

†RADAR SYSTEM AT SRINAGAR AIRPORT

45. SHRI GULAM NABI UNTOO: Will the Minister of DEFENCE be pleased to state whether Government propose to equip the Srinagar air-port with the Radar system?

THE MINISTER OF DEFENCE (SARDAR SWARAN SINGH): Facilities of Radar equipment for aviation are being installed at Srinagar air-port.

#### PAPERS LAID ON THE TABLE

ANNUAL REPORT AND ACCOUNTS (1965-66) OF THE INDIAN STATISTICAL INSTITUTE, CALCUTTA AND RELATED PAPERS

THE MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY (SHRI M. S. GURUPADASWAMY): Sir, on behalf of Shrimati Indira Gandhi, I beg to lay on the Table a copy of the Annual Report and Accounts of the Indian Statistical Institute, Calcutta, for the year 1965-66, together with the Auditors' Report on the Accounts. [Placed in Library. See No. LT-324/67.]

AUDIT REPORT (CIVIL), 1967, ON REVENUE RECEIPTS

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT): Sir, I beg to lay on the Table, under clause (1) of article 151 of the Constitution, a copy of the Audit Report (Civil), 1967, on Revenue Receipts. [Placed in Library. See No. LT-450/67].

SCRIPT OF THE MAY DAY SPEECH OF WEST BENGAL LABOUR MINISTER IN BENGALI AND ITS ENGLISH TRANSLATION

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH): Sir, I beg to lay on the Table a copy of the script of the

†[Transferred from the 22nd May, 1967].

May Day speech of the Labour Minister of West Bengal in Bengali together with an authenticated English translation. [Placed in Library. See No. LT-450/67.]

#### CLARIFICATIONS ON LAW MINISTER'S STATEMENT RE SHRI TARAPOREWALLA

SHRI BHUPESH GUPTA (West Bengal): Now clarifications on yesterday's statement. We are grateful to you, Sir, that you are allowing us to ask for clarifications on the statement made by Shri Govinda Menon yesterday in regard to Mr. Taraporewalla. There are certain very interesting things there which need to be clarified. The case was started in 1963 and it was finally disposed of in January, 1967. Therefore, Sir, from the statement it appears that the investigation went on for nearly four years and no action was taken in the interim period. Also, Sir, the hon. Minister will explain how it is that when the S.P.E. and C.B.I. were investigating this matter, four reminders had to be sent to the C.B.I. and the S.P.E. in order to get the papers sent to the Ministry. It does appear that the moment it came to the Ministry, things moved very quickly. Opinion was given in the first instance by the Law Secretary concerned, according to this statement, on the 27th of November, 1966. And the opinion was that no prosecution was advisable. By the beginning of February, everything was settled. Now I should like to know whether it is not a fact that in the interim four-year period, materials were being manipulated, documents were being removed and certain other things were being done by the party concerned. Mr. Taraporewalla, in order to prevent proper type of prosecution. Also, when the charge is one of defalcation of public funds, criminal breach of trust, etc., normally an arrest takes place. If there is a *prima facie* case, the person concerned is arrested and taken into custody and then after some time, let

on bail. In the present case, how is it that the Nizam's principal Adviser was not even touched? How is it that he was not arrested? Imagine what happens in the case of an ordinary man. Therefore, that also needs to be explained. Then it seems that after the Law Ministry had come to the conclusion that there was no case, the matter was sent, according to the statement, to the Attorney-General, who gave a similar opinion. Why, Sir, the opinion of the Attorney-General was not sought before the matter had been processed at the Law Ministry in order to arrive at a conclusion that there was no case?

Finally, Sir, the statement also makes certain observations with regard to other points I raised, about a handsome fee. I said that public suspicion has arisen because the Law Minister had been earlier appointed by Mr. Taraporewalla as his Counsel. I said in this connection that certain handsome fees have been paid to Mr. Pathak, his Counsel at that time and Law Minister later. Now the statement admits that for one appearance, on the 2nd of March, 1964, on behalf of Mr. Taraporewalla, Mr. Pathak was paid Rs. 2,000, and for another appearance, on the 1st of April 1963, Mr. Pathak was paid Rs. 3,280. Therefore, for two days, altogether a sum of Rs. 5,280 has been paid. And according to the Law Minister's statement, this is not a handsome fee at all. May I know, may I have some idea of what, according to the Law Ministry, a handsome fee is? Is not a fee of Rs. 2,500 for one single appearance for a few minutes to be considered a handsome fee?

MR. CHAIRMAN: That depends upon the lawyer.

SHRI BHUPESH GUPTA: Whether a lady is beautiful depends on the lady but a lady is beautiful all the same. It certainly depends on the lawyer. What I said was—I did not reflect upon the lawyer—that a handsome fee was paid. Now the statement says that no handsome fee was

paid. But fortunately it had to admit—otherwise I would have proved it—that a fee of Rs. 5,280 was paid to Mr. Pathak for having appeared on behalf of Mr. Taraporewalla for a few minutes . . .

PANDIT S. S. N. TANKHA (Uttar Pradesh): He appeared on several occasions. That was the usual fee for two days. You cannot call it handsome.

SHRI BHUPESH GUPTA: 'Usual' can be 'handsome'. 'Handsomeness' is not necessarily unusual. The point is the matter came up in Hyderabad and for four years the whole thing was being delayed. And the moment Mr. Pathak came to the Ministry, by some kind of coincidence, the whole thing was expedited. A matter which could not be settled in four years' time, was settled in four weeks' time. This mystery is not clarified in this statement. This plus the other things should be a little clarified a little by the hon. Minister and also as to why this matter was not handled properly especially when on another charge brought here, prosecution was launched and conviction was obtained against Mr. Taraporewalla in a Hyderabad court.

SHRI AKBAR ALI KHAN (Andhra Pradesh): It is very unfair to Mr. Pathak.

SHRI BHUPESH GUPTA: Fair or unfair, I do not know.

THE MINISTER OF LAW (SHRI P. GOVINDA MENON): Sir, the statement I made yesterday was with reference to the two allegations made by Mr. Bhupesh Gupta during his speech on 30-3-1967. The allegations were: (1) For one year, he (Mr. Pathak) sat on the file and nothing has been done, and (2) People have their own suspicions; when Mr. Taraporewalla was fighting his case in the Supreme Court against the Government, Mr. Pathak was appointed on a handsome fee as his counsel and Mr. Pathak had been his favourite lawyer.

[Shri P. Govinda Menon.]

Sir, as regards the first allegation, it will be seen from the statement I made yesterday that it is on 4th August, 1966 that all the material asked for by the Law Ministry was supplied by the C.B.I. and without getting all the material, no opinion could be given. On getting all the material on the 4th August, 1966, the matter was looked into by the Ministry and the Law Secretary recommended on 27-11-1966 to the Minister as to what the course to be adopted was. He found that there was no *prima facie* case and on receiving that opinion, Mr. Pattabhiraman, State Minister in the Ministry of Law, at the time, thought that the matter was complicated enough to be referred to the Attorney-General, and accordingly the matter was referred to the Attorney-General on the 8th December, 1966. And on the 6th of January, 1967, the Attorney-General's opinion was obtained. The Law Ministry or Mr. Pathak is not responsible for what happened before August, 1966. The matter came into the possession of the Ministry only in August, 1966. The delay from August, 1966, in a matter of this complication, of four or five months is not a delay, and I submit that the statement of Mr. Bhupesh Gupta that for one year Mr. Pathak sat on the file and nothing has been done is not a correct statement.

Then, regarding the fees, Sir, Mr. Pathak was one of the eminent senior advocates of the Supreme Court, and the first occasion on which he received fees was Rs 3,280 in a Civil Appeal, V. P. Menon and others *versus* Syed Azizuddin. Probably Mr. Taraporewalla had something to do with it. Now this Rs. 3,280 represents a conference fee of Rs. 80 and two days' fee of Rs. 3,200. Rs. 1,600 for a day's appearance is the minimum fee which a senior advocate in the Supreme Court is levying from his client.

SHRI D. L. SEN GUPTA (West Bengal): The Supreme Court rules provide for a scheduled fee of Rs. 800

only to a senior advocate, not Rs. 1,600.

SHRI P. GOVINDA MENON: I know that, Sir. The Supreme Court rules provide for certain fees to be allowed between party and party in taxation of costs and I can inform the hon. Member that for that scheduled fee no worthwhile advocate would be available to argue a case. That is the position. And regarding this Rs. 2,000 paid on 2nd March, 1964, that was in the case V. P. Menon and others *versus* Syed Maksood Hussain. That was an S.L.P. (Special Leave Petition), and for special leave petitions also Rs. 2,000 is a usual fee which many senior advocates in the Supreme Court would charge and, therefore, when Mr. Bhupesh Gupta stated that handsome fees were paid by Mr. Taraporewalla and Mr. Pathak had been his favourite lawyer, I would submit that that was not a correct statement.

SHRI M. GOVINDA REDDY (Mysore): Sir, I wanted to ask for a clarification. The C.B.I. were asked to furnish further information but they did not give satisfactory replies for a long time. May I ask of the S.P.(E) and the C.B.I. were evading to furnish further information?

SHRI P. GOVINDA MENON: I do not want to say that because the C.B.I. have stated in their letters that they wanted to take evidence before the information was given. In any event, Sir, it would not be fair on my part to answer for the C.B.I. now

SHRI BHUPESH GUPTA: I would like to ask the hon. Minister whether in the course of the entire investigation by the Law Ministry he examined file No CD 20, 178350, and also file No. CD 12, 178334, the file relating to breach of trust and other offences committed by Mr. Taraporewalla. This file seems to be the basic document on which the case was being built. And now, these files, according to the best

of my information, were there in Hyderabad, and then, when they came here, an attempt was made in order to tamper with these files by some interested parties, etc. I should like to know whether these two particular files were examined by the Minister himself before coming to conclusions, and I should also like to know the total amount that was spent for the entire investigation, the total amount which was spent by the S.P.(E) and then the C.B.I. for conducting this entire investigation. And my friend asked the question that the three or four years' delay in this matter should be explained, but it has not been explained at all by the statement the hon. Minister has made.

**SHRI P. GOVINDA MENON:** It may or may not require an explanation. The question that has been asked of me is if in the S.P. (E) and the C.B.I. there have been delays. I am not sure; I am not in a position to say anything about it.

#### NOMINATION TO LIBRARY COMMITTEE

**MR. CHAIRMAN:** I have to inform Members that I have nominated the following Members to the Library Committee:—

1. Shri Jairamdas Daulatram,
2. Dr. Z. A. Ahmad,
3. Shri Patil Puttappa.

#### LEAVE OF ABSENCE TO SHRI G. RAMACHANDRAN

**MR. CHAIRMAN:** I have also to inform Members that the following letter dated the 25th May, 1967, has been received from Shri G. Ramachandran:—

"Due to the serious illness of my wife, Dr. Mrs. Sundaram Ramachandran I am unable to be present for the meetings of the present Sixtieth Session of the Rajya Sabha.

I therefore request that I may be granted leave for the whole of the present session." \* \* \*

Is it the pleasure of the House that permission be granted to Shri G. Ramachandran for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented.)

Permission to remain absent is granted.

#### RE FACILITIES PROPOSED TO BE GIVEN BY THE KERALA GOVERNMENT TO BIRLAS

**SHRI BHUPESH GUPTA** (West Bengal): Sir, on a point of personal explanation. Yesterday you were not in this House. Some Members from the Congress Benches—I would not say many—some Members again and again asked me a question as to why the present Kerala Government, in which we are also participating as a party, is inviting the Birlas, suggesting thereby that, when we here were advocating against Birlas' monopoly, the Government in which we are participating in a State of India was actually facilitating Birlas' interests and inviting them there. Sir, this was a very serious statement, and the press has given it a lot of publicity, for obvious reasons. I may here invite your attention—to set the record straight—to a letter written by Shri E.M.S. Namboodiripad, Chief Minister of Kerala, to the Prime Minister of India. The letter is dated the 24th of May of this year. It was just before this matter came up in this House, and certainly this letter was before I spoke here. Only I will read it, the relevant portion. That is enough.

"I would warmly welcome every step which you take in the direction of curbing the growth of monopolies. The facts brought out by a large number of individual scholars engaged in research into the