prasad Jain or somebody who is representing Mr. Jain, took out what is known as a Judge's summons in the court and prayed to the court. . .

MR. CHAIRMAN : Mr. Sinha, I do not want the proceedings of the court. It is taking up too much time... (*Interruptions*) There is no point of order.

SHRI B. K. P. SINHA : No, no...

MR. CHAIRMAN : Please sit down. The whole question is . . .

श्री राजनारायण : हमारा पाईट आफ आर्डर है इसको सुन लिया जाये।

श्री सभापति : जरा मेरी बात सुन लीजिए।

श्री राजनारायण : चार मर्तबा आपने हमको बैठा दिया।

MR. CHAIRMAN : The simple question is this. Even though the Government's case is that there was no concluded agreement and the Government did not accept the alleged agreement presented by Shri Shanti Prasad Jain, the question is whether the Government is prepared to furnish to the House that document—whatever it was—which was produced on behalf of Shri Shanti Prasad Jain. That is the question. And from every point of order, I have understood this to be the common question. Is that all right?

HON. MEMBERS : Yes.

MR. CHAIRMAN : I want to know from the Government whether they are prepared to furnish a copy of such a letter or not and, if not, why not. Then the House will be satisfied.

SHRI BHUPESH GUPTA : Why I am asking this is, Government can seek protection only in public interest. Having placed it in the law court, they should lay it here. In fact, the document is a part of the proceedings. It is an open

thing. That question does not arise, The document, under your direction, should now be made known to the House.

SHRI KRISHAN KANT : In this respect I want to refer to my question in August when I had requested whether an out-of-court settlement is coming or not. The Minister replied that we do not want to do or say anything, because all things are on record. And Mr. Bhupesh Gupta said . . .

MR. CHAIRMAN : What is this? I do not understand. Is it a discussion or what? (Interruptions) Please sit down, Mr. Krishan Kant.

SHRI KRISHNA KANT : Sir, I will finish.

SHRI CHAIRMAN : When I am standing you will have to sit down.

श्री राजनारायण : श्रीमन् अब तो हमारा प्वाइन्ट आफ आर्डर सुन लिया जाये । जो मिनिस्टर . . .

श्री सभापति : अब कितनी बार होगा ।

श्री राजनारायण : हम पाइन्ट आफ आर्डर रज कर रहे हैं । आप कहते हैं तो हम बैठ जाते हैं । दूसरा खड़ा हो कर बिना पूछे बोलने लगता है । आप . . .

श्री सभापति : मैंने मना कर दिया था ।

श्री राजनारायण : लेकिन वह बोल चुके । चूंकि हम नियम जानते हैं, कायदे से प्रोसीड करते हैं इसलिये आप हमको दवाना चाहते हैं । आप हमारा पाईट आफ आर्डर सुनें । हम करबद्ध प्रार्थी हैं, उमे सुनें । हमारा पाईट आफ आर्डर यह है इस सदन का 37 मिनट समय . . .

श्री सभापति : आप बिजनेस नहीं चलने देते सदन की . . .

श्री राजनारायण : सदन का 37 मिनट समय नष्ट होना मंत्री द्वारा सदन को गुमराह करने के उत्तर से खड़ा हुआ है । यह शुद्ध विरोधाधिकार अवहेलना का प्रश्न है । मैं अब आपसे निवेदन करूंगा, वे रखें काफी या जहन्म

में जायें, कि यह सारा मामला प्रिविलेज कमेटी को भेजा जाय । अब जो करीब 40 मिनट का इस सदन का समय उस मंत्री महोदय ने नुकसान किया है उसके लिये विरोधाधिकार अवहेलना का प्रश्न उठता है । उन्हें दंडित किया जाये । सुनिये, एवरीथिंग, माफ कीजिएगा मुखमे अंग्रेजी निकल गई, सारी घटनाएं सदन के समक्ष घटी हैं इसलिये इधर उधर सफायी की जरूरत नहीं है । सारा रिकार्ड उनका है जो वह बोले हैं, वह सब बैठकर विरोधाधिकार समिति निरीक्षण करे कि क्यों मंत्री ने 40 मिनट लगातार सदन को गुमराह करने के लिये, सत्य को छिपाने के लिये, नापक कोशिश की । इसके लिये उनको दंडित किया जाये । मैं निरर्थक नहीं बोल रहा हूं ।

श्री चन्द्र शेखर : आप निरर्थक बोल रहे हैं ।

श्री राजनारायण : इस सदन में आपकी व्यवस्था क्या है । आप इस सवाल को प्रिविलेज कमेटी को भेजेंगे ?

श्री सभापति : ज़रा मुझे सुन लिया जाये ।

श्री एम० एम० धारिया : श्रीमन्, अगर वह निरर्थक नहीं बोल रहे हैं तो परसों जो श्री राजनारायण और अर्जुन अरोड़ा जी ने सदन का टाइम लिया, वह मामला भी वीच आफ प्रिविलेज का होता है । वह भी वहां जाये ।

(Interruption)

श्री राजनारायण : हमारा तो ऐक्शन का रियेक्शन था । कोई कोर्ट तो हमें कुछ कर नहीं सकता । अर्जुन अरोड़ा जी ने जो कहा उसका हमने उत्तर दिया । ऐक्शन और रिएक्शन हुआ ।

श्री सभापति : ठीक है । I have got the substance of the various points of order which have emerged from the various interruptions. Now, please tell me whether you will answer this question. Or what is the explanation? That is all

श्री राजनारायण : 'ऑर' क्या ?

श्री सभापति : आप मुझे क्रिटिसाइज़ कर रहे हैं ।

श्री राजनारयण : I can request you. मैं आपसे निवेदन कर सकता हूँ कि 'ऑर आप' मत कहिये। आपकी ड्यूटी है।
 "to direct the Minister."

SHRI FAKIRUDDIN ALI AHMED : May I first of all, as I said, point out that there was no concluded agreement and not such agreement was filed before the court. What I could understand from the question put by hon'ble Members is that they want a copy of the letter written by our Secretary to Sri S. P. Jain to be placed before the House. If that is so, I will do so.

SHRI S. N. MISHRA : Sir, only one minute I shall take. In the first instance the House would like to know whether the officer concerned wrote with the consent of the Government or not...

MR. CHAIRMAN : I do not allow this question.

SHRI S. N. MISHRA : No, Sir. If the officer has written without the Government's consent why did they not take any action against the officer concerned? The Minister seems to be quibbling with the word "concluded" and "unconcluded". What is the difference between a agreement "concluded" and an "unconcluded agreement"? Did the "unconcluded agreement" was communicated by the officer concerned to the other party have the Government's consent? I have got reliable information that there was a Cabinet decision on the point that an agreement should be concluded with the other party. Would the Minister be in a position to categorically state that there was no Cabinet decision?

(Interruptions)

श्री राजनारयण : श्रीमन्, यह विज्ञेपाधिकार अवहेलना का प्रश्न है। मंत्री जी ४० मिनट तक सदन को गुमराह करते रहे, तो आप इसको विज्ञेपाधिकार समिति के पास क्यों नहीं भेजते।

श्री सभापति : आप बैठ जाइये। Next question. Dr. Mahavir

SHRI S. N. MISHRA : Is it not the responsibility of the Cabinet for the officer concerned...

(Interruptions)

MR. CHAIRMAN : I have called the next question.

SHRI BHUPESH GUPTA : Therefore, the text of the letter is very material.

SHRI S. D. MISRA : Let there be a half-an-hour discussion. Sir, you did not allow us to put a question.

MIGRATION OF CAPITAL AND INDUSTRY FROM WEST BENGAL

*297. **DR. BHAI MAHAVIR :** Will the Minister of INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS be pleased to state :

(a) whether it is a fact that there has been large scale migration of capital and industry from Calcutta and other parts of West Bengal since the last General Election;

(b) if so, whether the movement of capital and industry is permissible under the Industrial Regulations and Development Control Act;

(c) whether it is also a fact that some of these industries have purchased vast areas of land in Faridabad and Ghaziabad in recent months; and

(d) what are the Government's views in this matter?

THE DEPUTY MINISTER IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS (SHRI BHANU PRAKASH SINGH) : (a) to (d) A statement is laid on the Table of the House.

STATEMENT

(a) So far as migration of industry is concerned, two licences have been issued since 1967, under the Industries (Development and Regulation) Act, 1951 for changing the location of industrial undertakings from West Bengal to other States. One application for change of location is pending. As regards the question of migration of capital, no quantitative assessment is available.

(b) All industrial undertakings registered or licensed under the Act are required to obtain a licence/permission for change of location of their undertakings. The provisions of the Act are not applicable to the movement of capital.