

मेरा एक प्वाइन्ट आफ आर्डर है और वह यह है कि एडमिनिस्ट्रेटिव इरेगुलरेटीज में करप्शन छिपा हुआ है। क्या एडमिनिस्ट्रेटिव इरेगुलरेटीज से करप्शन पैदा नहीं होता है ? इसी से आज करप्शन पैदा हो रहा है और ऊपर से नीचे तक सराबोर है।

THE DEPUTY CHAIRMAN : That will do. Now, I do not want any more explanations. You say that you were going into it, whether it is a case of corruption or not and you have to appoint a Commissioner to find it out. The House is not satisfied with your answer.

SHRIMATI LALITHA RAJAGO-PALAN : May I know from the hon. Minister what he means by irregularities? Can he explain the word 'irregularity'?

SHRI C. M. POONACHA : It has been explained that there have been certain promotions made at class III officers' level and in respect of those promotions it is now alleged that they were done irregularly.

(Interruptions)

THE DEPUTY CHAIRMAN: That will do.

SHRI M. M. DHARIA: The hon. Minister said that he has committed certain irregularities, that at the time of promotions those irregularities were committed. Is it not likely that those irregularities were committed because he accepted, as has been alleged by Mr. Gilbert, some bribe? An open charge has been made and why is he not being charge-sheeted?

SHRI C. M. POONACHA: Therefore, proceedings are being initiated to establish the motive for making these irregular promotions. It is being gone into and action is being initiated as for major penalty. That fact itself is based on a prima facie conclusion that there is some irregularity.

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI ANANT PRASAD SHARMA: This concerns the working of the Vigilance Department and, therefore, kindly let us have a "Half-an-Hour" discussion.

THE DEPUTY CHAIRMAN : For a "Half-an-hour" discussion, you must send notice. Anybody who wants it, must send notice. You must not proclaim it on the floor of the House.

JESSOP AND CO. LTD.

*299. SHRI R. P. KHAITAN: t

SHRI CHANDRA SHEKHAR :

DR. (MRS.) MANGLADEVI-TALWAR:

CHAUDHARY A. MOHAMMAD:

Will the Minister of INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS be pleased to state:

(a) whether the Arbitrator appointed to determine the prices of the stock of Jessop and Co. Ltd. has submitted his report:

(b) if so, whether Government have already acquired the stock held by private sector;

(c) what are the current quotations at the stock Exchanges for these shares:

(d) when the Arbitrator was appointed and what was the expected time-limit for his work:

(e) what is the amount so far spent by Government for the entire arbitration proceedings including, allowances for the arbitrator, rent for premises, fee for legal consultants etc.; and

(f) whether it is a fact that the private residence of the arbitrator houses the offices of the parties of Jessop and Co. Ltd. as well as of the Government Solicitor?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS KSHRI BHANU PRAKASH SINGH):

(a) No, Madam.

†The question was actually asked on the floor of the House by Shri R. P. Khaitan.

(b) In terms of an Agreement signed between the President of India and M/s. Sahu Jain Ltd. and others, a block of 11,23,300 Ordinary Shares of Jessop & Co. Ltd., Calcutta has been transferred in the name of the President.

(O The highest quotation on 1st August, 1968 was Rs. 17.50 and the lowest Rs. 16.87.

(d) The Arbitrator entered upon his reference on 26-8-1965. He was expected to make his award within nine months from the date. The Agreement provides for extension of the term of the Arbitrator by written consent of both the parties. The term has been extended in stages, up to 31-12-1968.

(e) Government have spent up to 31st July 1968 an amount of Rs. 12,05,986.02 which is made up as follows:—

(i) Government's share of the Arbitrator's remuneration and expenses of his office including rent for the premises—Rs. 1,97,500.00.

(ii) Fees and out of pocket expenses for legal consultants—Rs. 3,71,574.84.

(iii) Fees and out of pocket expenses of experts, viz. accountants and engineers—Rs. 6,00,388.18

(iv) Miscellaneous—Rs. 36,523.00.

(f) At the request of the parties, the Arbitrator has let out the first floor of his house for use as offices of the parties and the Arbitrator and for holding the sittings.

श्री आर० पी० खेतान : मैडम, यह आर्बिट्रेशन सन् 1965 में दिया गया था और जब इस का टाइम 1968 तक कर दिया गया हो तो उस समय 9 महीने का समय तय किया गया था और इस को 3 वर्ष हो गये और 12 लाख रुपये से ज्यादा आर्बिट्रेशन पर खर्च हो गया। तो क्या गवर्नमेंट इस तरह के आर्बिट्रेशन को एलाऊ कर रही है।

श्री फ़ख़रुद्दीन अली अहमद : यह तो बात ठीक है कि जब एग्रीमेंट हुआ था उस में यह था कि

9 महीने के अंदर इस का फैसला हो जाना चाहिये लेकिन उसी में एक और भी क्लॉज था जिस से यह जाहिर है कि जब टाइम की जरूरत होगी, दोनों पार्टियों के एग्रीमेंट से बढ़ाया जा सकेगा। मैं आनरेबल हाउस से यह कहना चाहता हूँ कि 9 महीने का वक्त सिर्फ इस में सफ़र हुआ कि बेचने वाले एसेट्स और लायबिलिटीज की इन्फार्मेशन मांगते रहे और 9 महीने के अस्ता में यही इत्तला ही दी गयी। उस के बाद स्टेटमेंट वगैरह तैयार हुए, फिर रिजवायंडर में वक्त सफ़र हुआ। उस में भी दो या तीन महीने लग गये और उस के बाद से गवाही शुरू हुई और बेचने वाले के 12 गवाहों की गवाही हो चुकी है और गवर्नमेंट के दो गवाहों की गवाही हो चुकी है। तीसरे को क्रास एग्जामिन किया जा रहा है। इस में आर्बिट्रेशन का कोई कसूर नहीं है। यह मामला इतना वसीह है और इतने रुपये का मामला है कि इस में वक्त लगेगा ही, क्योंकि क्लेममेंट 33 करोड़ रुपये मांग रहे हैं। गवर्नमेंट 2 करोड़ 80 या 85 लाख रुपये देना चाहती है। इस में बहुत सारे डाकुमेंट्स की जांच और एकाउन्ट्स के लिये एक्सपर्ट्स की एवीडेंस ली जा रही है। इन सब का एग्जामिनेशन जरूरी है और मैं यह भी कहना चाहता हूँ कि अमूमन आर्बिट्रेटर्स एक दो घंटे से ज्यादा नहीं बैठते हैं, लेकिन इस मामले में जो वह आर्बिट्रेटर हैं साढ़े तीन और चार घंटे बैठते हैं और कंटेन्युअस होल्डिंग करते हैं। उस पर भी यह काम खत्म नहीं हो रहा है।

श्री आर० पी० खेतान : यह शेयर्स के प्राइस फिक्स करने में आप यह कहते हैं कि तीन, तीन और चार, चार वर्ष लग जाते हैं। मेरी समझ में नहीं आता है कि इस वक्त इतनी गवाहियों आदि को बुलाना क्या इतना जरूरी था जब कि शेयर बाजार में इस का प्राइस चालू है और उस की प्राइस आप ने बतलायी कि साढ़े 17 रुपये की है और गवर्नमेंट 25 रुपये का दाम दे भी चुकी है। क्या उस समय यह 40 रुपये के दाम मांगते थे। और गवर्नमेंट 25 रुपये दे रही थी, इस के बारे में इतना सब किया गया और यह सवाल उठ रहा है। इस बारे में क्या एग्रीमेंट कराया

गया था क्या सरकार इस पर प्रकाश डालने की कृपा करेगी।

श्री फ़ख़रुद्दीन अली अहमद : जो एग्रीमेंट हुआ था उसमें यह था कि या तो शेयर की कीमत 25 रुपये के हिसाब से दी जायेगी या उस कीमत से जो उस वक्त शेयर मार्केट में भाव हो। और दोनों में जो भी कम हो उसी हिसाब से कीमत देने का एग्रीमेंट हुआ था और उस के बाद एक कमेटी बनेगी जो कि इन शेयर्स का असली भाव एसेट्स और लायबिलिटीज वगैरह का अन्दाजा लगाकर मुक़रर करेगी। मगर सेलर के वैल्यू-एशन कमिशनर ने यह मंजूर नहीं किया, लेकिन यह हुआ कि इस वक्त दोनों प्राइसेज में जो कम हो उस हिसाब से उन को ख़या फ़िलहाल दे दिया जाये और उस के बाद आर्बिट्रेशन जो कीमत तय करेगा वह शेयर की कीमत होगी। मेरे ख़याल से आनरेबिल मेम्बर को यह नहीं मालूम कि इस तरह का आर्बिट्रेशन जो होता है उस में कितना वक्त लग जाता है। कोई ग़ैर मामूली वक्त इस में नहीं लग रहा है। बहुत से आर्बिट्रेशन हैं जो दस, पांच और छः वर्ष चलते हैं। यहां तो इतने रुपये का सवाल है और इतने डाकुमेंट्स का सवाल है। इस में वक्त लगेगा ही।

SHRI A. D. MANI: May I ask the Minister what is the current value of the stock held by the private sector? May I ask him further whether it is a fact that Messrs. Bennett Coleman and Company who own the Times of India also hold a block of shares? The third question I would like to ask him is, what is the value of the shares held by the Shanti Prasad Jain group in Jessop and Company. The final question is, what is the total relationship between the fantastic legal fees which have been paid, the fantastic consultation fees which he just now quoted as Rs. 3 lakhs for solicitors, Rs. 1 lakh for engineers, Rs. 1 lakh for experts, and so on? What is the relationship between the money now being spent on arbitration and the total value of these shares? These are important questions and I want each one of them to be replied separately.

SHRI FAKHRUDDIN ALI AHMED: My information is that all the shares held by the group of Shanti Prasad Jain have been purchased by the Government. They have been taken over by the Government. I cannot give the break just now as to how many of these shares were held by Bennett Coleman and Company. . .

SHRI A. D. MANI: You get the facts and give us.

SHRI FAKHRUDDIN ALI AHMED: The entire stock held by this group has been taken over by the Government.

SHRI A. D. MANI: At what value?

SHRI FAKHRUDDIN ALI AHMED: At Rs. 25, which was the lower of two prices per share according to the agreement. The agreement was to fix the price at market rate then prevailing or Rs. 25 per share whichever was lower. Because Rs. 25 was lower, so at that value the price has been paid. Now as to what should be the proper value per share, that is to be determined by the arbitrator. At present it is quoted at Rs. 16 to Rs. 17 per share.

SHRI A. P. CHATTERJEE: Will the hon. Minister inform this House as to how many witnesses have so far been examined in these arbitration proceedings? If there are no witnesses left to be examined, may I know whether argument has begun? If argument has begun, then by which time the argument is likely to be finished? If argument has not yet begun and witnesses have still to be examined, will there be any directive to the arbitrator to cut short the proceedings? I have some knowledge about such matters, how four or five years are spent like that. They have so many lunch and other breaks. They go to Simla, Kashmir, and so on. In Calcutta lawyers are minting money over these arbitration proceedings.

SHRI FAKHRUDDIN ALI AHMED: The hon. Member could not catch me when I was replying to the question. Already twelve witnesses have been examined. . .

SHRI A. P. CHATTERJEE: Twelve in three years?

SHRI FAKHRUDDIN ALI AHMED: I am not dealing with the case in Court. Why do you put that question to me?

SHRI A. P. CHATTERJEE: Money is being minted.

SHRI AKBAR ALI KHAN: Appoint Mr. Chatterjee also.

SHRI FAKHRUDDIN ALI AHMED: My friend, Mr. Chatterjee, himself is a lawyer. He should realise that a responsible lawyer will not be a party to minting money. He also wanted some information. I have told the House that twelve witnesses were examined on behalf of the sellers. Their examination took a long time. Some of them were experts and they had to be cross-examined at length. After the sellers' case has been closed two witnesses on behalf of the Government, that is the buyer, have been examined. The third is being cross-examined. When the cross-examination is over, Government will consider what more evidence is to be given.

SHRI ARJUN ARORA: The Minister appears to have forgotten the origin of this dispute. May I remind the Minister of the fact that the management of Messrs. Jessop and Company was taken over by the Government under the Industries (Development and Regulation) Act because the company went into the foul hands of Mr. Mundhra? Regarding these shares about which the name of Mr. Saha Jain has been mentioned, the Government has somehow entered into an agreement which is likely to harm the Government and the public exchequer. That agreement and the dispute relate to the shares of Mr. Mundhra which Mr. Shanti Prasad Jain has acquired or claims to have acquired. May I know why the Government is allowing the nominee or the successor of Mr. Mundhra to take the benefit out of the mismanagement of Mr. Mundhra, out of the situation created by Mr. Mundhra, because of which in 1958 the Government had to take it over?

Then, my second question is: May I know what is the rent that the Government is paying to the arbitrator for the accommodation that the Government have hired in the private residence of the arbitrator and what is the rent which Mr. Shanti Prasad Jain is paying? It is the private residence of the arbitrator which the Government has hired for its office and which Mr. S. P. Jain has also hired for his office. May I know what is the rent which each of these two parties is paying to the arbitrator and what is the rent that the arbitrator, as landlord, is getting for the office of the same gentleman as arbitrator? If he gives the figures, the House and the country will know what is happening.

SHRI AKBAR ALI KHAN: Very startling figures.

THE DEPUTY CHAIRMAN: Let us listen to the reply of the Minister.

SHRI FAKHRUDDIN ALI AHMED: Two questions have been asked.

SHRI ARJUN ARORA: They are (a) and (b).

SHRI FAKHRUDDIN ALI AHMED: One is with regard to the Government not taking any action and allowing the successor of Mr. Mundhra to get more money than should be given to him. May I point out that this arrangement under the agreement, was entered into and as a result of that agreement these proceedings are going on. And I am sure the hon. Member would not expect that we should give up the agreement arrived at and do something which is beyond the agreement.

SHRI ARJUN ARORA: Take over at the written-down value.

SHRI FAKHRUDDIN ALI AHMED: The question is not so simple. It is the arbitrator who has to decide the value of the shares and the value of the shares finally determined will have to be paid. If they have been paid more, we shall get back something; if they have been paid less, we shall have to pay more.

So far as the question of rent is concerned, the accommodation has

been rented at Rs. 1,500 per month inclusive of electricity, water, conservancy, maintenance, caretaking charges as well as some furniture with the agreement of both the parties. It is not only the question of one party agreeing. I hope the hon. Member would not further raise this question because if we had rented a house elsewhere, perhaps we would have had to pay much more, and because the Tribunal was persuaded to give this room which had fallen vacant and which was occupied by another Commission just before that. I have doubt that he did it under the Persuasion of both the parties and we should not have any doubt regarding this.

SHRI ARJUN ARORA: Madam, he has not fully replied to my question. My question was that the Arbitrator gets rent in three parts, one for the Arbitrator's office, one for the Government office as a party and one from the famous Mr. Shanti Prasad Jain as a party. The Minister should give all the three rents and answer them together. Give all of them together.

SHRI FAKHRUDDIN ALI AHMED: Only Rs. 1,500 is paid as rent and is shared by both the parties.

श्री बालकृष्ण गुप्त : महोदया, इस तरह का आर्डर सरकार क्यों नहीं दे देती कि उसकी सिटिंग नानस्टाप चलती रहें ताकि दिसम्बर, 1968 तक उसका काम खत्म हो जाय और इस प्रकार सरकार का भी रुपया बचे और जो पार्टियां हैं उनका भी रुपया बचे। वह तो वकीलों के लिये स्वर्ग हो गया है क्योंकि तीन तीन, चार चार और पांच पांच वर्ष तक उसका काम चलता रहता है। इस लिये मिनिस्टर साहब यह आज्ञा दे दें अपने वकीलों आदि को कि उसकी सिटिंग नान-स्टाप चलती रहें जब तक कि उसका काम समाप्त न हो जाय . . .

उपसभापति : सवाल पूछिये।

श्री बालकृष्ण गुप्त : यही मेरा सवाल है कि क्या मेहरबानी कर के आप आर्डर देंगे कि इसकी

सिटिंग नानस्टाप चलती रहें और यह जल्दी से जल्दी समाप्त हो।

श्री फखरुद्दीन अली अहमद : यही तो हमारी कोशिश है कि यह जल्दी से जल्दी खत्म हो और ट्रिब्यूनल भी चाहता है कि जल्दी से जल्दी यह खत्म हो !

SHRI BABUBHAI M. CHINAI: May I know from the hon. Minister—an hon. Member of this House, Mr. T. N. Singh, was the Minister of Industry at the time when this was taken over—whether his evidence has been taken or is going to be taken in this case?

SHRI FAKHRUDDIN ALI AHMED: I want notice.

SHRI CHANDRA SHEKHAR: Taking into consideration the sad experience of this arbitration, will the Government consider taking certain measures so that the whole question is expedited and, if necessary, some ordinance may be issued to settle this matter immediately?

SHRI FAKHRUDDIN ALI AHMED: That is entirely a question of policy to be considered later as to what power Government should have in order to acquire shares. That is not a question which I can answer at the present time.

NEW IMPORTS POLICY

*300. SHRI G. R. PATIL:

SHRI A. G. KULKARNI :

Will the Minister of COMMERCE be pleased to state:

(a) the detailed and concrete steps taken by Government to remove anomalies and difficulties existing in the new Import Policy as pointed out by the Federation of Association of Small Industries :

(b) the consequent result of the removal of anomalies ; and

(c) the reasons if any, for the delay in taking speedy action in the matter?

The question was actually asked on the floor of the House by Shri A. G. Kulkarni.