

Safety) Act, 1352. [Placed in Library.  
See No. LT-1383/63.]

**THE PONDICHERY CEMENT CONTROL  
ORDER, 1963**

THE DEPUTY MINISTER IN THE  
MINISTRY OF STEEL AND HEAVY  
INDUSTRIES (SHRI P. C. SETHI) : Sir, I beg  
to lay on the Table, under subsection (6) of  
section 3 of the Essential Commodities Act,  
1955, a copy of Notification No. 2322/63-  
Con., dated the 10th July, 1963, publishing  
the Pondicherry Cement Control Order,  
1963, issued by the Government of  
Pondicherry. [Place in Library. See No. LT-  
1525/63].

**LEAVE OF ABSENCE TO SHRI SAWAI  
MAN SINGH**

MR. CHAIRMAN: I have to inform  
Members that the following letter dated the  
4th August, 1963, has been received from Shri  
Sawai Man Singh from London:

"I have had a bad fall playing Polo this  
summer and have to have a medical check-  
up and treatment this month, which may be  
a long process. Therefore, I will be grateful  
if I am granted leave of absence from  
attending this Session of the Rajya Sabha."

Is it the pleasure of the House that  
permission be granted to Shri Sawai Man  
Singh for remaining absent from all meetings  
of the House during the current session?

*Two hon. Members dissented.*

MR. CHAIRMAN: Permission to remain  
absent is granted.

**MESSAGES FROM LOK SABHA**

**I. THE TEXTILES COMMITTEE BILL, 1963**

**II. THE IRON ORE MINES LABOUR**

**WELFARE CESS (AMENDMENT) BILL, 1963.**

SECRETARY: Sir, I have to report to the  
House the following messages received from  
the Lok Sabha, signed by the Secretary of the  
Lok Sabha:

I

"In accordance with the provisions of  
Rule 96 of the Rules of Procedure and  
Conduct of Business in Lok Sabha, I am  
directed to enclose herewith a copy of the  
Textiles Committee Bill, 1963, as passed  
by Lok Sabha at its sitting held on the 14th  
August, 1963."

II

"In accordance with the provisions of  
Rule 120 of the Rules of Procedure and  
Conduct of Business in Lok Sabha, I am  
directed to inform you that Lok Sabha, at  
its sitting held on the 17th August, 1963,  
agreed without any amendment to the Iron  
Ore Mines Labour Welfare Cess  
(Amendment) Bill, 1963 which was  
passed by Rajya Sabha at its sitting held  
on the 22nd April, 1963."

Sir, I lay on the Table the Textiles  
Committee Bill, 1963, as passed by the Lok  
Sabha.

**MOTION RE THE REPORT OF THE  
COMMISSION OF INQUIRY INTO THE  
ADMINISTRATION OF CERTAIN  
DALMIA JAIN COMPANIES— contd.**

MR. CHAIRMAN: I have still a fairly long  
list of speakers and I would call upon the  
Minister to reply at 3-30 P.M. I would, therefore,  
hope that Members would keep  
their speeches as brief as possible so that all  
of them may have a chance; otherwise some  
will have to be left out. Prof. Wadia.

PROF. A. R. WADIA (Nominated): Mr. Chairman, going through the Vivian Bose Report has been a very harrowing experience. There is hardly any fraud known to Company Law and to our Indian Penal Code which has not been committed by the Dalmia-Jain group of companies. We find that they have committed criminal conspiracy, criminal breach of trust, cheating, forgery of valuable securities, using false documents as genuine, falsification of accounts and of course there has been a great deal of violation of the Income-tax law.

£THK DEPUTY CHAIRMAN in the Chair]

I am sure that as Indians we all feel ashamed of what has been done by this particular group of industrialists and capitalists. Therefore, we are all the more grateful to Mr. Vivian Bose and his colleagues for the great pains they have taken to expose all these frauds in spite of the fact that they received no co-operation from the companies concerned and in spite of the fact that so many books were destroyed and so many applications were made to the courts to delay the proceedings but in spite of that we have had the privilege of going through this report exposing all possible frauds that have been committed.

I share with my friend, Mr. Arora, the surprise that the Government, for all these years, took no action against these people. After all everyone concerned with the share market knew the reputation of the Dalmia-Jain concerns. They all knew that investing money in these concerns was practically committing financial suicide and I am sure that the Company Law is strong enough to have enabled the Government to take action against them but in spite of that, nothing particular was done till the forces were too strong even for the Government to hold their hand back. I also share with my friend, Mr. Arora the surprise at the report that came from Mr. Daohtarv and Mr. Viswanatha Sastri. It is a very painful thing to find that law seems to exist for the

protection of the wealthy criminals and not for the protection of the innocent investing public. I think it is the duty of the Government to do something in the matter and to see that these people are completely wiped off the field of commerce and trade in India in future. I think that much power the Government does have.

I am rather sorry to find that this Report has been taken advantage of by some of the other parties to throw mud at the capitalists and the industrialists generally. I do not think that is fair. The private sector does exist in our country and it has been doing very valuable work. It will take several years for the public sector to come up to the level of the private sector in efficiency and in stabilising their industries. The private sector has played a very great part and to throw mud at the private sector because of the Dalmia-Jain group, seems to me to be extremely unfair. In this connection, I am tempted to refer to the good work that has been done in the private sector by the House of Tatas\* and particularly by its present head, Mr. J. R. D. Tata. Yesterday a question was put in this House by Mr. Bhupesh Gupta, very innocent looking but it definitely carried certain insinuations. I would have been happy if the question had not been put. But if the question was put, I do wish that the suggestion of my friend, Mr. Babubhai Chinai, had been taken up and the Chairman had been pleased to have the question put and duly dealt with. Unfortunately, under the rules it appears not to have been possible and it was ruled out but I would like to draw the attention of my hon. friends here to a few salient facts relating to the position of Mr. J. R. D. Tata and the Air India International. It is a known fact that Mr. J. R. D. Tata, was the first Indian to qualify as a pilot. It is a known fact that he was also among the first to fly solo from Europe to India. It is also a known fact that the Tatas were responsible for starting air services in India and placing India on the map of air service in the world? If it

pleased the Government to take up these services, I have nothing more to say about it at this stage but I congratulate the Government on having had the common sense to ask Mr. Tata to be the Chairman of the Air India International. I think it is a fact well known to all of us who have travelled by Air India International, that it enjoys a very high reputation among the airlines in the whole world. It is not inferior to any other line whether in America or in Britain, and if that reputation has been achieved, it has been mostly due to the active interest taken in this work by Mr. J. R. D. Tata himself. And after all, if he has been working as Chairman, he has been working without any remuneration. He gets nothing from it, and he loses so much of his precious time by being in this work. But then he loves it. He does not mind spending his time thus. It is poor recompense for this honorary service to have doubts thrown on his integrity merely because the Air India International places certain orders for spare parts and sundries with the Tata Incorporated. Now, the Tata Incorporated carried on this work when the Tatas were in charge of these services. When the Government took it up, a separate agency was established in the United Kingdom. A separate agency could have been established in the United States of America also, but for obvious reasons it was not done. The Air India International found that the commission charged by other possible American agencies would have been far greater than what was charged by the Tata Incorporated, and that is the reason why this arrangement has been continued with the Tata Incorporated.

Madam Deputy Chairman, a question of this type was put against Mr. Tata in the other House, I think, in last May and with reference to it Mr. Tata issued a Press statement which should very convincingly show the very high level at which he has been behaving in this matter. But unfortunately some of the hon. Members either are ignorant of its existence or have not cared to study it carefully.

There are some interesting facts which are brought out by that statement. One is that Mr. J. R. D. Tata does not take part in the discussions whenever questions concerning Tata Incorporated come up, and I think that is a very fair convention which is generally observed by all gentlemen and Mr. J. R. D. Tata is a gentleman of the highest type. The second interesting fact that comes out is that the commission that the Tata Incorporated charges is really very low. It works out practically to a very low figure, 3% or 2%. No American company would have accepted such a low percentage. Mr. Tata also brings out the fact that actually the Tata Incorporated has been losing in these dealings of theirs to the tune of 50,000 dollars per year for the last two years. It may sound very surprising that shrewd business people like the Tatas should continue this transaction when they are working at a loss. Well, the answer to that is that the Tata Incorporated is not dealing only in this business. This is only one of the items that they deal in and on the whole they make a good deal of profit. It is a very common feature among business people that when they have got half a dozen ventures, one of them may be working at a loss, but the other five may be working at a profit and on the whole there is profit. So also the Tata Incorporated in spite of losses in this particular transaction, have not been put to loss on the whole, and that is the reason why they can continue.

There is a second reason and that is very important. That second reason is that Mr. J. R. D. Tata loves aeroplanes. He loves air services. He is conscious that after all, he brought these air services into existence in India and he loves the work. He appreciated the fact that even the air services managed by the Government of India now have been entrusted to his chairmanship. I think this is a very commendable reason and we should appreciate it instead of throwing mud by suggesting that he

[Shri A. R. Wadia] is trying to get any money from it. In fact he is not and that is very clear from the statement that has been made.

Madam, the Vivian Bose Commission was given a very difficult task and I am very glad that they have fulfilled one of the objects for which the Commission was brought into existence, namely, to make recommendations to avoid such frauds in the future. If we look at and study the last chapter of the recommendations, we find that they have made very-valuable suggestions for the reform of the Company Law. I do hope that whatever else the Government may do or may not do, they will at least take interest in the matter and see how far these recommendations could be accepted and even improved upon, because the good name of India, the good name of our private capitalists, is concerned in this matter. All who are interested in the prosperity of India are equally interested in maintaining a high business standard. After all, if India is going to be wealthy, it will be through the development of her industries, through the development of her commerce and in both these spheres there is nothing so valuable as honesty and integrity.

SHRI M.

RUTHNASWAMY

(Madras): Madam Deputy Chairman as one treads one's difficult way through the jungle of the Vivian Bose Commission's Report, one is struck by the low state of commercial morality that prevails in our country. No doubt we do not expect saints in business but at least we expect common honesty. "Honour before profit" may be a principle that applies only to individual conduct, but there is a principle of business morality contained in the proverb "Honesty is the best policy". None of these considerations seem to have affected the commercial conduct of the people who have come under castigation in the Vivian Bose Commission's Report. They seem to have invented a new principle, or at least

they seem to abide by what has been called the Eleventh Commandment, in addition to the Ten Commandments that Moses published, that being—"Do not be found out". The illustrations for this low level of morality are plentiful. For instance, memoranda of association are published, the main object put out being one and the object actually achieved being another. For example, on floating a civil airline company, its memorandum says that the object is the sale of aeroplanes; but actually the sales were of motor vehicles, cycles and children's perambulators. There are other abuses like the abuse of the blank transfer system which is intended to allow the people to buy and sell shares as freely as possible but it has been abused to the extent of defeating this object. We have dummy directors and we have absentee directors who have made absence a kind of profession and loans are made to companies under the same management. These are some of the chief evils that have been brought about by the Vivian Bose Commission's Report.

Another striking aspect of these companies that have come under the castigation of the Vivian Bose Commission is that they are all family or caste companies. The Dalmias with their sons-in-law form one group of commercial concerns. Shares are predominantly held by members of this family group and shares of the public are in very small proportion compared to the shares held by the members of the family. I think it is this characteristic of these companies, that they are family or caste companies, that account for many of the evils which have been castigated by the Bose Commission. There is no doubt that historically there is justification for these family companies being established in this country. Business and commerce has been the specialisation of one caste or the other and so it is that when industrial enterprises were started in this country, the financing of these enterprises were in the hands of one or the

other of the castes that had been noted for money lending. But this confinement of business and business enterprise to one family or to one caste carries evil consequences of its own. Members of that family company are able to come to easy understanding with each other and they are able to keep the public out of their business for all practical purposes and all the other evils that have been pointed out in the Vivian Bose Commission Report stem from the fact that they are family companies. This is against the whole principle of free enterprise of joint stock companies, the essential principle of which is that the shares must be thrown open to the public. No doubt these families or caste firms that start these companies, may have a good proportion of the shares, but at least fifty per cent., I think, ought to be thrown open to the public. It is a kind of restraint of trade which is against the first principles of free business. A kind of inbreeding takes place, moral inbreeding, commercial inbreeding, which accounts for many of the evils that have been pointed out in the Report. But, what is the remedy for this low state of commercial morality that has been revealed in the Vivian Bose Commission's Report? Public opinion is one of the safeguards against the abuse of the powers given to these commercial companies. Public opinion ought to assert itself against the low practices resorted to by the people who have come under judgment by this Commission. Not only public opinion but corporate opinion, opinion of the businessmen also, ought to stand out in protest against these evil practices. What do we find? Members of this group are freely welcomed in society, in social gatherings and the Prime Minister goes and attends an inauguration function sponsored by two or three members of this group. There is no protest at all even from the public or from fellow members in business except one or two high-principled members of the Federation of Indian Chambers of Commerce and Industry, who withdrew from the inauguration ceremony. But unless we have 390 RSD—4.

the business firms themselves cultivating a moral opinion it would be impossible for a high standard of morality to be attained and maintained. What has Government done in this matter? Government, no doubt, by the recent amendments to the Indian Companies Act have done their best to reduce the number of these abuses but Government, through their inspectors and through their Registrars of Companies, ought to exercise a much stricter control, a stricter supervision, over the operations of these business firms than as a matter of fact they have done according to the revelations of the Bose Commission's Report.

SHRI K. SANTHANAM (Madras): Do you want more control?

SHRI M. RUTHNASWAMY: Yes, It is only by way of control that the abuses of these firms can be checked and one thing that will facilitate Government exercising strict control, impartial control over the operations of these companies would be for them to stand out of business. If they are also partners in business then fellow feeling between the business enterprises will come into play and they will be debarred from exercising that strict control which an independent and impartial Government ought to exercise. It is only by staying out of business that Government will exercise that control over the operations of business concerns that will maintain a high standard of business morality. As Prof. Wadia said, this high standard of commercial morality is necessary for the prosperity of industry and for the prosperity of business. Even if Government takes up a large number of business enterprises, that will be no remedy at all because there will be no competition between Government business and private business and Government business will be a law unto themselves and the last stage of Indian enterprise will be worse than

[Shri M. Ruthnaswamy.] the first. Therefore, I hope and trust that as a result of the revelations of this Report, not only will Government introduce further amendments in the Indian Companies Act which will allow Government to exercise stricter control and supervision over the operations of these companies but public opinion and the opinion of these business firms, the corporate opinion, as I said, business opinion also will assert itself against the commission of such evils as have been revealed by the Vivian Bose Commission's Report. After all, the prosperity of business depends upon honesty and if honesty goes then the prosperity of business itself will be threatened. Therefore, in the interests of business and the interests of the industrial progress of the country, I hope and trust that Government and public opinion will do all they can, commercial opinion also will do all it can, to maintain the highest standard of commercial morality.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam Deputy Chairman, before I express my observation on the Report I would like to pay my tribute to one of our colleagues who is not with us, through whose hard work and high standard of integrity some of these malpractices have been brought to light. I am referring to the late Mr. Feroze Gandhi who had worked hard and put in great effort to disclose many of these things to the country. I may also, with your permission, mention, Madam, that we miss Mr. Bhupesh Gupta howsoever much we may differ from him and I do hope he will have good health and soon return from Moscow to his responsibilities.

I feel, Madam, that the discussion on this Report in my humble opinion has been rather discursive. We consciously or unconsciously involved ourselves into a discussion of socialism vs. capitalism and public sector vs.

private sector and we took advantage of this debate even to call into question the personalities with whom this Report has nothing to do. Not only that; we have gone further. Some of our friends have made certain observations about some of the legal luminaries who gave opinion in this matter and some have suggested that nothing should be done until profit motive and private sector is abolished completely. With due respect, I feel that these things are not at all relevant to the issue before us and I would say that in order to appreciate the Bose Commission Report and its recommendations we should consider the situation that prevailed soon after independence. Although some industrial activity had taken place during the Second World War for war purposes but it was really speaking after the advent of independence that innumerable opportunities were opened for all people to take part in the public and national life of the country, and mostly to build up our economic life it was considered necessary to encourage industrial concerns. And at that stage there was no question of private or public sector. We wanted more industry; we wanted more production and we wanted all people with imagination, with vision and with a certain amount of patriotism to come forward and take up industrial work; and it is in that context that many people came. Nobody grudged any profit, nobody grudged anybody coming and trying to develop industries and creating further opportunities for employment but the question was—and I say it is in other spheres of public life also—whether we want honest and patriotic industrialists or we want speculators; the question was whether we want honest businessmen or we want swindlers. That was the issue and that is the issue to which the Government addressed itself in two sectors, one by bringing an amendment to the Company Law in 1956 and secondly by appointing a Commission with a person of the highest integrity and knowledge to enquire into this matter and to see whether the persons who

have invested their money have been dealt with properly or not. That was the simple question before the Bose Commission and I found that my friends from the Communist side went at a tangent. They started condemning straightway the private sector. I say this is not the occasion. We are confined to the Bose Commission Report and to express whether we agree with its recommendations' or we do not agree with them and the steps which the Government propose to take in order to have effective control over such malpractices. Not only that; yesterday Mr. Niren Ghosh gave st of business people who have ing to do with the issue before us. I feel that in public life it is not only the businessmen who are sinners but there are others also who have to make an honest introspection and see whether we carry the burden that is entrusted to us with a feeling of responsibility and honesty. Here we have the liberty to make any speech and even to chargesheet persons kirt what is our responsibility? Should we go all out and accuse people who are not able to defend themselves? That also is a moral weakness as much as it is the moral weakness of those people who have indulged in malpractices and have brought a bad natae to business and to the country. Similarly, I would say, we have to see that In our political life, in administration, in social life, in e'very sphere of activity we should keep up a certain moral standard. To me, Madam, this whole thing—these recommendations and the facts brought out—is a moral issue and a national issue. Having that in mind, I do not find anybody in the House questioning the facts exposed seriously or even the recommendations made by Bose Commission.

Now, what about our friends from the Jana Sangh and also from the Swatantra Party? For them any stick is good whenever it is a question of blaming or condemning or charging the Government. I must say, with all due respect to other speakers, the only relevant speeches that have con-

t ibuted to this debate have been those of Shri Khandubhai Desai and Shri Rohit Dave. Now what did the Jana Sangh people say? They thought that we are sitting as an appellate tribunal on the Bose Commission Report. And he mentioned certain passages. Madam, I have not got time; I can also quote and refute them. And he tried to show that the Government have not done their duty. Similarly my friend, Mr. Misra of Swatantra Party for whom I have got personal liking, started saying that the Government have failed in this matter. In what way has the Government failed? They say that the Report has taken so long to come and that no step has been taken. *And*. Mr. Mani, as an ir dent, also supported that view and to my great surprise, a balanced speaker like Prof. Wadia also joined that chorus. What I want to say is tha. when these matters were brought to light the Bose Commission was appointed and as Dr. Sapru mentioned on account of certain difficulties in procedure and other matters, it had to be postponed by the writ petition before the Supreme Court. That is why this Report took such a long time. And I must here pay my humble tribute to the late Mr. Justice Tendolkar who dealt with this for a year and to Mr. Justice Bose for whom I have great regard—I had the honour of working before him in the Supreme Court and he is one of our best Judges—and I think the patience which he has shown in tackling this problem is something superb.

At every stage, the Commission met with non-cooperation. As the Report says, even the statement that was put in, was not answered and evidence wa, not led by the man who is supposed to be the chief architect of all these malpractices, Shri Ramakrishna Dalmia. As regards the other persons also, all sorts of documents were destroyed. All these things would not have been brought to light but for the appointment of this Commission and for the Report on Dalmia. Now, the very existence of our economic life depends upon the honest development

[Shri Akbar Ali Khan.] of our business and economic activities. That thing has been brought to light and we are given an opportunity to plug the holes by tightening up the Company Law Administration in respect of so many matters. It would be difficult, for instance, to justify commission fee in the case of underwriting of shares, which was taken by Dalmia and others. The very idea of underwriting is that some effort should be made, some risk should be taken and ultimately they would get a commission. Here thousands of rupees have been taken as commission for underwriting, but no effort was necessary and no risk was involved. Similarly, there are cases of breach of trust. I could quote clear cases of breach of trust, but I have got limited time. In these matters we have not only to tighten up our Company Law, but we have also to proceed against offenders according to law.

Then, again, I want to ask, after the Bose Report, why the matter was referred to Shri Daphtary and Shri Sastri. There I do not agree with the conduct of the Government that it was necessary again to refer to them. They could have entrusted it to the Advocate-General or Attorney-General or whoever was responsible and on the basis of that they should have proceeded according to law. But possibly that was a further precaution that the Government took, so that it may not be considered that the Government has been prejudiced. It has been said by Mr. Chordia and some others that the Government proceeded against Dalmia group because they were not persona grata to them. Do the facts exposed justify this observation? Certainly not. (Interruption). So far as my hon. friend, Shri Khobaragade, is concerned, it is open to him to make any charge. But so far as we are concerned, our conscience is clear and our conduct is unblemished. I can say that the whole conduct of the Government in this matter has been of a very high standard

SHRI B. D. KHOBARAGADE (Maharashtra) : May I put a question?

SHRI AKBAR ALI KHAN: I am not yielding. You have got the right to speak. I know your name is there. When you speak you can reply. What I want to bring to the notice of the House is that so far as malpractices are concerned, the Bose Report has brought them to our knowledge and that is a great contribution, notwithstanding the expenditure. I do not want that anybody not connected with the enquiry should be labelled as one who is not patriotic or one who has practised malpractices. It is unjust to the extent to which it relates to Tatas. I join my friend, Prof. Wadia, because as a member of the Central Wage Board I happened to know something about Tatas. They have been pioneers and their treatment of their employees is very creditable. I pay my tribute to the Tata family and to the founder, Jamshedji Tata. But there may be other concerns not so good. So, what I would recommend now, at this stage, is that the Government should appoint a Commission to enquire not only into the malpractices of all private companies—I would say, let the public sector enterprises also be enquired into. We want the standard of integrity of our concerns to go up. If there is anything wrong in the public sector, I would be the first to condemn it. If there is anything wrong in the private sector, let it be condemned. Let us not go on presumptions or doctrinaire approach.

Now, so far as the policy to be adopted is concerned—if you will permit me, Madam, I will take two minutes—this is a matter that has agitated the minds of people in England. As you know, the Jenkins Report is there. There have been several reports in this connection. There has been a fight between the ingenuity of businessmen to find loopholes and the attempt on the part of the Government to plug those loopholes. So far as it is done according to law and

with honesty, it is permissible. I think the Government took all necessary measures according to law. We are not a fascist country. We are not a communist country. Whomsoever is concerned, we will enquire into the matter according to law and take necessary action without further delay against the persons who have been chargesheeted by Mr. Vivian Bose. There should be another commission, as just suggested to enquire into the affairs of other private companies as well as the public sector.

Then, the last point is to bring forward amendments immediately to tighten up the whole administration of Company Law. There I entirely agree with Mr. Bose as well as with the report of Mr. Jenkins. I will quote that para and close my observations. It is at page 814 of the Report. It says : —

"The Companies' Act of 1956, and the Amendment Act of 1960, has certainly brought about far-reaching changes to the provisions existing under the Indian Companies' Act, 1913 as amended in 1936. Various deficiencies and malpractices disclosed and discovered in the administration of companies have been lessened and the loopholes plugged to a large extent.

For example, one of the malpractices which came to our notice, namely, the premature and deliberate termination of managing agencies and payment of compensation for termination, . . ."

They used to terminate it for some reason and pay some huge compensation, lakhs of rupees. It goes on to say: —

"... has been effectively dealt with in the Companies' Act as well as in the Taxing Statute. We are, therefore, left with not many recommendations to make, and in making these, our endeavour has been not to impose any unneces-

sary burden on the corporate sector, . . ."

That is one aspect which the Government will have to bear in mind.

It says :—

"... its directors and executives—such restrictions as would not yield any useful results. At the same time, we have striven to make recommendations so that the deficiencies which exist can be eradicated. As the Jenkins Committee has remarked, finality cannot be expected in the field of Company Legislation; and they go on to comment that it is necessary for the protection of shareholders, creditors and the intending investors, that the activities of companies, and those responsible for their management, should be subjected to a considerable degree of statutory regulation and control. But they also may say that controls and regulations carried to excess, may defeat their own objects, and in this respect, they share the view expressed by the Greene and Cohen Committees as to the undesirability of imposing restrictions, which would seriously hamper the activities of the honest man, in order to defeat an occasional wrong-doer and the importance of not placing unreasonable fetters upon business which is conducted in an efficient and honest manner. We are in respectful agreement with this view."

I also submit that the Government should bear this in mind while appointing the commission and while bringing forward amendments in respect of our existing Company Law.

Thank you.

SHRI B. D. KHOBARAGADE: Madam Deputy Chairman, before I express my views on the Report of Mr. Justice Vivian Bose, I want to pay my tribute to Mr. Justice Vivian Bose and other members of the Com-

[Shri B. D. Khobaragade.] mission because they have produced this voluminous Report in spite of heavy odds and obstacles and impediments that were created by Messrs. Dalmia and Jain. Madam, in my opinion, this Report is an indictment not only of Messrs. Dalmia and Jain concern; but it is also an indictment of the Government officers as well as the Government of Pandit Nehru.

Madam, after going through the Report, I have no doubt in my mind that Messrs. Dalmia-Jain are guilty of many offences which would be punishable under the Indian Penal Code. Some days ago Shri Shanti Prasad Jain had submitted a petition to the Lok Sabha. Mrs. Dalmia had also sent telegrams to Members of Parliament declaring that all of them were completely innocent, that they were not guilty of the charges framed by Mr. Justice Vivian Bose. If it is so, I would like to know why those persons did not appear before Justice Vivian Bose's Commission and prove their innocence. On the contrary they have tried to create all sorts of obstacles in the way of this Commission. If they were really clean and innocent, they could have come before the Commission with clean hands. But they did not. On the contrary, they have adopted all sorts of delaying tactics. They did not co-operate with the Commission, they non-co-operated with the Commission. It has been joined in the Commission's Report on page 20:

"Evidence that would have been material was deliberately withheld and most of our efforts to get at the truth were successfully foiled."

Even if the Commission wanted to examine certain documents, they were not produced. I will give you another instance from this Report itself, at page 27. One Mr. Agarwal was directed to produce the account books of Dalmia Cement Limited. Mr. Agarwal deliberately handed over these books to another firm Swadesh Nirman. Swadesh Nirman were direct-

ed to produce the documents. They did not produce the documents before the Commission but told them that they were handed over to Bharat Development (Private) Limited. Ultimately these documents could be secured by the Commission only when different search warrants were issued for simultaneous search of three different premises of three different companies. So, it appears that Dalmia-Jain had something to hide from the Commission. They had a guilty conscience and therefore they did not try to co-operate with the Commission.

There are a number of instances in this Report itself. They have tried to defraud the Government, they have tried to defraud the shareholders. This Report mentions the gains secured by only Mr. Ramkrishna Dalmia. What are the gains secured by one individual, let alone the other partners in this firm? It is mentioned that Mr. Ramkrishna Dalmia has defrauded the shareholders and gained Rs. 2-60 crores. He has evaded income-tax and gained during that period to the tune of Rs. 1.5 crores. How did he do it? A number of ingenious methods were devised by Dalmia-Jain concerns. They have fabricated the account books. They have manipulated all accounts. There are fraudulent transfers of shares. The shares are purchased by fictitious persons who do not exist at all. Another way was to liquidate a public company, sell the concern to some of Dalmia's private concerns, get hold of all the documents and account books, and afterwards conveniently dispose of all the account books and documents which would incriminate all those people. All such tactics and ingenious methods were adopted by those people for defrauding the shareholders and for evading the payment of taxes. In this Commission's Report also, at page 32 it is mentioned:

"We have found a number of instances in which books of \*c-

count, Balance Sheets and Profit and Loss Accounts were manipulated."

This is the finding of the Bose Commission. Therefore, in my opinion, I have no doubt that Messrs. Dalmia and Jain have indulged in all such malpractices at the expense of the shareholders and the Government and they have benefited and reaped huge profits. We are finding them guilty of those offences, criminal breach of trust, forgery, cheating and manipulation of accounts. What about those persons who have helped them to commit these offences? I am referring to the Government servants. Would it have been possible for those people to commit those offences without their help? Madam, I will refer to the Report of Messrs. Daphtary and Sastry, in which they have mentioned;

"It appears that there were grumblings of dissatisfaction among the shareholders and representations made to Governmental authority in 1949, but no immediate action was taken."

This thing was brought to the notice of the Government in 1949 but no action was taken. It was stated by Mr. Daphtary in his Report. We know that the Government, had presented a challan in the Delhi Court in 1952. Mrs. Dalmia also had mentioned in her telegram that the m was presented not against any individual but against one corporate body for some of these offences. It means that the Government knew in 1949 and 1952 that the Dalmia concerns were indulging in criminal activities. If so, I would like to know what the Government officers did about it. They did not take any action against those people. (Interruption). Why did the Government not take any action against "those people?"

I will quote another instance. I have already said how the Commis-

sion could not secure the documents and account books, and when the Commission found that the documents were not coming forward, they immediately issued search warrants for simultaneous search of different concerns. But in 1952 when the Government appointed one Inspector, Mr. Chopra, for about seven or eight months he could not get any documents, he could not get any account books. That is mentioned in this Report. Could not the Government issue search warrants immediately? Was it not possible for the Government to issue search warrants and search all the premises where they could find those documents? They did not do it. They allowed the Dalmia-Jain concern people to burn the documents and account books and destroy all the evidence that could have incriminated them.

SHRI AKBAR ALI KHAN: May I know under which law they can do go?

SHRI B. D. KHOBARAGADE: Is not Government responsible in this matter?

Therefore, I say that the Government machinery is equally responsible. If we find Dalmia and Jain guilty, we should find all the people, who are concerned with the administration of the Company Law, guilty also.

What about the Government itself Madam? I have referred to Government servants. But my charge is that these things could not have gone on without the co-operation and active support of the members of the Government. Lately, we have come to know about so many instances and episodes. Accusations are being made not from the side of the Opposition parties but by the Congress members. There was the accusation by Shri Harekrushna Mahtab against Shri B. Patnaik, Chief Minister of Orissa. The Kerala Congress Committee's President says that the Kerala Chief Minister is indulging in malpractices and that he is corrupt. We are receiving com-

[Shri B. D. Khobaragade.] complaints—not from the Opposition members only but from the Punjab Congress dissidents also—that the Chief Minister of Punjab, Shri Kairon, is indulging in corrupt practices. What does this mean? It means that the Government at its highest level is also corrupt. Otherwise, it would not have been possible for those people to have all those things, and I would ask . . .

THE DEPUTY CHAIRMAN: You can continue later. You will have five minutes more.

SHRI B. D. KHOBARAGADE: I will try to finish.

THE DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock, the DEPUTY CHAIRMAN in the Chair.

SHRI B. D. KHOBARAGADE: Madam, I was saying that only one single concern of Messrs. Dalmia and Jain has been singled out for this purpose. We come to understand that they have been victimised because this concern did not contribute to the funds of the Congress Party and because on certain occasions certain individuals differed on certain political issues. If certain individuals are victimised because they did not contribute to the funds of political parties and because they dared to express opinions different from those expressed by Pandit Nehru, this amounts to political blackmail. You allow them to indulge in all sorts of malpractices; and afterwards if they do not support you, you victimise them.

Madam, there are other concerns also. Reference has been made to the two concerns of Messrs. Birlas, the New Asiatic Insurance Company and the Ruby General Insurance Company.

The auditors' report on these two companies has not yet been placed before the House. It has been mentioned by the auditors that these two companies also have indulged in some fraudulent activities. Even then, no action is taken against them. Bose Commission has mentioned that Shriyans Prasad Jain was benefited by lakhs of rupees because an agreement was broken and v/as given compensation. But what about another firm of Shri Ram Ratan Gupta, managing agents of some limited companies at Kanpur? The agreement was broken and he was also given about Rs. 5 or Rs. 6 lakhs as compensation. This case went up to the Supreme Court and Shri Ram Ratan Gupta won that case. But there is discrimination. You want to victimise the members of Dalmia and Jain concerns but you are giving patronage to Shri Ram Ratan Gupta because he happens to be a Congress member. You have not victimised him. On the contrary, you have given him a Congress ticket and sent him to Parliament. Why? It is because he is in the Congress. He has also indulged in the same sort of fraudulent activities as Ramkrishna Dalmia and others have done. Then why patronise him? Therefore this sort of discrimination should not be allowed.

Madam, it has been mentioned by the Vivian Bose Commission that strict measures should be taken to plug all the loopholes in the law and therefore, the Company Law should be amended as early as possible. Particularly, so far as the Memorandum of Association is concerned, it should be mentioned that no company will be able to start its business unless and until it is approved by the majority of the shareholders. We want that the private sector should also flourish in this country because we believe in mixed economy. We want the public sector as well as the private sector. For the industrial development of this country it is essential that the public sector and the private sector should simultaneously flourish. But it does not mean that we should help and cooperate with those fraudulent people.

No such person should be given any licences or any patronage by the Government. Merely plugging the loopholes and tightening the Company Law administration will not be sufficient. It is essential that our Government machinery which is in charge of administration of companies must be above corruption. However, stringent the measures we might incorporate in the Company Law, such measures will not be able to solve the problems and save the shareholders from the malpractices of the directors. Therefore, it is essential that we should have a very good administration which should be above corruption. Not only the Government machinery or the Government officers, but the Government itself must be above corruption. Pandit Jawaharlal Nehru and his Ministers must be above corruption. What do you find today? I have already made a reference to certain instances I do not want to reiterate them. But we know that there are certain individuals. There is the case of Messrs. Serajuddin and Company. That Report has not yet come out. There are other names also. But if we want to save the investing public, then we must not only have a good Company Law but we must have an efficient administration which would be above corruption.

SHRI LOKANATHMISRA  
(Orissa): In the case of Serajuddin, the major portion has gone to the Congress funds.

THE DEPUTY CHAIRMAN: The time-limit is over. „

SHRI B. D. KHOBARAGADE: I will take only two or three minutes more. Therefore, it is essential . . .

THE DEPUTY CHAIRMAN: There are so many speakers left. If everyone says that he would take two or three<sup>1</sup> minutes more, you will be keeping out some.

SHRI B. D. KHOBARAGADE: It is very essential, therefore, that not

only the Government officers but the Government should be above corruption.

But there is another essential thing We must incorporate this demand in the Company Law itself that no limited company can contribute to the funds of political parties. We have been demanding this in this House since long but this fundamental and the most essential thing has not been incorporated in the Company Law. If we incorporate that thing, then the limited companies will not be compelled to contribute to the funds of political parties, and if they are not in a position to contribute to the funds of political parties, the political leaders will not be able to influence those companies and to ignore their malpractices.

Another thing is this. Why do the parties want funds? It is because they want to contest the elections. They want to spend lakhs of rupees in the elections. It has been mentioned in the other House the other day—it was mentioned in the A.I.C.C. also—that if you spend a few lakhs of rupees you could be a Chief Minister and if you spend a crore of rupees you could be the Prime Minister of India also. That is the position of India. Therefore, if you do not want the political leaders to get contributions from the limited companies or from big business people, then the essential thing is that you must make the election machinery as less expensive as possible. Today, for a candidate it is not possible to contest the election until and unless he is in a position to spend Rs. 20 or Rs. 30 thousand. He may spend more. But even a very good, honest and sincere worker, if he is poor, if he has not got sufficient funds, cannot get himself elected. He must get the contribution from the big business people to contest the election. In that case, he will always oblige those people and he will not be able to discharge his duties and obligations without any favour. Therefore\*, it is

Shri B. D. Khobaragade: It is essential that we should see that elections are made as less expensive as possible.

So far as the individual cases are concerned, I will only say that those people must be punished—not only Messrs. Dalmia and Jain but also the other people-like the Birlas, the Ram Ratan Guptas, who are indulging in this sort of activities. It has been mentioned by Mr. Daphtary and Mr. Sastri that in the absence of evidence it has not been possible to take any action against those people. I would suggest that Messrs. Daphtary and Sastri have pointed out some cases in which some action can be taken. You get all the evidence that is necessary to prosecute them. If the court acquits them, that does not matter. There are a number of cases which are challenged by the police and acquitted ultimately. If it is not possible to prosecute them through normal processes, under the Defence of India Rules and send all those people to jail. That must be done.

SHRI DHANANJOY MOHANTY (Orissa); Madam Deputy Chairman, It need hardly say that the Report of the Commission conveys a strong and justified impression of wholesale juggling with funds subscribed by the public and that the persons in the administration of Dalmia-Jain companies have acted in utter disregard of honest commercial practice. We have to appreciate the tremendous job done by the Commission despite all handicaps and hurdles before them. The Report in question is before us and we can see for ourselves what a task it was.

The Central Government appointed the Commission of Enquiry by an order dated the 11th December, 1956 when it was made to appear to them that there had been gross irregularities which may in several respects and materials amount to illegalities in the management of companies described in the report as the Dalmia-Jain group and that there had been

manipulation of the accounts. unjustified transfers and use of funds and assets had been made, moneys subscribed by the investing public were spent in a considerable measure not in the interest of the companies concerned but contrary to their interests and for the ultimate personal benefit of those in control or management, and the investing public as a result suffered considerable losses.

Here I regret to observe that the hon. Members speaking from the Opposition side do not take this background into consideration. They stand far away from the matter in issue. They have tried to drag in a number of companies against whom there is so far nothing at all. For instance, Shri Lokanath Misra has questioned as to why Messrs. Kalinga Tubes have not been included. His only ground for saying so is that Shri S. P. Jain was a shareholder of that concern. What a pity.

Much has been said about the delay in completion of the enquiry. Ministers that impeded the progress of the enquiry have been stated in chapter IV of the Report. We very well realise that the delay was inevitable. Any attempt to ascribe motives to Government is, therefore, unsustainable. It may be that this delay has given scope to the persons in management of the said companies to manipulate accounts and even destroy some material documents, but this could not, be helped because neither the Government nor the Commission could go out of the way to do anything more hastily or arbitrarily.

Madam, now that the enquiry is over and the Report is before us, we have to see how far the object with which the Commission was appointed has been achieved. The question, therefore, arises whether the enquiry was directed in aid of judgment or in aid of legislation or both. Since the Supreme Court ordered deletion of the words ".... the action which in the opinion of the Commission should be taken as and by way of

securing redress or punishment" from the original notification appointing the Commission, there is now no dispute on this point. The object was to enquire into the matters and report in aid of legislation and not in aid of judgment. In my humble opinion, therefore, we should have discussed the Report in that light.

The Commission have taken great pains to bring to light the various ways and means in which various crimes in respect of the moneys invested by the public have been perpetrated. I would urge on the Government to take into serious consideration all those revelations and make suitable legislation to ensure in the future the due and proper administration of the funds and assets of companies and firms in the interest of the investing public.

Of course, far-reaching changes to the provisions existing under the Companies Act of 1913, as amended in 1936, have been brought about, various deficiencies and malpractices disclosed and discovered in the administration of companies have been lessened and the loopholes have been plugged to a large extent. But this is not all. No legislation can be absolute or perfect for all times to come. Circumstances arise at different times necessitating different changes in the law.

As for redress or punishment, I am rather disappointed to find from the jurists' report that material evidences have been tampered with, some material witnesses are dead, willing witnesses are few, the question of limitation is there and various difficulties are foreseen. Moreover, there is a hint on non-prosecution of Mr. Dalmia. We have been told that the Government have directed further investigation into ten cases. Everybody knows how able, rich and influential are these big businessmen. They filed 99 legal objections and went up to the Supreme Court and in fact got the enquiry delayed for years. They have displayed extra human ingenuity. I would submit that here is a case where the Government

should be strong enough and should lose no time before they rush these cases into the court of law because I do believe that law is the respector of no one. In this context I would expect the Government to see that further necessary legislation is made so that the future is well safeguarded. Whatever be the result of this enquiry or of the impending trials, I do believe that these Dalmias or who-soever may be there, they have forfeited their reputation and the trust of the public reposed in them. I am sure the public cannot forgive them nor can they forget them.

Before I conclude, I would draw the attention of the House to the statement made by the hon. Mr. Govindan Nair who subsequently tried to correct himself, and in his attempt to correct that statement, I think he has given another misleading fact regarding Shri Bijoyanand Patnaik accepting Rs. 15 lakhs or several lakhs of rupees. I would demand from Mr. Nair a clarification on this.

SHRI M. N. GOVINDAN NAIR (Kerala): Mr. Harekrushna Mahtab received several lakhs of rupees for conduct of elections and other contests. That is there in the statement which I made before the House.

SHRI ARJUN ARORA (Uttar Pradesh) : That is why he is no more the Chief Minister. Now we have a better Chief Minister in Orissa.

THE DEPUTY CHAIRMAN: Mr. Mohanty, have you anything more to say?

SHRI LOKANATH MISRA: Madam, this proves the allegation. There is no doubt about it.

(Shri M. N. Govindan Nair rises in his seat.)

THE DEPUTY CHAIRMAN: You have clarified. Now let him continue.

SHRI DHANANJOY MOHANTY: The statement of Mr. Nair does not apply to Mr. Biju Patnaik.

SHRI M. N. GOVINDAN NAIR I only said



الیکھن لوتے ہیں۔ لیکن لاکھوں روپیہ ہمارے منسٹر لوگ چٹاؤ میں خرچ کرتے ہیں اور یہ ایک حقیقت ہے اور اس حقیقت سے ہر وہ پوشی نہیں کی جا سکتی۔ ہمارے منسٹر اور ہمارے کانگریس کے بہت سے سندسہ جو ہیں وہ لاکھوں اور ہزاروں روپیہ ان بڑے بڑے بزنس میں سے لیتے ہیں۔ کئی ایسے منسٹر ہیں جن کا فارن بینکس میں روپیہ جمع ہے اس کی تحقیقات کھجئے اور پتہ لگائے کہ منسٹرس کا کتنا روپیہ فارن بینکس میں ہے۔ یہاں تک کہ منسٹروں کے گھروں پر چھاپا ڈالا جائے تو آپ کو سولے کی کہانیں ملیں گی۔ اور آپ کو معلوم ہوگا کہ اصلیت کیا ہے۔ آج ہم چور سے کہیں کہ چور کو پکڑو

چون گھر از کعبہ برخیزد کجایماند مسلمان۔

آج ہماری گورنمنٹ کے اندر کرپشن ہے اور گورنمنٹ کے کئی منسٹرس ہیں جنکے لوگ بڑی بڑی فرمس سے ہزاروں روپیہ ماہوار تنخواہ کے طور پر لے رہے ہیں اور ان کے رشتہ دار لے رہے ہیں۔ یہ ایک حقیقت ہے اور ہر کوئی اس کو اچھی طرح سے جانتا ہے۔ (Interruption)

اس کے علاوہ بڑے بڑے بزنس میں کے ہاں دعوتیں کھاتے ہیں، ان کے یہاں جاتے ہیں، ان کے یہاں ان آڈیشن کرتے ہیں اور کہہ کر کہہ کر ان سے پیسہ لیتے ہیں۔ یہ بھی ایک

حقیقت ہے اور یہ حقیقت ہر ایک آدمی کو اچھی طرح سے معلوم ہے۔

THE DEPUTY CHAIRMAN: Having said all this, will you come to the Vivian Bose Commission Report?

SHRI CHANDRASHEKHAR (Uttar Pradesh): Mr. Yajee is rebutting all this.

SHRI B. D. KHOBARAGADE: It is very relevant.

SHRI AKBAR ALI KHAN: I think that is not right. That is objectionable.

شری پیارے لال کپہل، مطالبہ:-

ہم یہ دیکھتے ہیں کہ جس طرح سے دفتری کی رپورٹ ہے، شاستری جی کی رپورٹ ہے آپ کو معلوم ہے کہ یہ بڑے بڑے وکیل ہیں اور یہ ہزاروں روپیہ ان بگ بزنس میں سے لیتے ہیں۔ کیا کہی وہ آپ کے موافق رپورٹ دے سکتے ہیں اور کہی اصلیت وہ آپ کو بتا سکتے ہیں جس سے ان بگ بزنس میں کے خلاف کارروائی کی جا سکے۔

SHRI AKBAR ALI KHAN: But you are charging their motives. That is not right.

شری پیارے لال کپہل، مطالبہ:-

ان کی رپورٹ سڈن کے سامنے ہے۔ سڈن اس پر بحث کر سکتا ہے اور ان کے نام لے سکتا ہے اور ان کے متعلق ایسی رائے دے سکتا ہے۔ میں ایک حقیقت بتانا چاہتا ہوں کہ یہ ان کے پرمیٹ وکیل ہیں اور ہزاروں روپیہ ان بڑے بڑے وکلاء کو دیتے ہیں اور ان کی صلاح لیتے ہیں۔ گورنمنٹ جو ان کو تھوڑے

[شری پھارت لال کرپل : طالبہ]  
سے پچھنے دیتی ہے اس کے مطابق  
وہ کدوے رپورٹ دے سکتے ہیں یا  
ان کے خلاف رپورٹ دے سکتے ہیں  
یہ ایک حقیقت ہے اور ہر آدمی  
اس کو اچھی طرح سے جانتا ہے۔  
اسی طرح سے چارٹرڈ اکاؤنٹنٹس ہیں  
ان فرموں کے اندر جو باقاعدہ وہاں  
کام کرتے ہیں، جو ان کا بیلنس  
شیٹ وغیرہ بناتے ہیں، جو وہاں  
پر ہر طریقہ سے آرڈیگولرٹی کرتے ہیں  
اور دکھایا، جو ان فرموں کے اندر  
باقاعدہ نوکر ہیں وہ ان کو قابو  
سے بچانے کا راستہ دکھاتے رہتے ہیں۔  
آپ لاکھ کوٹھڑی کوٹے دیکھئے، کمپنی  
ایکٹ کو ٹائٹ کر دیتے۔ ٹائٹ  
سے ٹائٹ کر دیتے۔ مگر یہ چیزیں  
جاری رہیں گی کیونکہ جب تک  
ہماری حکومت کے اندر کرپشن ہے  
جب تک ہماری حکومت سے کرپشن  
نہیں جائے گا، جب تک ہماری  
حکومت کے اندر سے یہ فیوژن نہیں  
جائے گا تب تک کسی حالت میں  
آپ ان کمپنیوں کا کچھ بھی نہیں  
بنائے سکتے ہیں۔

کٹنا شور ہوا تھا ۱۹۴۹ اور ۱۹۵۰  
میں ڈالیا گیا ان کمپنیوں کے  
متعلق کہ ان کے خلاف کارروائی کی  
جائے۔ اس کے بعد ۱۹۵۳ ع میں  
تھوکرسی کے متعلق شور ہوا کہ ایک  
مسٹر ایم۔ سی تھوکرسی ہیں

جو بہت بڑے بزنس میں ہیں بمبئی  
کے اندر وہ کتنی ایسی فرموں کے  
پارٹنر ہیں جو کہ ملہجنگ ایجنٹس  
میں بہت سی بڑی بڑی فرموں  
کے اور اکثر میں چلند فرموں کے نام  
لوں تو میرے خیال میں بے جا نہ  
ہو گا۔ ان میں سے بہت سی ایسی  
کمپنیاں ہیں جیسے —

Crown Spinning & Manufacturing Co.  
Ltd.

The Indian Manufacturing Co. Ltd.

The Western Indian Spinning and  
Manufacturing Co. Ltd.

The Hindustan Spinning & Weaving  
Mills Ltd.

اور تھکسٹائل کی ایسی کئی  
کمپنیاں ہیں جن کے وہ ڈائریکٹر  
تھے۔ چدرمہن آف دی انڈین کاتھج  
مل فیکٹری بھی یہ سب ہیں اور اس  
وقت یہ شور وغل ہوا تھا کہ ان کے  
خلاف کارروائی کی جائے اس وقت  
گورنمنٹ نے تھوڑی سی انکوائری بھی  
کی تھی اور یہ پتہ لگایا تھا کہ وہ  
ایسی فرمیں ہیں جو کہ پیپر پر  
موجود ہیں۔ ان میں سے ایک فرم  
کے متعلق یہاں کہا گیا تھا۔ یہاں  
یہ پھر اگر فڈا سا پڑھے تو  
میرے خیال میں آپ معاف فرمیں  
کے۔۔۔

"Many of you may be aware that as early  
as 1953, the Finance Ministry of the  
Government of India was apprised of  
evasion of income-tax amounting to crores  
of rupees by this group of industries. Even  
Prime Minister Nehru, the former

Home Minister, late Pt. Pant, the Finance Ministers C. D. Deshmukh, T. T. Krishnamachari and Morarji Desai have been fully apprised of the ramifications of the Thackersey group . . . ."

SHRI N. KANUNGO: What is the hon. Member quoting from?

THE DEPUTY CHAIRMAN: The Minister wants to know what you are reading from.

SHRI P. L. KUREEL URF TALIB: This is just a pamphlet. This information is there.

یہ چلتا کی انڈسٹری ہے  
میری اہلی انڈسٹری ہے اور  
میں یہ پوری ذمہ داری سے کہہ رہا  
ہوں کہ یہ ایک حقیقت ہے - یہ  
سب معاملے ان کے سامنے لائے گئے  
اور کہا گیا کہ کتنی اس طرح سے  
پہچان پر کسٹمر ہیں جو کوٹہ لے  
رہے ہیں جن کے پاس انٹرنیشنل  
موجود ہیں اور جن سے لاکھوں کروڑوں  
روپیہ ناجائز طور پر اس کمپنی نے  
ملایا ہے یہ تو ان کو خود اچھی  
طرح سے معلوم ہے کہ اس وقت  
انکم ٹیکس ڈیپارٹمنٹ نے بھی کوشش  
کی تھی اصلیت کا پتہ لگایا جائے -  
اس کے علاوہ دی ایس سی پی سی کلچرل  
ڈیپارٹمنٹ آف دی ریوزر بلک آف  
انڈیا نے بھی یہ کوشش کی تھی -  
اس کے بعد دی کسٹمز ڈیپارٹمنٹ  
آف دی گورنمنٹ آف انڈیا نے بھی  
سی - کسٹمز ایکٹ کے انٹیشن

کی یا ایسے جو کام ناجائز ہوئے ان  
کے متعلق پتہ لگانے کی کوشش کی  
مگر پتہ نہیں کہ اس کے بعد کیا  
ہوا - اس کے بعد خاموشی رہی  
اور اس کے اوپر کوئی کارروائی نہیں  
کی گئی - اسی طرح سے بعد میں  
سراج الدین کا اور روتھ ایلف کمپنی  
کا معاملہ بھی آپ اچھی طرح سے  
جانتے ہیں -

آپ تیار میں آئے - کتنا اصلی  
لوہا اچھا لوہا اسکرپ کے نام سے  
باہر نکالا جاتا ہے جس سے کہ کروڑوں  
روپیہ ناجائز طور پر ٹاکا جی کمانے  
ہیں - اب ہرلا میں آئے - کتنا دنہا  
شور کر رہی ہے کہ ہرلا کیا کر رہے  
ہیں - آج ہم ان کے مندر دیکھتے  
ہیں انستی ٹھوسٹس دیکھتے ہیں  
اور ہرے بڑے ہسپتال دیکھتے ہیں  
مگر کیا کبھی آپ نے فور کیا کہ  
یہ روپیہ کہاں سے آتا ہے - جب یہ  
مندرجہ ذیل تو یہ مزدوروں سے جو  
لاکھوں مزدور ملوں اور ٹیکٹریوں میں  
کام کرتے ہیں ان پر دہاو قاتل کر  
دو دو روپیہ چار چار روپیہ اور پانچ  
پانچ روپیہ وصول کیا گیا اور اس  
سے یہ مندر بنائے گئے یہ رفاہ عام  
کے کام کئے گئے - اسی طرح سے جتنے  
بھی بڑے ہسپتال ہیں جتنے بھی  
خیراتی رفاہ عام کے کام بنے ہوئے ہیں  
یہ عام چلتا کے خزان سے بنے ہوئے  
ہیں - ایک ایک ایڈٹ کے نیچے

[شری دیپارے لال گریل صرف طالب ]  
ایک ایک لاش موجود ہے مگر آپ  
حقیقت نہیں دیکھنا چاہتے ہیں  
کیونکہ سرکار نے مجلسوں کو لاکھوں  
روپیہ ان بڑی فرموں سے ملتا ہے -  
چلتا چلاتی ہے مگر ان کی طرف  
کسی قسم سے غور نہیں کیا جاتا -  
میں زیادہ نہ کہتے ہوئے صرف یہ  
کہوں گا کہ اسی طریقہ سے روپیہ  
کمانے والی اور بھی بہت سی فرمیں  
ہیں - آپ بولا کی طرف آئے یہ  
ایک کتاب شائع ہوئی تھی دہشتی  
آف ہولا ہاؤس جو کسی برمن  
صاحب نے نکالی تھی - بعد میں  
کچھ انکوائری بھی ہوئی نہواشیٹاک  
انشورنس کمپنی اور دوسری جنرل  
انشورنس کمپنی کے ہمارے میں مگر  
وہ رپورٹ سپریمس کر دی گئی اور  
اصلیت سامنے نہیں آئی -

3 P.M. ہم کہتے ہیں ایسا کہوں کیا جاتا  
ہے - دالمیا جین ایک ہی فرم تو  
قصوروار نہیں تمام فرمیں قصوروار  
ہیں - آپ ان تمام فرموں کے لئے ایک  
پرومنٹ مشنری بلاتے اور دیکھتے  
کہ یہ کس طرح سے اپنے کونٹریل کو  
اتنے تھوڑے عرصہ میں دوگنا تھکنا  
چوگنا کرتے ہیں اور کمپنی لا کے خلاف  
کام کرتے ہیں - جب تک اس کے لئے  
ایک پرومنٹ مشنری نہیں بلاتیں  
گے اور بگ بزنس میں سے ہلپڈگی  
نہیں اختیار کریں گے تب تک  
اصلیت نہیں معلوم ہوگی - آج بگ

بزنس میں جو کچھ چاہے وہ کر  
سکتا ہے - ان گورنمنٹ قپارٹمنٹس  
کے اندر جتنا کرپشن ہے یہ سب ان بگ  
بزنس میں کا پھندا کیا ہوا ہے اور  
جو بڑے بڑے آفیسرس ہیں ان کو  
اس سے روپیہ ملتا ہے اس لئے اصلیت  
سامنے نہیں آتی ہے - تو جب تک  
ان سے بالکل علیحدگی نہیں اختیار  
کریں گے اور گورنمنٹ ایک انڈیپنڈنٹ  
مشنری ان کے کام کو دیکھنے کے لئے  
قائم نہیں کرتی ہے تب تک اصلیت  
کا پتہ نہیں چلے گا کیونکہ ان کے  
پاس اتنا پیسہ ہے کہ پیسہ کے ذریعہ  
سے وہ گورنمنٹ کے ملکہ کو دباؤ ہوئے  
ہیں وہ چلتا کی آواز کو اس کے  
ہل پر روک سکتے ہیں - اخباروں  
کی کیا حالت ہے - آج بڑے بڑے  
اخبار کس کے ہاتھ میں ہیں -  
سب انہیں بگ بزنس میں کے  
ہاتھوں میں ہیں اور اس وجہ سے  
عماری آواز چلتا تک یا آپ تک  
نہیں پہنچتی - ہم چلاتے ہیں کہتے  
ہیں اسٹیٹمنٹ دیتے ہیں پلٹ  
فارم سے ہوتے ہیں مگر اخباروں  
میں کچھ بھی نہیں آتا - کہوں -  
اس لئے کہ بڑے بڑے اخبار بڑے  
بڑے بزنس میں چلاتے ہیں اور اس  
وجہ سے ہماری آواز سرکار تک نہیں  
پہنچ پاتی اور ان کو معلوم نہیں  
پوتا ہے کہ چلتا کیا چاہتی ہے -  
مگر چلتا سب جانتی ہے نہ کیا  
کیا ہو رہا ہے -

اب میں ویوین بوس کمیشن کی طرف آتا ہوں - ہاں اب ایک معمولی سا قصہ ہوا تھوڑے دنوں کی بات ہے - گورنمنٹ خود کرپشن میں پڑی ہے - اگر گورنمنٹ خود اس میں پارتی نہ ہو تو کرپشن نہیں رہ سکتا - ابھی تھوڑے عرصہ کی بات ہے وہ میں آپ کو بتاتا ہوں نیپکو بیول گیر آف انڈیا نے بارے میں -

"Napco Bevel Gear of India Ltd., have come out with a large issue on May 24th on the stock exchange.

The Detroit Bevel Gear Division of Napco Industries, Inc., U.S.A. was purchased in 1957 for approximately Rs. 43 lakhs.

In 1959, it was offered to the Government of India for about Rs. 50 lakhs.

In 1960, it was appraised at approximately Rs. 199 lakhs.

Now it is being imported into India at a cost of Rs. 133 lakhs. Now this is obsolete junk machinery. This is how public money is being squandered and foreign exchange is being pocketed abroad."

اور کمپنی کے کوئی ڈائریکٹر مسٹر پی - ایل کپور میں انہوں نے یہاں بوگس کمپنی بنا رکھی ہے - اس میں دوسرے ڈائریکٹر مسٹر مہرا ان کے سمدھی ہیں اور تیسرے ڈائریکٹر ان کے بہنوئی ہیں اور وہ اس کمپنی کے ذریعہ سے یہ سب کر رہے ہیں - یہ سب کام ناجائز ہو رہا ہے گورنمنٹ اس کے بارے میں انکوائری کرے - میں نے قی آرز لکھے ہیں۔

390 RSD.—5

لیٹرس لکھے ہیں کہ ہندوستان میں کیا ہو رہا ہے - ان کا جواب بھی تسلی بخش نہیں دیا جاتا ہے اور اگر جواب دے دیتے ہیں تو اس پر کوئی کارروائی نہیں ہوتی ہے - تو ان تمام چیزوں کی طرف جو کہ میں نے پڑھا ہے فور کیا جائے اور معلوم کیا جائے کہ کیا بات ہے - اسی نیپکو کمپنی پر آٹریا اور کئی بارہ کے ملکوں میں مقدمے چلائے گئے ہیں - اس کمپنی کے متعلق تفصیل سے پھر کہی کہوں گا -

میں ویوین بوس کمیشن کی رپورٹ کی طرف آتا ہوں - اس میں بہت سی باتیں ہیں - یہ رپورٹ اتنی اچھی ہے کہ میں تو اس کی تعریف کئے بنا رہ نہیں سکتا ہوں - ایک ایڈورکیٹ ہونے کے ناتے میں سمجھ سکتا ہوں کہ انہوں نے کس طریقہ سے بالکل صفائی کے ساتھ اور ثبوت کے ساتھ اس کرپشن کو جلتا کے سامنے لانے کی کوشش کی ہے - آپ دیکھئے کہ کمیشن اپوائنڈ ہوتا ہے تو وہ نرنٹ کہتا ہے کہ کتابیں پڑھ کر ریکارڈس سامنے لاؤ لیکن اوپنلی شادی پرسان چین اور ان کے دوسرے پانچ پارٹنرس جو ہیں انہوں نے ایسا نہیں کیا انہوں نے کتابیں پڑھ نہیں کیں - انہوں نے ریکارڈس کو ضائع کیا - کرمل کنسپیریسی کی - فلسفینیکیشن

[شری پھارے لال کھیل صرف طالب]  
آف اکاؤنٹس کیا اور ان کے اوپر  
فورجری کا چارج بھی عائد ہوتا  
ہے اور مس اینڈروڈیشن آف پبلک  
فائدہ کا چارج بھی۔ ان تمام باتوں  
کے متعلق انہوں نے کھلم کھلا اسٹیٹمنٹس  
دیئے ہیں۔ دو چار اسٹیٹمنٹس کے  
متعلق کرمیل کلسپرہیسی، کرمیل  
برہیچ آف ٹرسٹ، چیٹنگ، فورجری  
اور فلسفیکیشن آف اکاؤنٹس اینڈ  
ریکارڈس - کہا ہے - وہ کہتے ہیں -

"The records of all the companies would  
have been a great help to the Commission."

حالانکہ ریکارڈ مکمل طور پر ان کے  
سامنے نہیں آیا پھر بھی وہ کہتے  
ہیں -

"The others were deliberately destroyed  
by the persons in control in order to thwart  
any enquiry."

اس کے آئے وہ یہ کہتے ہیں -

"We come next to the production of  
books. . . Shanti Prasad Jain continued  
evasive and secretive to the end in respect  
of these books."

"It is an offence for one of the parties to  
the litigation to suborn that witness and  
direct him to withhold the evidence and  
information that is sought from him and tell  
him not to produce the books that have been  
called for. This is precisely what Shanti  
Prasad Jain did in the case of these two  
companies."

اب ان کے جو قصور ہیں ان  
میں سے بہت سے قصور انڈین پیپل کوڈ  
میں ہیں جو کہ ان لوگوں پر مکمل  
طور پر ثابت ہوتے ہیں - مثلاً کرمیل  
کلسپرہیسی کے لئے ۱۱۰ بی آئی -

بی - سی لاگو ہوتا ہے - پھر کرمیل  
برہیچ آف ٹرسٹ کے لئے دفعہ ۴۰۹  
ہے اور چیٹنگ کے لئے ۴۱۸ اور ۴۲۰  
ہے - فورجری آف ولیوایبل سیکورٹی  
کے لئے سیکشن ۴۶۷ ہے اور فلسفیکیشن  
آف اکاؤنٹس کے لئے دفعہ ۴۷۷ اے  
ہے اور فورجڈ ڈاکومنٹس کا استعمال  
کرنے کے لئے سیکشن ۴۷۱ ہے - تو  
ان کے انڈر پروڈیکشن کیا جا سکتا  
ہے - اور کمپنی لا میں بھی ایسے  
پروویژن ہیں جن کے ماتحت ان  
کو پروڈیکٹ کیا جا سکتا ہے -  
ایک معمولی آدمی یہ کام کرے تو  
وہ تہ زندگی بھر جیل سے نہیں چھٹکارا  
پا سکتا - آپ لوگ نٹور لال کی  
بات کرتے ہیں - نٹور لال کیا ہے  
ان میں سے ایک ایک آدمی نٹور لال  
کا باپ ہے - نٹور لال سے بھی زیادہ  
چار سو بیس میں یہ ماہر ہیں -  
آپ پتہ لگائیے اور دیکھئے - ہر ایک  
ادسی کے لئے کہہ سکتے ہیں کہ  
وہ انوکھت ہے مگر اس رپورٹ سے  
ظاہر ہوتا ہے کہ ایک ایک بزنس  
میں ارد ایک ایک بڑی رقم کا یہی رویہ  
ہے - یہی اور یگوارڈیز سب کر رہے  
ہیں - انہوں نے کھلم کھلا کمیشن  
میں اس بات کو مانا ہے کہ یہ  
کوئی ایک کمپنی کی بات نہیں  
ہے، سبھی کمپنیاں اس طرح سے  
کر رہی ہیں - تو پھر اسی ایک  
کمپنی کو کہوں چلا گیا اور دوسروں  
کو چھوڑ دیا گیا - چلتا چلا رہی ہے

کہ تاتا کے خلاف کارروائی کیجئے -  
برلہ کے خلاف، سنگھانویا کے خلاف یعنی  
جکی کمل پتی انڈسٹریز کے خلاف  
کارروائی کیجئے - اسی طرح سے ٹیڈک سے  
صاحب ہیں - تو سب نے معاہدہ  
کو دیکھئے پوری طرح کوتاہی کیجئے  
اور پتہ لگائے - دیکھئے کہ جیتا نے  
روپیہہ کا کیا ہو رہا ہے - کسی  
طرح سے بھی ناجائز طور پر ایک،  
دو آدمیوں کے ہاتھ میں ساری دولت  
نہیں آئی چاہیئے - ہم تو کٹری  
کے اندر سوشائزم لانا چاہتے ہیں -  
ہم پرانتے ہوں کہ اکانامک طاقت  
آرتھک شکتی جو ہے وہ چند آدمیوں  
کے ہاتھ میں رہے - اس سے زیادہ  
نہ کہتے ہوئے کیونکہ مہراثائم ختم  
ہو گیا ہے میں دو چار ان باتوں

"Moneys and assets of Companies in which the public had invested their monies were transferred to Dalmia-Jain concerns in the name of loans which were never repaid or realised but shown as realised by manipulating books of accounts or by falsely showing as having been realised or repaid by only book adjustments."

پھر انہوں نے کہا ہے —

"Personal expenses of Shri Ramkrishna Dalmia were paid out of the funds of D.C.P.M. in the years 1948-49 and 1950-51 which totalled Rs. 4,62,339 at a time when he was

not a Director or an Officer of the said Company."

پھر آگے انہوں نے کہا ہے —

"Lending of money to D.C.P.M. from various public limited companies in which Dalmia-Jain group had control for the purpose of misappropriating the money so lent or for converting the same to the personal use of members of Dalmia-Jain concerns."

Managing Agency Companies or Selling Agencies were incorporated with a condition that in case of breach of the terms of contract, compensation would be paid. The *modus operandi* was simple, e.g., a Managing Agency was incorporated with a condition that if such management terminated prematurely, then compensation would be paid in a lump sum for the possible earnings of the Managing Agency for the unexpired period. This is how money was drained out and misappropriated. The Commission has found that appointment of such Managing Agency was unnecessary and brought into existence for fraudulent purposes.

Shares purchased at high prices were sold at abnormally low rates and thereafter again repurchased at high prices. The difference was misappropriated."

"Conspiracy to commit cheating by falsely and dishonestly representing by manipulating the accounts that certain companies had not been earning profits thereby inducing shareholders to sell the shares at low prices and purchasing those shares and thereafter declaring dividends and selling those shares at high prices."

Manipulating and antedating records thereby inducing investors."

(Time bell rings.)

بہت سی باتیں ہیں۔ میں زیادہ نہ کہتے ہوئے یہ درخواست کروں گا کہ اس شام کے فلو پر درخواست کروں گا کہ صرف رام کوشن دلمیا کے خلاف ہو، نہیں بلکہ سب اداہوں کے خلاف جو پانچوں پارٹنرس ہیں انکاونٹنگ شانتی پرساد جین - ان کے خلاف مقدمہ چلایا جائے کہوں کہ کنسپیرسی میں ایک پارٹنر ایک بات کا ذمہ دار ہے تو اس بات کے لئے سب کی ذمہ داری برابر ہے اور سب لوگوں کو پوزیکٹو کیا جائے۔ جو بڑی کمپنیز ہیں ان کو بھی پوزیکٹو کیا جائے اور ایک ریوسلٹ مشینری بنائی جائے جو کہ ان سب کو دیکھے۔

اسی طرح سے ازمسہ کے پٹنایک صاحب ہیں، ہمارے چیف منسٹر پنجاب کے ہیں - یو - پی کے ہیں - اسی طرح سے اور کئی صوبوں میں ایسے لوگ ہیں - ان کے خلاف چلتا اورانی کہہ رہی ہے چلا چلا کر دہہ رہی ہے آپ کی کانگریس پارٹی کے آدمی کہہ رہے ہیں، مگر آپ کے کان پر جون تک نہیں دینگے آپ کو سناؤں نہیں دیتا - مہربانی کر کے سنئے اگر آپ چاہتے ہیں کہ

دیہی کے اندر سوشلزم لائیں اور چاہتے ہیں کہ آپ زندہ رہیں -

†[ श्री प्यारे लाल कुरील 'तालिब' (उत्तर प्रदेश): महोदया, इतना कहा जा चुका है कि अब ज्यादा कहने की गुंजाइश नहीं है, मगर फिर भी चन्द बातें मैं इस सदन में रखूंगा। आजादी के बाद से हम देखते हैं कि गरीब और अमीर आदमियों के बीच में बड़ी भारी खलीज हायल हो गयी है और यह खलीज दिन ब दिन बढ़ती जा रही है। मुल्क की दौलत चन्द आदमियों के हाथ में इकट्ठी हो गयी है और दिनों दिन वह बढ़ती जा रही है। हमारा नस्युलएन यह था, कांग्रेस या रूलिंग पार्टी का नस्युलएन यह था कि हम इस मुल्क में सोशलिज्म लाएंगे, आर्थिक बराबरी लाएंगे और इस मुल्क के इक्विसादी ढांचे में एक बुनियादी तबदीली करेंगे। यहां का जो आर्थिक ढांचा है उसके अन्दर एक बुनियादी तबदीली होगी। एक बुनियादी परिवर्तन होगा। मगर हम क्या देखते हैं कि आजादी के बाद से हमारा आर्थिक ढांचा खराब से खराबतर होता चला जा रहा है। और इस मुल्क की दौलत चन्द आदमियों में इकट्ठी होकर रह गयी है। यह क्यों हुआ, किस तरह से हुआ इसको समझने की जरूरत है। हम तो यह कहेंगे कि हमारी इस सरकार के अन्दर, हमारे मिनिस्टर्स के अन्दर ऐसे आदमी हैं जो इन बड़े बड़े सरमायेदारों के हाथ में कठपुतली की तरह नाचते हैं और उनका पैटोनेज उनको हासिल है। यह भी कहा जाता है कि बड़े बड़े बिजनस मैन जब चलते हैं तो एक मिनिस्टर को एक जेब में और एक मिनिस्टर को दूसरी जेब में लेकर चलते हैं। कितने मिनिस्टर हैं जो अपने इलैक्शन के लिए हजारों रुपया इन कम्पनियों से लेते हैं...

श्री शीलभद्र याजी (बिहार): आपकी पार्टी क्या आपकी जमींदारी से चलती है?

†[ ] Hindi transliteration.

**श्री प्यारे लाल कुरील 'तालिब' :** हम तो बिल्कुल गरीब हैं। हम तो जिस तरह से इलैक्शन लड़ते हैं वह खुद आप जानते हैं। सीने पर हाथ रख कर कहिये कि हम किस तरह से इलैक्शन लड़ते हैं। लेकिन लाखों रुपया हमारे मिनिस्टर लोग चुनाव में खर्च करते हैं और यह एक हकीकत है और इस हकीकत से परदा-पोशी नहीं की जा सकती। हमारे मिनिस्टर और हमारे कांग्रेस के बहुत से सदस्य जो हैं वह लाखों और हजारों रुपया इन बड़े बड़े बिजनेसमैन से लेते हैं। कई ऐसे मिनिस्टर हैं जिनका फॉरेन बैंक में रुपया जमा है। इसकी तहकीकात कीजिए और पता लगाइए कि मिनिस्टर्स का कितना रुपया फॉरेन बैंक में है। यहां तक कि मिनिस्टर्स के घर पर छापा डाला जाय तो आपको सोने की खानें मिलेंगी। और आपको मालूम होगा असलियत क्या है? आज हम चोर से कहें कि चोर को पकड़ो—चून कुफ़र अज काबा बरडेजद कुजा मानद मुसलमानी। आज हमारी गवर्नमेंट के अन्दर कर्पूशन है और गवर्नमेंट्स के कितने मिनिस्टर्स हैं जिनके लड़के बड़ी-बड़ी फर्मों से हजारों रुपया माहवार तनख्वाह के तौर पर ले रहे हैं और उनके रिस्तेदार ले रहे हैं। यह एक हकीकत है और हर कोई इसको अच्छी तरह से जानता है। (Interruption.) इसके अलावा वह बड़े बड़े बिजनेसमैन के यहां दावतें खाते हैं, उनके यहां जाते हैं, उनके यहां इन्विगुरेशन करते हैं और खुल्लम-खुल्ला पैसा लेते हैं। यह भी एक हकीकत है और यह हकीकत हर एक आदमी को अच्छी तरह से मालूम है।

THK DEPUTY CHAIRMAN: Having said all this, will you come to the Vivian Bose Commission Report?

SHRI CHANDRASHEKHAR (Uttar Pradesh): Mr. Yajee is rebutting all this.

SHRI B. D. KHOBARAGADE: It is very relevant.

SHRI AKBAR ALI KHAN: I think that is not right. That is objectionable.

**श्री प्यारे लाल कुरील 'तालिब' :** हम यह देखते हैं कि जिस तरह से दफ्तरी की रिपोर्ट है, शास्त्री जी की रिपोर्ट है, आपको मालूम है कि ये बड़े बड़े वकील हैं और ये हजारों रुपया इन बिग बिजनेसमैन से लेते हैं। क्या कभी वह आपके म्यूआफिक रिपोर्ट दे सकते हैं और कभी असलियत आपको बता सकते हैं जिससे इन बिग बिजनेसमैन के खिलाफ कार्रवाई की जा सके।

SHRI AKBAR ALI KHAN: But you are charging their motives. That is not right.

**श्री प्यारे लाल कुरील 'तालिब' :** उनकी रिपोर्ट सदन के सामने है। सदन इस पर बहस कर सकता है और उनके नाम ले सकता है और उनके मुताल्लिक अपनी राय दे सकता है। मैं एक हकीकत बताना चाहता हूं कि यह उनके परमानेंट वकील हैं। वह हजारों रुपया इन बड़े बड़े वकीलों को देते हैं और उनकी सलाह लेते हैं। गवर्नमेंट जो उनको थोड़ा से पैसे देती है उसके म्यूआफिक वह कैसे रिपोर्ट दे सकते हैं या इन लोगों के खिलाफ रिपोर्ट दे सकते हैं। यह एक हकीकत है और हर आदमी इसको अच्छी तरह से जानता है। इस तरह से चार्टर्ड एकाउन्टे हैं इन फर्मों के अन्दर जो बाकायदा वहां काम करते हैं, जो उनका बैलेंस शीट वगैरह बनाते हैं, जो वहां पर हर तरीके से इन्विगुरेिटो करते हैं। और वकील जो इन फर्मों के अन्दर बाकायदा नौकर हैं वह उनको कानून से बचने का रास्ता दिखाते रहते हैं। आप साख कीमिश करते रहिए, कम्पनी ऐक्ट को टाइट कर बीजिसे, टाइट

[श्री प्यारेलाल कुरील 'तालिब']

से टाइट कर दीजिये मगर ये चीजें जारी रहेंगी क्योंकि जब तक हमारी हुकूमत के अन्दर करप्शन है, जब तक हमारी हुकूमत से करप्शन नहीं जायेगा, जब तक हमारी हुकूमत के अन्दर से यह फैवरीटिज्म नहीं जायेगा तब तक किसी हालत में आप उन कम्पनियों का कुछ भी नहीं बिगाड़ सकते हैं।

कितना शोर हुआ था १९४९ और १९५० ई० में डालमिया की उन कम्पनियों के मुताल्लिक कि उनके खिलाफ कार्रवाई की जाए। इसके बाद १९५३ ई० में ठेकरसे के मुताल्लिक शोर हुआ कि एक मिस्टर एम० डी० ठेकरसे हैं जो बहुत बड़े बिजनेस मैन हैं बम्बई के अन्दर। वह कितनी ऐसी फर्मों के पार्टनर हैं जो मैनेजिंग एजेंट्स हैं बहुत सी बड़ी बड़ी फर्मों के और यदि मैं चन्द फर्मों के नाम लू तो मेरे ख्याल में बजा न होगा। उनमें से बहुत सी ऐसी कम्पनियां हैं जैसे :

Crown Spinning & Manufacturing Co. Ltd.

The Indian Manufacturing Co. Ltd.

The Western Indian Spinning & Manufacturing Co. Ltd.

The Hindustan Spinning & Weaving Mills Ltd.

और टैक्सटाइल की ऐसी कम्पनियां हैं जिन के वह डायरेक्टर थे। चेयरमैन आफ दी इन्डियन काटेज मिल फेडरेशन, ये सब हैं और उस वक्त यह शोरोगुल हुआ था कि उनके खिलाफ कार्रवाई की जाय। उस वक्त गवर्नमेंट ने थोड़ी सी इन्वारी भी की थी और यह पता लगाया था कि पचास ऐसी फर्में हैं जो कि पेपर पर मौजूद हैं। उनमें से एक फर्म के मुताल्लिक यहां

का गया था। मैं यह पैराग्राफ जरूर सा पढ़ दू तो मेरे ख्याल में आप मुआफ करेंगे :

"Many of you may be aware that as early as 1953, the Finance Ministry of the Government of India was apprised of evasion of income-tax amounting to crores of rupees by this group of industries. Even Prime Minister Nehru, the former Home Minister, the late Pt. Pant, the Finance Ministers C. D. Deshmukh, T. T. Krishnamachari and Morarji Desai have been fully apprised of the ramifications of the Thackersey group . . . ."

SHRI N. KANUNGO: What is the hon. Member quoting from?

THE DEPUTY CHAIRMAN: The Minister wants to know what you are reading 'from.

SHRI P. L. KUREEL VRF TALIB: This is just a pamphlet. This information is there.

यह जनता की इन्फरमेशन है, मेरी अपनी इन्फरमेशन है और मैं पूरी जिम्मेदारी से कह रहा हूं कि यह एक वकील है। ये सब मामले उन के सामने लाये गये और कहा गया कि कितनी इस तरह से पेपर पर कम्पनियां हैं जो कोटा ले रही हैं जिन के पास लाइसेंस मौजूद हैं और जिनसे लाखों करोड़ों रुपया नाजायज तौर पर इस कम्पनी ने बनाया है। ये तो उन को खुद अच्छी तरह से मालूम है कि उस वक्त इन्कम-टैक्स डिपार्टमेंट ने भी कोशिश की थी कि असलियत का पता लगाया जाये। इस के इलावा दि एक्सचेंज कंट्रोल डिपार्टमेंट आफ दी रिजर्व बैंक आफ इन्डिया ने भी यह कोशिश की थी। इस के बाद दि कस्टम्स डिपार्टमेंट आफ दि गवर्नमेंट आफ इन्डिया ने भी सी कस्टम्स एक्ट के वायलेशन के या ऐसे जो काम नाजायज हुए उनके मुताल्लिक पता लगाने की कोशिश की मगर पता नहीं कि इसके बाद

क्या हुआ। इसके बाद खामोशी रही और उसके बाद ऊपर कोई कार्रवाई नहीं की गयी। इसी तरह से बाद में सिराजुद्दीन का और बर्ड एंड कम्पनी का मामला भी आप अच्छी तरह से जानते हैं।

आप टाटाज में आइये। कितना असली लोहा, अच्छा लोहा स्क्रैप के नाम पर बाहर निकाला जाता है जिससे करोड़ों रुपया नाजायज तौर पर टाटा जी कमाते हैं। अब बिड़ला में आइए। कितना दुनिया शोर कर रही है कि बिड़ला क्या कर रहे हैं। आज हम उनके मन्दिर देखते हैं, इन्स्टीट्यूट्स देखते हैं और बड़े बड़े अस्पताल देखते हैं मगर क्या कभी आपने गौर किया कि यह रुपया कहां से आता है। जब यह मन्दिर बने तो ये मजदूरों से जो लाखों मजदूर मिलों और फैक्टरियों में काम करते हैं उन पर दबाव डाल कर दो दो रुपया, चार चार रुपया और पांच पांच रुपया वसूल किया गया और उससे यह मन्दिर बनाये गए। यह रिफाहे ग्राम के काम किये गये। इसी तरह से जितने भी बड़े अस्पताल हैं, जितने भी खैराती रिफाहे ग्राम के काम बने हुए हैं, यह ग्राम जनता के खून से बने हुए हैं। एक एक ईंट के नीचे एक एक लाश मौजूद है मगर आप हकीकत नहीं देखना चाहते हैं क्योंकि सरकार के मिनिस्टर्स को लाखों रुपया इन बड़ी बड़ी फर्मों से मिलता है। जनता चिल्लाती है मगर उनकी तरफ किसी किस्म से गौर नहीं किया जाता। मैं ज्यादा न कहूँगे सिर्फ यह कहूँगा कि इसी तरीके से रुपया कमाने वाली और भी बहुत सी फर्में हैं। आप बिड़ला की तरफ आइए। यह एक किताब शायद हुई थी "हिस्ट्री आफ बिड़ला हाउस" जो किसी बर्मन साहब ने निकाली थी। बाद में कुछ इन्क्वायरी भी हुई थी स्पेसियस इन्क्वायरी कम्पनी और रूबी जनरल इन्क्वायरी कम्पनी के बारे में मगर बड़े रिपोर्ट सप्रेस कर दी गयी और असलियत

सामने नहीं आयी। हम कहते हैं कि ऐसा क्यों किया जाता है। डालमिया जैन एक ही फर्म तो कसूरवार नहीं, तमाम फर्में कसूरवार हैं। आप इन तमाम फर्मों के लिये एक परमानेंट मशीनरी बनाइए और देखिये कि ये किस तरह से अपने कपिटल को इतने थोड़े अर्से में दुगुना, तिगुना, चौगुना करते हैं और कम्पनी ला के खिलाफ काम करते हैं। जब तक इसके लिए एक परमानेंट मशीनरी नहीं बनाएंगे और बिजनेसमैन से अलहदगी नहीं अख्तियार करेंगे तब तक असलियत नहीं मालूम होगी। आज बिजनेसमैन जो कुछ चाहे वह कर सकता है। इन गवर्नमेंट डिपार्टमेंट्स के अन्दर जितना करप्शन है यह सब इन बिजनेसमैन का पैदा किया हुआ है और जो बड़े बड़े आफिसर्स हैं उन को इन से रुपया मिलता है इसलिए असलियत सामने नहीं आती है। तो जब तक उन से बिल्कुल अलहदगी नहीं अख्तियार करेंगे और गवर्नमेंट एक इनडिपेंडेंट मशीनरी उन के काम को देखने के लिए कायम नहीं करती है तब तक असलियत का पता नहीं चलेगा क्योंकि उन के पास इतना पैसा है कि पैसे के जरिए से वह गवर्नमेंट के मुँह को दबाए हुए हैं, वह जनता की आवाज को उस के बल पर रोक सकते हैं। अखबारों की क्या हालत है। आज बड़े बड़े अखबार किस के हाथ में हैं। सब इन्हीं बिजनेसमैनों के हाथ में हैं और इसी वजह से हमारी आवाज जनता तक या आप तक नहीं पहुँचती। हम चिल्लाते हैं, कहते हैं, स्टेटमेंट देते हैं, प्लेटफार्म से बोलते हैं, मगर अखबारों में कुछ भी नहीं आता। क्यों? इसलिए कि बड़े बड़े अखबार बड़े बड़े बिजनेसमैन चलाते हैं और इस वजह से हमारी आवाज सरकार तक नहीं पहुँच पाती और उन को मालूम नहीं पड़ता है कि जनता क्या चाहती है। मगर जनता सब जानती है कि क्या क्या हो रहा है।

[Shri P. L. Kureel Urf Talib]

अब मैं विवियन बोस कमीशन की रिपोर्ट की तरफ आता हूँ। हाँ, अभी एक मामूली सा किस्सा हुआ। थोड़े दिनों की बात है। गवर्नमेंट खुद करप्शन में पड़ी है। अगर गवर्नमेंट खुद इस में पार्टी न हो तो करप्शन नहीं रह सकता। अभी थोड़े असें की बात है वह मैं आपको बताता हूँ—नैपको बैवल गियर आफ इण्डिया के बारे में।

"Napco Bevel Gear of India Ltd., have come out with a large issue on May 24th on the stock exchange.

The Detroit Bevel Gear Division of Napco Industries, Inc., U.S.A. was purchased in 1957 for approximately Rs. 43 lakhs.

In 1959, it was offered to the Government of India for about Rs. 50 lakhs.

In 1960, it was appraised at approximately Rs. 199 lakhs.

Now it is being imported into India at a cost of Rs. 133 lakhs. Now this is obsolete junk machinery. This is how public money is being squandered and foreign exchange is being pocketed abroad."

और कम्पनी के कोई डायरेक्टर मिस्टर पी० एल० कपूर हैं उन्होंने यहाँ बोगस कम्पनी बना रखी है। इसमें दूसरे डायरेक्टर मिस्टर मेहरा उनके सम्बन्धी हैं और तीसरे डायरेक्टर उनके बन्ने हैं और वह इस कम्पनी के जरिये से यह सब कर रहे हैं। यह सब काम नाजायज हो रहा है। गवर्नमेंट इसके बारे में इन्क्वायरी करे। मैंने डी० ओज लिखे हैं, लैटर्स लिखे हैं कि हिन्दुस्तान में यह सब क्या हो रहा है। इनका जवाब भी तत्कालीन नहीं दिया जाता है और अगर जवाब दे देते हैं, तो उस पर कोई कार्यवाही नहीं होती है। तो इन तमाम चीजों की तरफ, जोकि मैं ने पढ़ा है, गौर किया जाये और मालूम किया

जाये कि क्या बात है। इसी नैपको कम्पनी पर और कई बाहर के मुल्कों में मुकदमे चलाये गये हैं। इस कम्पनी के मतल्लिक तफसील; हालांकि रिकार्ड मुकम्मल तौर पर उनके सामने नहीं आया फिर भी वह कहे हैं—

मैं विवियन बोस कमीशन का रिपोर्ट की तरफ आता हूँ। इसमें बहुत सी बातें हैं। यह रिपोर्ट इतनी अच्छी है कि मैं तो उसकी तारीफ़ किये बिना रह नहीं सकता हूँ। एक एडवोकेट होने के नाते मैं समझ सकता हूँ कि उन्होंने किस तरीके से बिल्कुल सफ़ाई के साथ और सबूत के साथ इस करप्शन को जनता के सामने लाने की कोशिश की है। आप देखिए कि कमीशन एप्वाइंट होता है, तो वह तुरन्त कहता है कि कितानें पेश करो, रिकार्ड सामने लाओ। लेकिन ओपिनली शान्ति प्रसाद जैन और उनके दूसरे पांच पार्टनर्स जो हैं उन्होंने ऐसा नहीं किया। उन्होंने कितानें पेश नहीं कीं। उन्होंने रिकार्ड्स को ज़ाया किया। क्रिमिनल कान्सप्रेसी की। फाल्सी-फिकेशन आफ एकाउण्ट्स किया और उनके ऊपर फोर्जरी का चार्ज भी आयद होता है और मिसएप्रोप्रिएशन आफ पब्लिक फण्ड का चार्ज भी। इन तमाम बातों के मुतल्लिक उन्होंने खुल्लम-खुल्ला स्टेटमेंट्स दिये हैं। दो चार स्टेटमेंट्स के मुतल्लिक क्रिमिनल कान्सप्रेसी क्रिमिनल ब्रीच आफ ट्रस्ट, चीटिंग फोर्जरी और फाल्सीफिकेशन आफ एकाउण्ट्स एन्ड रिकार्ड्स कहा है। वह कहते हैं . . .

"The records of all the companies would have been a great help to the Commission."

"The others were deliberately destroyed by the persons in control in order to thwart any enquiry."

इसके आगे वह यह कहते हैं—

"We come next to the production of books..... Shanti Prasad Jain continued evasive and secretive to the end in respect of these books."

"It is an offence for one of the parties to the litigation to suborn that witness and direct him to withhold the evidence and information that is sought from him and tell him not to produce the books that have been called for. This is precisely what Shanti Prasad Jain did in the case of these two companies."

अब उनके जो कसूर हैं उनमें से बहुत से कसूर इंडियन पैल कोड में हैं, जोकि उन लोगों पर मुकम्मल तौर पर साबित होते हैं। मसलन क्रिमिनल कांसप्रेसी के लिए १२० बी० आई० पी० सी० लागू होता है। फिर क्रिमिनल ब्रीच आफ ट्रस्ट के लिए दफा ४०६ है और चीटिंग के लिए ४१८ और ४२० है। फोर्जरी आफ वैल्युएबल सिक्यूरिटी के लिए सैक्शन ४६७ है और फाल्सीफिकेशन आफ एकाउण्ट्स के लिए दफा ४७७ ए० है और फोर्ज्ड डोक्यूमेंट्स का इस्तेमाल करने के लिए सैक्शन ४७१ है। तो उनके अण्डर प्रोसीक्यूशन किया जा सकता है। कम्पनी ला में भी ऐसे प्रोवीजन हैं, जिनके मातहत उनको प्रोसीक्यूट किया जा सकता है। एक मामूली आदमी यह काम करे तो वह तो जिन्दगी भर जेल से नहीं छुटकारा पा सकता। आप लोग नटवर लाल की बात करते हैं। नटवर लाल क्या है? इनमें से एक एक आदमी नटवर लाल का बाप है। नटवर लाल से भी ज्यादा ४२० में ये माहिर हैं। आप पता लगाइए और देखिए। हर एक आदमी के लिए कह सकते हैं कि वह इन्फोर्सेट है, मगर इस रिपोर्ट से जाहिर होता है कि एक एक बिजनेसमैन और एक एक बड़ी फर्म का यही रवैया है। यही इर्रगुलैरिटीज सब कर रहे हैं। उन्होंने खुल्लम खुल्ला कमीशन में इस बात को माना है कि यह कोई एक कम्पनी की बात नहीं है, सभी कम्पनियां इस तरह से कर रही हैं। तो फिर इसी एक कम्पनी को क्यों चुना गया और दूसरों को छोड़ दिया गया? जनता चिल्ला रही है कि टाटा के खिलाफ कार्रवाई कीजिये, बिड़ला के खिलाफ, सिंघानिया के खिलाफ यानी जुग्गीलाल कमलापति इंडस्ट्रीज

के खिलाफ कार्रवाई कीजिये। इसी तरह से ठेकरसे साब है। तो सबके मामलों को देखिए पूरी तरह गोथ्रू कीजिए और पता लगाइए। देखिए कि जनता के रुपये का क्या हो रहा है। किसी तरह से भी नाजायज तौर पर एक दो आदमियों के हाथ में सारी दौलत नहीं आनी चाहिए। हम तो कंट्री के अन्दर सोशलिज्म लाना चाहते हैं। हम चाहते हैं कि एकोनोमिक ताकत, आर्थिक शक्ति जो है वह चन्द आदमियों के हाथ में न रहे। इससे ज्यादा न कहते हुए; क्योंकि मेरा टाइम खत्म हो गया है, मैं दो चार उन बातों को जरूर कहूंगा, जोकि कमीशन ने कही हैं। मैं उनकी तरफ जरूर ध्यान दिलाऊंगा। ज्यादा नहीं कहूंगा सिर्फ उनको पढ़ दूंगा :—

oneys and assets of Companies in which the public had invested their monies were transferred to Dalmia-Jain concerns in the name of loans which were never repaid or realised but shown as realised by manipulating books of accounts or by falsely showing as having been realised or repaid by only book adjustments."

फिर उन्होंने कहा है : —

"Personal expenses of Shri Ram-krishna Dalmia were paid out of the funds of D.C.P.M. in the years 1948-49 and 1950-51 which totalled Rs 4,62,339 at a time when he was not a Director or an Officer of the said Company."

फिर आगे उन्होंने कहा है :—

"Lending of money to D.C.P.M. from various public limited companies in which Dalmia Jain group had control for the purpose of mis-appropriating the money so lent or for converting the same to the personal use of members of Dalmia-Jain concerns."

[Shri P. L. Kureel Urf Talib.J

Managing Agency Companies or Selling Agencies were incorporated with a condition that in case of breach of the terms of contract, compensation would be paid. The *modus operandi* was simple, e.g., a Managing Agency was incorporated with a condition that if such management terminated prematurely, then compensation would be paid in a lump sum for the possible earnings of the Managing Agency for the unexpired period. This is how money was drained out and misappropriated. The Commission has found that appointment of such Managing Agency was unnecessary and brought into existence for fraudulent purposes.

Shares purchased at high prices were sold at abnormally low rates and thereafter again repurchased at high prices. The difference was misappropriated."

बड़े सीरियस चार्ज हैं, इन पर आप  
गौर करें :—

"Conspiracy to commit cheating by falsely and dishonestly representing by manipulating the accounts that certain companies had not been earning profits thereby inducing shareholders to sell the shares at low prices and purchasing those shares and thereafter declaring dividends and selling those shares at high prices.

Manipulating and antedating records thereby inducing investors."

बहुत सी बातें हैं। मैं ज्यादा न कहते हुए यः  
दरखास्त करूंगा, इस हाउस के फ्लोर पर  
दरखवास्त करूंगा कि सिर्फ रामकृष्ण डाल-  
मिया के खिलाफ ही नहीं, बल्कि सब धाद-  
मियों के खिलाफ, जो पांचों पार्टनर्स हैं, इंकलू-  
डिंग शान्ति प्रसाद जैन, उनके खिलाफ मुक-  
दमा चलाया जाए, क्योंकि कांसप्रेसी में एक  
पार्टनर एक बात का जिम्मेदार है, तो इस  
बात के लिए सबकी जिम्मेदारी बराबर है  
और सब लोगों को प्रोसीक्यूट किया जाये।

जो बड़ी कम्पनीज़ हैं, उनको भी प्रोसीक्यूट  
किया जाये और एक परमानेंट  
मशीनरी बनाई जाए, जो कि इन सबको  
देखे।

इसी तरह से उड़ीसा के पटनायक साहब हैं।  
हमारे चीफ मिनिस्टर पंजाब के हैं। यू० पी०  
के हैं। इसी तरह से और कई सुबों में ऐसे लोग  
हैं। उनके खिलाफ जनता आपिननी कह रही  
है, चिल्ला चिल्ला कर का रही है, आपकी  
कांग्रेस पार्टी के आदमी का रहे हैं, मगर आपके  
कान पर जू तक नहीं रेंगती, आपको सुनाई  
नहीं देता। मे खबानी करके मुनिये अगर आप  
चाहते हैं कि देश के अन्दर सोशलिज्म जाए  
और चाते हैं कि आप जिन्दा रहें।]

श्री मन्मोहन प्रसाद शुक्ल (उत्तर प्रदेश) :  
उपसभापति महोदया, सबसे पहले मैं भी  
अपना यह कर्तव्य समझता हूँ कि कमीशन को  
उनके इस कठिन काम को सम्पन्न करने के लिए  
धन्यवाद दूँ। धन्यवाद इसलिये ही नहीं देना  
चाहता हूँ कि उन्होंने अनेक कठिनाइयों के  
बावजूद भी, बड़ी अड़चनों के बावजूद भी,  
बड़े परिश्रम से एक मुश्किल काम को किया  
है, बल्कि इसलिये भी धन्यवाद देता हूँ कि  
उनके काम से हमको अपने देश के समाज  
के ऐसे वर्ग की सही तस्वीर देखने का मौका  
मिलता है, जिसका समाज में एक विशिष्ट  
स्थान है। हमें यह सोचने का भी मौका  
मिलता है कि उस वर्ग के साथ हमारा क्या  
व्यवहार होना चाहिये।

माननीया, आज से लगभग ४० वर्ष  
पूर्व हमारे देश में, हमारे समाज में, इसी तरह  
से ताल्लुकेदारी और जमींदारी प्रथा की  
तस्वीर देखने को मिली थी। इससे पूर्व हमारे  
देश में राजाओं म राजाओं की प्रथा की तस्वीर  
देखने को मिली थी। इस कमीशन के  
द्वारा हमारे देश के समाज का एक बड़ा अंग  
जो प्राइवेट सेक्टर में लगा हुआ है जिसके हाथ  
में बड़े बड़े उद्योग हैं, उसके कारनामों को देखने  
से जो तस्वीर हमको मिलती है, वह हमको  
सोचने का मौका देती है कि हमारा और हमारे

समाज का आगे का, भविष्य का जो नक्शा हो, उसमें इसका क्या स्थान हो। हमने अपने समाज का लक्ष्य रखा है समाजवाद। हमको उस समाजवाद पर चलने के लिये अपनी गति को तेज करने का, अपनी दिशा को ठीक साधने का मौका इस रिपोर्ट से मिलता है। मैं इस दृष्टिकोण से इस रिपोर्ट को देखता हूँ, तो मैं यह समझता हूँ कि इसमें हमें यह भी देखने का मौका मिलता है कि मारा जो भारतीय दण्ड विधान है, हमारी जो दण्ड विधि संहिता है, उसमें क्या क्या खामियाँ हैं कि जो हम इस प्रकार के अपराधियों को दंडित नहीं कर सकते? हमारे कम्पनी ला में क्या दोष हैं, जिससे हम उनकी पकड़ नहीं कर सकते और क्या कारण है कि इस प्रकार सार्वजनिक हित के विरुद्ध यह उद्योगपति काम करते हैं? हमारे समाज में क्या खामियाँ रह गई हैं, जिसके कारण यह सब सम्भव होता है? इसलिये उप-समापति महोदया, मैं यह निवेदन करना चाहता हूँ कि हमें गम्भीरता से इस रिपोर्ट को दृष्टि में रखते हुए, अपने समाज के इस वर्ग के उन घृणित कारनामों को देखते हुए, अपराध से भरे हुए कारनामों और, हर प्रकार से, घृणा योग्य कारनामों का, जिनका उल्लेख इस रिपोर्ट में किया है, उनको देखकर हम कोई निश्चय करें। इस रिपोर्ट में केवल एक डालमिया जैन कन्सर्न्स से मतलब नहीं है, बल्कि हमारे देश के अन्य बड़े बड़े उद्योगों में लगे हुए व्यक्तियों को भी हम किस दृष्टिकोण से, किस कसौटी से देखें, इस बात का मौका हमको इस रिपोर्ट से मिलता है।

मैं यह निवेदन करना चाहता हूँ कि गवर्नमेंट इस रिपोर्ट को मद्देनजर रखते हुए पूरे तौर से, गम्भीरता से, संविधान को, कम्पनी ला को और साथ ही हमारी दण्ड विधि संहिता को, तीनों को मद्देनजर रखते हुए यह सोचे कि यदि हमारे समाज को और उद्योगपतियों को दोनों को जिन्दा रहना है, यदि हमें समाजवाद को जिस कदम से, जिस गति से हम चल रहे हैं, उसी दृष्टि से ले

जाना है, तो हम उनमें क्या संशोधन करें? इस दिशा में कुछ सुझाव हमारे माननीय सदस्यों ने दिए हैं, जैसे आडिट का नेशनलाइजेशन करने का। ये तो ऐसे कदम हैं, जो मैं समझता हूँ गवर्नमेंट को बिना सोचे हुए बहुत जल्द उठाने चाहियें। सोचना यह पड़ेगा कि जिस तरीके से पूंजी का दुरुपयोग किया जा रहा है, जिस प्रकार से धोखा धड़ी की जा रही है, जिस प्रकार से टैक्स का इवेजन किया जाता है, इस प्रकार की तमाम चीजें जो हो रही हैं और जो हमारी सरकार की पकड़ में नहीं आती; क्योंकि हिसाब-किताब में जाल है, तो इन सब बातों को दण्डनीय किस प्रकार दिया जाये। इसके लिये कानून में संशोधन लाना आवश्यक है।

हमारे विरोधी सदस्यों ने सबसे ज्यादा जोर भ्रष्टाचार की तरफ दिलाया जैसा कि वे प्रायः प्लेटफार्म स्पीच में दिया करते हैं। यदि भ्रष्टाचार को किसी सरकारी कानून से रोका जा सकता तो आज संसार में भ्रष्टाचार का शब्द ही शब्दकोष में नहीं होता। फिर भी कानून के द्वारा इस बात की कोशिश होती रहती है। लेकिन कानून की रचना करने से भी हालत यह होती है कि जो भी कानून आप बनाइये, कानून से बचने वाला उसका रास्ता निकलता ही रहता है, यह दूसरी बात है कि कभी एक सिराजुद्दीन जैसा केस देखने को मिल गया। मैं यह कहना चाहता हूँ कि ऐसी कोई पार्टी हमारे देश में नहीं है और शायद संसार के किसी देश में नहीं होगी, जो कम्पनियों से और व्यक्तियों से चंदा ले कर अपने राजनीतिक उद्देश्यों की पूर्ति में न लगाती हो। माननीय सदस्य जो इस बात की कोशिश करते हैं, जोर शोर से चिल्ला चिल्ला कर कहते हैं, खुद उनकी पार्टी द्वारा लिये हुए चंदों को ही देखा जाय। मैं जानता हूँ, समाजवाद के नेता डा० राम मनोहर लोहिया, जो फर्रुखाबाद से चुनाव लड़ कर आये हैं, क्या उन्होंने कहीं से चंदा ले कर चुनाव नहीं लड़ा। मैं कोई उनका हिसाब किताब रखने वाला नहीं हूँ लेकिन जिस

[श्री महावीर प्रसाद शुक्ल]

प्रकार के लांछन उनके ऊपर लगाए गए हैं, हमारे दोस्तों ने लांछन लगाए हैं, उन के आघार पर और अपनी जानकारी से मैं कह सकता हूँ कि हमारे समाजवादी पार्टी के नेताको उतना रुपया इलेक्शन में खर्च करना वांछनीय नहीं है, बल्कि मैं कहता हूँ, उनके लिये जघन्य काम है, उतना उन्होंने खर्च किया और वह आदमी कभी समाजवाद की तरफ कदम नहीं उठा सकता, जो बिना सरकार में प्रवेश किये ही लाखों रुपये पूंजीपतियों से ले सकता है। वह सरकार में आने पर न जाने कितने लाख रुपये उन्हीं पूंजीपतियों से ले सकता है, यह उसका नमूना पेश करता है। मैं और पार्टियों के बारे में भी यह बात कह सकता हूँ, लेकिन मैं यहां वह सब कहने के लिये उपयुक्त जगह नहीं समझता हूँ; क्योंकि मैं प्लेटफार्म पर नहीं बोल रहा हूँ। मैं उन सुझावों को इस सदन में रखना चाहता हूँ, जिनसे सरकार इस रिपोर्ट से फायदा उठाए, जिससे समाज का हित हो और हमारे समाज के पैसे का जो दुरुपयोग किया जाता है, वह न हो सके और समाज का अपराधी उसी प्रकार का अपराधी माना जाये, जैसे कोई गिरहकट होता है, चोर होता है, डकैत होता है। बड़े बड़े राजमहलों में रहने वाला, एयरकंडीशंड घरों में रहने वाला हवाई जहाज में सफर करने वाला, जो डाकू और चोर हमारे समाज में विद्यमान है, उसकी तरफ सरकार ध्यान दे, अपराध करने पर कानून से उसकी पकड़ हो सके, ऐसी चेष्टा हमें करनी चाहिये और इसके लिये सरकार को व्यवस्था करनी चाहिये। यदि सरकार इसमें ढील करेगी, तो यह देशहित में नहीं होगा।

हमारे अपोजीशन वालों की तरफ से सरकारी कर्मचारियों द्वारा धूस और रिश्वत लेने की बात कही जाती है। तो जहां ऐसी बात पाई जाती है, वहां हमारी सरकार उनको दंड देती है। यह कहना कि सरकारी कर्मचारी रिश्वत लेते रहते हैं, तो मैं यह पूछना चाहता हूँ कि ये सरकारी कर्मचारी कहां से आए हैं? अगर सरकारी कर्मचारियों की गणना की

जाये तो कितने ऐसे निकलेंगे, जो हमारे विरोधी दल के सदस्यों के, चाहे वे समाजवादी पार्टी के हों, चाहे कम्युनिस्ट पार्टी के हों, उनके भाईबन्द होंगे, उन की कमाई का पैसा उन के बच्चों की पढ़ाई में खर्च होता है। इसलिये यहां प्लेटफार्म पर कह देना तो बहुत आसान होता है, लेकिन भाई हमारा अगर चोर है तो वह समाज का दुश्मन है। किस तरह से हम चोर को चैक कर सकते हैं, किस तरह से पकड़ सकते हैं, किस तरह से दंडित कर सकते हैं, इसका उपाय हमें जरूर करना चाहिये।

अन्त में मैं सरकार को धन्यवाद देता हूँ कि सरकार ने एक कमीशन जो बैठाया, उसने एक तस्वीर हमारे सामने रख दी। अब मेरा सुझाव है कि एक और कमीशन समझदार लोगों का जरूर बनना चाहिये जो उन तमाम बुराइयों को मद्देनजर रखते हुए कोई उपाय निकाले, जिससे ये सब चीजें दूर हो सकें।

شری عبدالغنی (پنجاب) : مقدم

قیدی چور میں - اس میں میرا  
قصور نہیں ہے جتنا کہتی ہیں اتنا  
ہی کہتا ہوں -

ارجن اورزا صاحب کی اور شکلا  
صاحب کی اور طالب صاحب کی  
تقریر سننے کے بعد یہ اتنی ہولناک  
رپورٹ معلوم ہوئی ہے جو الزاموں سے  
بھری ہوئی ہے - سرکار کو نکمی ماننے  
میں اب مجھے قطعی کوئی شک  
نہیں رہا یعنی ایسی نالائق سرکار جو  
اتنے بڑے گناہ کو اتنے سال تک چھپائے  
رکھے اور اس کو لٹکائے رکھے اس سرکار کو  
سرکار بلے دے کا حق نہیں ہے - اس کا  
فیصلہ وہ خود کریگی کہ وہ کتنی نکمی  
سرکار - اب وہ منکر منکر کے آنسو

بہانے کے لئے اس ہاؤس میں اس رپورٹ کو لائی ہے۔ میڈم میں مانتا ہوں کہ یہ رپورٹ بڑی ہی اہم ہے اور اس میں قالمیا جی کا بھی نام آیا اور طالب صاحب نے کہا کہ انڈر ایک نے بھی قصور دیا ہے تو بھی پانچ کو پھانسی پر لٹکایا جائے تو پھر تو دہش میں نیٹا چیمسی بڑھتی ہوئی - کیوں کہ اس رپورٹ کو سدن میں نہیں لایا گیا نہ یہاں نہ لوک سبھا میں اس میں مجرم کتھے ہیں وہ سرکار ہی جانے - وہ اس رپورٹ کو لائے یا نہ لائے لیکن انڈر کرشنا مہلن کو مجرم قرار دیا گیا تو اس کے لئے ساری کیپیٹل کو مجرم قرار دینا چاہئے اور ساری کیپیٹل کو ریوٹن کرنا چاہئے اس نازک مسئلہ پر بڑا مشکل ہوتا ہے کہ اس پر نکتہ چینی نہ ہو اور آپ اوپر قابو پانے کی کوشش بھی کی جائے تو بھی اس کی امید کرنا بڑا مشکل ہو جاتا ہے کہ حق کی بات نہ کہی جائے -

میڈم ڈپٹی چیئر مین - میں نے وہ خط دیکھا جو ڈپٹی سیکرٹری فناننس کو لکھا تھا اس کے پیرا گراف 9 میں 10 میں 17 میں 18 میں اور 20 میں یہ اقرار کیا گیا کہ یہ کیس چلنے والا نہیں ہے - بغیر گواہی کے اس میں سزا ہونے والی نہیں ہے - کرمیل چارجز کو ثابت کرنا بڑا مشکل ہے لیکن پھر بھی سوڈر کی یہ خواہش ہے کہ اس کمیشن کو نکالا جائے -

بڑی خوشی ہوتی ہے کہ کسی پر نگاہ کی جائے - اے کا ان کو بھی سمجھ ہوتی ہے وہ بولا صاحب کی طرح ایڈی شوکر ملوں کی کاربن پلڈت جی کے الیکشن میں بھیلک دیتے تو شاید ان کے ساتھ ایسا ہوتا نہ ہوتا -

श्री विमलकुमार मन्नालालजी धौरडिया :  
(उत्तरप्रदेश): यह तो घर की बात है ।

شری عبدالغنی : گھر کی بات کیا کہوں میڈم ڈپٹی چیئر مین - ایڈی آنکھ کا شہتیر نظر نہیں آتا دوسرے کی آنکھ کا تیر نظر آتا ہے کون نہیں چاہتا کہ آنند بھون کو جو ہاؤس ٹیکس دیتا ہے اس سے کہیں کم دیا گیا ہے اس کی لاکھوں روپہہ کی رقم بلتی ہے اگر اس کو جائز طور پر لیا جائے -

SHRI M. P. SHUKLA; What relation has it got with this Report?

SHRI P. N. SAPRU (Uttar Pradesh) : On a point of order, Madam, I very strongly object to the remarks of a gratuitous and insulting character made by the speaker about the Anand Bhavan.

THE DEPUTY CHAIRMAN: Yes, Mr. Ghani, you had better be relevant.

شری عبدالغنی : میں تبھی تو کہتا ہوں کہ میرے اندر سننے کی شکتی ہے لیکن ان کے اندر سننے کی شکتی نہیں ہے -

THE DEPUTY CHAIRMAN: You come to the Report.

شری عبدالغنی : میں رپورٹ کے بارے میں کہہ رہا ہوں اس میں بتایا گیا ہے کہ بڑے بڑے پاپ ہوئے ہیں ایسے ہوا ہے اور پبلک فنڈ کا نا جائز طور سے خرچ کیا گیا ہے -

SHRI N. KANUNGO : I submit for your kind consideration that those offensive and insulting remarks, it is within your power to incorporate them in the proceedings or not. I would submit that you may . . .

THE DEPUTY CHAIRMAN: I am listening to his remarks. Yes, Mr. Ghani, come to the Report.

شری عبدالغنی : میڈم قیٹی چور میں - رپورٹ میں صرف یہ دیا ہوا ہے کہ انہوں نے پبلک فنڈ کا نا جائز طور پر خرچ کیا ہے اور انہوں نے لاکھوں روپیہ ادھوا دیا - یہی باتیں اس میں آتی ہیں اور اس میں کیا آتی ہے پبلک فنڈ کے ساتھ انبیائے کیا کیا برس کمیشن کی رپورٹ میں کئی جگہ بتایا گیا ہے کہ اس کا جرم ہے اور اس کا جرم نہیں ہے - (Interruption) میڈم قیٹی چور میں - میں یہ کہتا ہوں کہ یہ گورنمنٹ کی زیادتی ہے کہ وہ ہاؤس کے سامنے اس رپورٹ کو رکھنے کی ضرورت نہیں سمجھتی جس میں یہ گورنمنٹ ننگی اوتی ہے اس کے معنی میں یہ سمجھتا ہوں کہ جہاں ان کا دل چاہتا ہے وہاں وہ اس رپورٹ کو چھاپ دیتے ہیں جتنا راجہ تھو پرچا - میں یہ کہہ رہا تھا

کہ آخر ایک پرائیویٹ کمپنوں پر ہم نے توجہ دی تو کیا پبلک کمپنوں کی طرف بھی ان کی توجہ جائے گی کہ اس میں کتنی بے ایمانی ہو رہی ہے اور کتنا اس میں نا جائز خرچہ ہو رہا ہے - میڈم قیٹی چور میں - میں یہاں اس ہاؤس میں بار بار کہتا ہوں کہ پلاننگ میں کئی آئیٹموں پر کروڑوں روپیہ برپا کیا جا رہا ہے لیکن اس کا کوئی پوچھنے والا نہیں ہے اور کروڑوں روپیہ خرچ کرنے کے بعد کو چھوڑ دیا گیا ہے - میں کہتا ہوں کہ ہوس کمیشن کی رپورٹ کو بنانے میں ہوس صاحب اور ان کے ساتھیوں کی جتنی تعریف کی جائے اتنی کم ہے - اس کو بنانے میں انہوں نے بہت مدد کی - لیکن یہ ہوس کمیشن کی جو رپورٹ ہے یہ کسی جج کا فیصلہ نہیں ہے نہ کسی سیشن جج کا فیصلہ ہے - نہ کسی ہائی کورٹ نے فیصلہ کیا ہے نہ کسی سپریم کورٹ نے فیصلہ کیا ہے کہ ہوس کو چاہیں وہ پھانسی پر لٹکا دیں کیونکہ اگر آپ ملک کا بھلا کرنا چاہتے ہیں تو اس کے سامنے کلکتا ٹیویس اسٹیڈ کا بھی کیس جانا چاہئے ان کے سامنے کلکتا انڈسٹریز کا بھی معاملہ جانا چاہئے - اس کے سامنے کلکتا ایجنسیز کا بھی کیس جانا چاہئے جنہوں نے کروڑوں روپیہ پبلک کا لوٹا ہے - اس میں چیف منسٹر

صاحب کی بیگم صاحبہ ہیں اور کسی  
میں ہمارے منسٹروں کی بیگم صاحبہ  
اس کی چہرہ میں ہیں - آپ ان باتوں  
کو کہوں سامنے نہیں لاتے اور کہوں یہ  
باتیں سامنے نہیں آئیں اس لئے کہ  
جہاں ان کا دل چاہتا ہے ویسے ہی  
وہ رپورٹ سامنے لاتے ہیں تو داس  
رپورٹ کو ہمارے پرائم منسٹر صاحب  
کہوں نہیں لاتے - میں نے پرائم منسٹر  
صاحب کے بارے میں کچھ کہا تو  
سہرو صاحب خفا ہو گئے - میں نے  
پرائم منسٹر کی شان میں کوئی  
بات نہیں کہی - میں نے اتنا ہی کہا  
تھا کہ آئندہ بیرون کا جو ٹیکس ہے وہ  
بہت کم لیا جاتا ہے جتنا کہ لیا جانا  
چاہئے اس میں میں نے کوئی  
توہین کی بات نہیں کہی تو میں  
کہہ رہا تھا کہ آپ واقعی ان ترقیوں  
کو جو بوس کمیشن کی رپورٹ میں  
ہیں ان کو دیر کرنا چاہتے ہیں تو  
پہلے اپنے آپ سوچو لو میں یہ اس  
لئے کہتا ہوں کہ بہت سے لوگ  
ایسے ہیں جن کی طرف لاکھوں  
روپیہ ف سیل ٹیکس کا ہی ہے  
اور خطرہ اس بات کا ہے کہ وہ سب  
چلا جائے گا اور لاکھوں روپیہ انکم  
ٹیکس کا ہگا - پنجاب میں جو  
فارگو اور ڈاچ کے ایجنسی والے ہیں  
میں یہاں پر نام نہیں لیتا کہ کس  
کے بیٹے ہیں نہ معلوم ان کے اوپر  
کتنا سیل ٹیکس ہے اور کتنا انکم  
ٹیکس ہے -

श्री बिमलकुमार भगनालालजी चौधरिया :

बड़े बाप का नालायक बेटा भी हो सकता है।

شری عبدالغنی : چیف منسٹر

کا بیٹا یعنی بڑے باپ کا بڑا بیٹا  
ہوتا ہے - میٹم ڈپٹی چیف منسٹر  
سہرو صاحبہ میں ایک ڈکومنٹ ہے اس  
پر ایم - پیڈ کے دستخط ہیں اس پر  
ایم ایلیز کے دستخط ہیں اس میں  
اپوزیشن پارٹیز کے لیڈروں کے دستخط  
ہیں یہ ڈکومنٹ راشٹری کو دیا  
گیا ہے - جس میں الزام لکھا گیا ہے  
کہ اس حکومت کے تلے نہرو یگ میں  
جو چیف منسٹر ہیں وہ بڑا باپ  
کرتے ہیں کئی بے ایمان ہیں کروڑوں  
روپیہ کی بے ایمانی کرتے ہیں - اگر آپ  
جات دیں تو اس ڈکومنٹ کو ٹیبل  
پر رکھ دوں تاکہ جواب دینے والے بتا  
سکیں اور ارور صاحب طالب صاحب  
شکلا صاحب یہ بتا سکیں کہ سرکار آج  
کیا کرنے جا رہی ہے - کس طرح سے  
دونوں ہاتھوں سے اس کے کاربہ کرنا اور  
ووٹر جلتا کو لپٹ رہے ہیں - اگر ایک  
جرم کرتا ہے تو طالب صاحب کہتے  
ہیں کہ پھانسی دے دو سب کو لیکن  
میں یہ کہتا ہوں کہ اگر آپ داس  
کمیشن کی رپورٹ کو سامنے رکھیں گے  
تو پتہ چلیگا کہ ہمارے ملک میں کتنے  
سراج الدین موجود ہیں - میں کہتا  
ہوں کہ یہاں دسہیں سراج الدین ہیں -

[ شری عبدالغنی ]

(Interruption) تو یہاں تو صرف سراج الدین کا چراغ ہے تو اس دین کا خدا ہی حافظ ہے۔ یہ بات نہیں ہے یہاں بروہی انشورنٹس اور ایشیٹک انشورنٹس کمپنیاں ہیں بڑا صاحب کل اور ٹاٹا صاحب کی نہ جانے کیا چیزیں ہیں جن کے بارے میں ابھی ٹک کچھ پتہ نہیں ہے۔ واپس صاحب بھی آئے اور وہ بھی شاستری اور بروہی صاحب پر برس پڑے کہ دونوں کہتے ہیں بغیر کسی اویڈنس کے ہم کسی کو پھانسی دینے والے نہیں ہیں۔ میں بڑے ادب سے عرض کرنا چاہتا ہوں کہ وہ پہلے اپنے سینے پر چھاتی ہیں نظر ماریں چاند پر تھوکلے سے کیا ہوتا ہے۔ (Interruption) جانا ہے کہ لوہیا صاحب نے لاکھوں روپیہ الیکشن میں خرچ کر دیا۔ سرمایہ داروں سے لیکر۔ میں کہتا ہوں کہ لاکھوں نہیں خرچ کئے یہ تو چاند پر تھوکلے کی بات ہے۔ لوہیا صاحب کی الیکشن میں جلتا تھی اور وہیں سے طوفان اٹھا اور آندھی چلی اور وہ آندھی بہ تھی کہ جو نامی سرکار کے ذمہ دار لوگ منسٹریوں میں بیٹھ کر اسٹیٹ سرکاروں میں بیٹھ کر جو ایسے پڑیں گے ذریعہ کرداروں کو روپیہ ہڈا کر رہے ہیں اپنے رشتہ داروں کے لئے کرتے ہیں ہم ان

کو روٹ نہیں دیں گے۔ میڈم ڈپٹی چیئرمین۔ میں ادب سے کہتا ہوں کہ دفتری اور شاستری کی بات کو یونہی ہلکا مان کر نہٹانے کی کوشش نہ کریں۔ کیونکہ اگر دفتری اور شاستری بے ایمان ہیں طالب صاحب کے کہنے کے مطابق ڈالہا جین اور کئی جیلوں کے ہاتھوں میں ہیں تو مجھے قرعہ کہ ہرز ایلڈ کمپنی کے اندر دیکھیں گے تو بڑے بڑے منسٹروں کے بیٹے نظر آئیں گے۔ بولا ایجنسی میں ہمارے کانٹے لال تھسائی نظر آئیں گے اور کئی بڑے بڑے ہیں جن کا لاکھوں روپیہ سے سوا ہوتا ہے۔ آپ کو بڑے بڑے کلسرنس میں وزیروں کے رشتہ دار نظر آئیں گے تو میڈم ڈپٹی چیئرمین آپ کو اس بات کو سوچنا چاہئے اور اس بات کی ہمت کرنی چاہئے کہ ہمارے دیس کا کس طرح سے بھلا ہو۔ بھلا بچی ہوگا جب میں اپنی برائی کو دیکھوں اور سرکار اپنی برائی کو دیکھے تو مجھے اجازت دیں کہ یہ جو ڈاکومنٹ میں ان کو ٹیبل پر رکھوں۔ اجازت ہے۔؟

THE DEPUTY CHAIRMAN: Have you finished? Mr. M. C. Shah; please be brief. There is one more speaker after you.

شری عبدالغنی: کیا اس

ڈاکومنٹ کے ٹیبل پر رکھنے کی اجازت ہے۔؟

SHRI N. KANUNGO: Madam, what relevance has this paper got?

THE DEPUTY CHAIRMAN: You have not read out from there. I do not think you can lay it on the Table of the House.

شہری عبدالغنی : میڈم میں یہ  
چاہتا تھا کہ یہ ذرا اپنی کثوت  
دیکھ لیں -

†[श्री अब्दुल गनी (पंजाब) : मैडम डिप्टी चेयरमैन, इसमें पेरा कसूर नहीं है; जितना कहती हैं उतना ही कहता हूं। अर्जुन अरोड़ा साहब की और शुक्ला साहब की और तालिब साहब की तकरीर को सुनने के बाद यह इतनी हौलनाक रिपोर्ट मालूम होती है जो इल्जामों से भरी हुई है। सरकार को निकम्मी मानने में अब मुझे कतई कोई शक नहीं रहा। यानी ऐसी नालायक सरकार, जो इतने बड़े गुनाह को इतने साल तक छुपाये रखे और उसको लटकाये रखे, उस सरकार को सरकार बने रहने का हक नहीं है। इसका फैसला वह खुद करेगी कि वह कितनी निकम्मी सरकार है। अब वह मगरमच्छ के आंसू बाने के लिये इस आंसू में इस रिपोर्ट को लाई है। मैडम, मैं मानता हूं कि यह रिपोर्ट बड़ी ही अहम है और इसमें डालमिया जी का भी नाम आया और तालिब साहब ने कहा कि अगर एक ने भी कसूर किया है तो भी पांच को फांसी पर लटकाया जाये, तो फिर तो देश में नेफा जैसी ट्रेंजेडी होगी क्योंकि इस रिपोर्ट को सदन में नहीं लाया गया, न यहाँ लोक सभा में। इसमें मुजरिम कितने हैं, वह सरकार ही जाने। व इस रिपोर्ट को लाये या न लाये, लेकिन अगर कृष्णमेनन को मुजरिम करार दिया गया तो उसके लिये सारी कैबिनेट को मुजरिम करार देना चाहिये और सारी कैबिनेट को रिजाइन करना चाहिये। इस नाजुक मसले पर बड़ा मुश्किल होता है कि इस पर नुक्ताचीनी न हो और अपने पर काबू पाने की कोशिश भी की जाये तो भी

इस की उम्मीद करना बड़ा मुश्किल हो जाता है कि हक बात न करी जाये।

मैडम डिप्टी चेयरमैन, मैंने वह खत देखा जो डिप्टी सेक्रेटरी फाइन्स को लिखा था। उसके पैराग्राफ ६ में, १० में, १७ में १८ में और २० में यह इकरार किया गया कि यह केस चलने वाला नहीं है। बगैर गवाही के इसमें सजा होने वाली नहीं है। क्रिमिनल चार्ज को साबित करना बड़ा मुश्किल है लेकिन फिर भी सरकार की यह इच्छा है कि इस कन्सन को नंगा किया जाये। बड़ी खुशी होती है कि किसी पर निगा की जाये। यह काश, इन को भी समझ होती कि व बिड़ला साहब की तरफ अपनी सुगर मिलों की कारें पंडित जी के इलेक्शन में फेंक देते तो शायद उनके साथ ऐसा बर्ताव न होता।

श्री बिसलकुमार मन्नालालजी चौरड़िया  
(मध्य प्रदेश) : यह तो घर की बात है।

श्री अब्दुल गनी : घर की बात क्या कहूं, मैडम डिप्टी चेयरमैन, अपनी आंख का शहतीर नज़र नहीं आता, दूसरे की आंख का तीर नज़र आता है। कौन नहीं जानता कि आनन्द भवन को जो हाउस टैक्स देना है उससे कम दिया गया है। उसकी लाखों रुपये की रकम बनती है अगर उसको जायज़ तौर पर लिया जाये।

SHRI M. P. SHUKLA; What relation has it got with this Report?

SHRI P. N. SAPRU (Uttar Pradesh) : On a point of order Madam, I very strongly object to the remarks of a gratuitous and insulting character made by the speaker about the Anand Bhavan.

THE DEPUTY CHAIRMAN; Yes, Mr. Ghani, you had better be relevant.

श्री अब्दुल गनी : मैं तभी तो कहता हूँ कि मेरे अन्दर सुनने की शक्ति है, लेकिन उनके अन्दर सुनने की शक्ति नहीं है।

THE DEPUTY CHAIRMAN: You come to the Report.

श्री अब्दुल गनी : मैं रिपोर्ट के बारे में कह रहा हूँ। इसमें बतलाया गया है कि बड़े बड़े पाप हुए हैं, अन्याय हुआ है और पब्लिक फंड को नाजायज तौर से खर्च किया गया है।

SHRI N. KANUNGO: I submit for your kind consideration that those offensive and insulting remarks, it is within your power to incorporate them in the proceedings or not. I would submit that you may . . .

THE DEPUTY CHAIRMAN: I am listening to his remarks. Yes, Mr. Ghani, come to the Report.

श्री अब्दुल गनी : मैडम डिप्टी चेयरमैन, रिपोर्ट में सिर्फ य दिया हुआ है कि उन्होंने पब्लिक फंड का नाजायज तौर पर खर्च किया है और उन्होंने लाखों रुपया इधर उधर कर दिया। यही बातें इसमें आती हैं और इस में क्या आती हैं? पब्लिक फंड के साथ अन्याय किया गया। बोस कमीशन की रिपोर्ट में कई जग बतलाया गया है कि इस का जुर्म है और इसका जुर्म नहीं है।

(Interruption)

मैडम डिप्टी चेयरमैन, मैं यह कहता हूँ कि यह गवर्नमेण्ट की ज्यादाती है कि वह उस के सामने इस रिपोर्ट को रखने की जरूरत नहीं समझती जिसमें यह गवर्नमेण्ट गंगी होती है। इसके माने मैं यह समझता हूँ कि जहाँ उनका दिल चाहता है वहाँ वह उस रिपोर्ट को छाप देते हैं 'यथा राजा तथा प्रजा'। मैं यह कह रहा था कि आखिर एक प्राइवेट कन्सर्न पर मने तबज्जो दी तो क्या पब्लिक कन्सर्न की तरफ भी उनकी तबज्जो जायेगी कि इसमें कितनी बेईमानी हो रही है और

कितना इसमें नाजायज खर्चा हो रहा है? मैडम डिप्टी चेयरमैन, मैं यहां इस हाउस में बार बार कहता हूँ कि प्लानिंग में कई ग्राइंटों पर करोड़ों रुपया बरबाद किया जा रहा है, लेकिन इसका कोई पूछने वाला नहीं है और करोड़ों रुपया खर्च करने के बाद इसको छोड़ दिया गया है। मैं कहता हूँ कि बोस कमीशन की रिपोर्ट को बनाने में बोस साहब और उनके साथियों की जितनी तारीफ की जाये, उतनी कम है। इसको बनाने में उन्होंने बहुत मदद की। लेकिन यह बोस कमीशन की जो रिपोर्ट है वह किसी जज का फैसला नहीं है, न किसी सेशन जज का फैसला है, न किसी आई कोर्ट ने फैसला किया है, न किसी सुप्रीम कोर्ट ने फैसला किया है कि जिसको चाहें वह फांसी पर लटका दें। क्योंकि अगर आप मुल्क का भला चाहते हैं तो उसके सामने कलिंगा ट्यूब्स लिमिटेड का भी केस जाना चाहिये। उनके सामने कलिंगा इंडस्ट्रीज का भी मामला जाना चाहिये। उसके सामने कलिंगा एजेन्सीज का भी केस जाना चाहिये जिन्होंने करोड़ों रुपया पब्लिक का लूटा है। उसमें चीफ मिनिस्टर साहब की बेगम साहिबा हैं और किसी में भारे मिनिस्टरों की बेगम साहिबा उसकी चेयरमैन हैं। आप इन बातों को क्यों सामने नहीं लाते और क्यों ये बातें सामने नहीं आतीं, इसलिये कि जहाँ उनका दिल चाहे ताई वैसे ही वह रिपोर्ट सामने लाते हैं तो दास रिपोर्ट को हमारे प्राइम मिनिस्टर साहब क्यों नहीं लाते? मैंने प्राइम मिनिस्टर साहब के बारे में कुछ कहा तो सप्रू साहब खफा हो गये। मैंने प्राइम मिनिस्टर की शान में कोई बात नहीं कही। मैंने इतना ही कहा था कि आनन्द भवन का जो टैक्स है वह बहुत कम लिया जाता है जितना कि लिया जाना चाहिये। उसमें मैंने कोई तौहीन की बात नहीं कही। तो मैं कह रहा था कि आप बाकई इन वृत्तियों को, जो बोस कमीशन की रिपोर्ट में हैं, उनको दूर करना चाहते हैं तो पहले अपने आप सूझ लो। मैं यह इसलिये कहता हूँ कि बहुत से लोग ऐसे हैं जिनकी तरफ

लाखों रुपया सिर्फ सेल टैक्स का ही है और खतरा इस बात का है कि वह सब चला जायेगा और लाखों रुपया इन्कम टैक्स का होगा। पंजाब में जो फार्गो और डोज के एजेन्सी वाले हैं—मैं यहां पर नाम नहीं लेता कि किसके बेटे हैं—न मालूम उनके ऊपर कितना सेल टैक्स है और कितना इन्कम-टैक्स है।

श्री विमलकुमार मन्नालालजी चौरड़िया : बड़े बाप का नालायक बेटा भी हो सकता है।

श्री अब्दुल सनी : चीफ मिनिस्टर का बेटा याने बड़े बाप का बड़ा बेटा होता है। मैडम डिप्टी चेयरमैन, मेरे हाथ में एक डाकुमेंट है। इस पर एम० पीज० के दस्तखत हैं उस पर एम० एल० ए० के दस्तखत हैं, इसमें अपोजीशन पार्टीज के लीडरों के दस्तखत हैं। यह डाकुमेंट राष्ट्रपति को दिया गया है जिसमें इल्जाम लगाया गया है कि इस हुकूमत के तले नेहरू युग में जो चीफ मिनिस्टर हैं वह बड़ा पाप करते हैं। कई बेईमान हैं, करोड़ों रुपयों की बेईमानी करते हैं। अगर आप इजाजत दें तो इस डाकुमेंट को टेबल पर रख दूं ताकि जवाब देने वाले बता सकें और अरोड़ा साहब, तालिब साहब, शुक्ला साहब यह बता सकें कि आज सरकार क्या करने जा रही है। किस तरह से दोनों पार्थों से इसके कार्यकर्ता और वजीर जनता को लूट रहे हैं। अगर एक जुर्म करता है तो तालिब साहब कहते हैं कि फांसी दे दो सब को। लेकिन मैं यह कहता हूं कि अगर आप दास कमिशन की रिपोर्ट को सामने रखेंगे तो पता चलेगा कि मारे मुल्क में कितने सिराजुद्दीन मौजूद हैं। मैं कहता हूं कि यहां दसियों सिराजुद्दीन हैं। (Interruption) तो वहां तो सिर्फ सिराजुद्दीन का चिराग है, तो इस दीन का खुदा ही हाफिज है। यह बात नहीं है। यह रूबी इन्श्योरेंस और एशियाटिक कम्पनियां हैं बिड़ला साहब की और टाटा साहब की। न जाने क्या क्या चीजें हैं जिनके बारे में अभी तक कुछ पता नहीं है। वाडिया साहब भी आये और व भी शास्त्री

और दपतरी साहब पर बरस पड़े कि दोनों कहते हैं बगैर किसी एविडेन्स के हम किसी को फांसी देने वाले नहीं हैं। मैं बड़े अदब से अज्र करना चाहता हूं कि वह पहले अपने सीने या छाती पर नजर मार, चांद पर धूकने से क्या होता है। (Interruption) कहा जाता है कि लोफिया साहब ने लाखों रुपया इलैक्शन में खर्च कर दिया सरमायादारों से लेकर। मैं कहता हूं कि लाखों नहीं खर्च किये, यह तो चांद पर धूकने की बात है। लोफिया साहब के इलैक्शन में जनता थी और वहीं से लुफान उठा और आंधी चली और वह आंधी य थी कि जो निकम्मी सरकार के जिम्मेदार लोग मिनिस्टिरियों में बैठ कर, स्टेट सरकारों में बैठ कर जो अपने पापों के जरिये करोड़ों रुपया पैदा कर रहे हैं, अपने रिश्तेदारों के लिये करते हैं, हम उनको वोट नहीं देंगे। मैडम डिप्टी चेयरमैन, मैं अदब से कहता हूं कि दपतरी और शास्त्री की बात को यों ही लोका मान कर निपटाने की कोशिश न करें; क्योंकि अगर दपतरी और शास्त्री बेईमान हैं, तालिब साहब के कहने के मुताबिक डालमिया जैन और कई जैनों के पार्थों में हैं तो मुझे डर है कि बर्ड एण्ड कम्पनी के अन्दर देखेंगे तो बड़े बड़े मिनिस्टरों के बेटे नजर आयेंगे। बिड़ला एजेंसी में मारे कान्तिलाल देसाई नजर आयेंगे और कई बड़े बड़े हैं जिनका लाखों रुपयों से सवाल होता है। आप को बड़े बड़े कन्सन्स में वजीरों के रिश्तेदार नजर आयेंगे। तो मैडम डिप्टी चेयरमैन, आपको इस बात को सोचना चाहिए कि मारे देश का किस तरह से भला हो। भला तभी होगा जब मैं अपनी बुराई को देखूं और सरकार अपनी बुराई को देखे। तो, मुझे इजाजत दे कि ये जो डाकुमेंट हैं उनको टेबल पर रखूं। इजाजत है?

THE DEPUTY CHAIRMAN: Have you finished? Mr. M. C. Shah; please be brief.

There is one more speaker after you.

श्री अब्दुल गनी : क्या इस डाकुमेंट को  
टेबल पर रखने की इजाजत है ?

SHRI N. KANUNGO: Madam, what  
relevance has this paper got?

THE DEPUTY CHAIRMAN: You have not  
read out from there. I do not think you can lay  
it on the Table of the House.

श्री अब्दुल गनी : मैडम, मैं यह चाहता  
था कि ये जरा अपनी करतूत देख लें ।

SHRI M. C. SHAH (Gujarat): Madam  
Deputy Chairman, at the outset I would like to  
pay my compliments to the Bose Commission  
for producing a very valuable Report. I would  
say that the Report is revealing inasmuch as it  
reveals the defects and the loopholes in the  
administration of the Company Law. It also  
reveals the depth to which a business house, if  
it likes to go, will reach in getting undue and  
illegitimate advantage and profits. As we all  
know, for the development of our national  
economy, we have accepted both the private  
and public sectors to play their part. It is also  
well known that the private sector has done  
magnificent work in the development of our  
economy and it will not be proper to tarnish  
the private sector as such because we find  
some blacksheep in that sector. I would,  
however, suggest that it is up to the stalwarts  
of the private sector to use their good  
influence to see that such occurrences do not  
appear in future. Otherwise, the private sector  
has a very dark future. I would also say that  
the public sector also requires some  
improvement and it will be proper for us to see  
that both the sectors, private as well as public,  
play their proper role in the development of  
our economy. From the Report it appears that  
there is a trial of wits between the  
administration, that is the Company Law  
Administration, and the bigwigs of the big  
business houses. The Company Law was  
amended

twice, once in 1956 and then in 1960 and yet  
we find from the Report that undue advantage  
has been taken by various business houses.

SHRI BABUBHAI M. CHINAI  
(Maharashtra): This was before 1956.

SHRI M. C. SHAH: As long as it is  
permissible under the law to take any  
advantage, we cannot grudge it. But We must  
learn from experience and we should try to see  
that the Act is amended in as efficient a  
manner as possible so that such occurrences do  
not appear in future. (*Interruption*). This Act  
requires to be amended. Our friend, Shri  
Khandubhai Desai, made several suggestions  
for incorporation in the amendment coming  
next Under the present Act these companies  
are audited by private auditors. I would suggest  
that in the new Act private auditing should be  
done away with because we know that the  
auditors are paid by them. Auditors have to  
make their report from the materials that are  
made available to them. As they are paid by  
the companies, it is very difficult for them to  
insist on the proper record being placed before  
them. I would, therefore, urge the Government  
to see that this auditing is nationalised and  
auditors should not in any way be at the mercy  
of the private companies. I would also suggest  
that the distinction between private limited  
companies and public limited companies  
should be done away with. We have seen from  
our experience that private companies are a  
sort of family affair. The son, the son-in-law  
and the daughter all come in. They collect the  
money. These private limited companies are no  
good in view of the development that we are  
seeking. I would, therefore, urge that all  
companies should be public limited companies  
and there should be a strict watch over their  
working, over their finances and their set-up.

In the end, I would suggest that when the  
Act is to be amended, Government should be  
very careful to see that all the loopholes are  
plugged and

to ensure that in future the administration of these private business houses is carried on in an efficient manner.

Thank you very much.

SHRI M. M. MEHTA (Gujarat): Madam Deputy Chairman, I am glad that this Report is being discussed in Parliament. It is being discussed as you know, since the last session in the other House. The events had taken place before 19th August, 1956. So, I must say absolutely there is no interest left in it. Time is also very short at my disposal. Unfortunately, I have no very big house to praise, as my friend, Prof. Wadia, had said. While talking about the house of Tatas, it looked as if he was briefed by Tatas to talk good about them. Naturally, this business houses is a decent one, and he has all the faith in Tatas. Everybody knows its working, but I think it has no relevancy here to talk in praise of any other big business house. Anyway, I really congratulate Justice Bose on putting in such a tremendous amount of work for exposing the working of \* \* \* as I will call them. Every line of the Report shows how they suck the blood of hundreds of Indians who invest in these companies so that their hard-earned money can be useful in their rainy days. Every page of this Report reveals criminal conspiracy to commit criminal breach of trust, cheating, forgery, falsification of accounts, etc. It has been a veritable exposure, but the corrupt official has virtually let the tycoons escape with their evil deeds. Some few days before, in the Informal Consultative Committee for the Information and Broadcasting Ministry, the Minister-in-charge said, "If I put up anything before Members of Parliament, it leaks away to the press", while he was talking about the brave and historical death of his Ministry signing the agreement with the Voice of America. May I ask how the first part of the Daphtary-Sastri Report, which was denied to the re-

presentatives of the people and which was kept as a secret from the people, leaked out? How did it go to Mr. Mehr Chand Khanna? It was not Mr. Mehr Chand Khanna who got the Report. It was the money of Seth Dalmia, which crept into the rotten framework of the officials and took out that report, which was denied even to the representatives of the people. This, we can very well see from how it was circulated. It was circulated from the Asian Udyog Private Limited which sent it to the various Members. So, it is evident that it was money that could do anything it liked in this administration. I am glad that some 'of the representatives \* \* \*

THE DEPUTY CHAIRMAN: You must not refer to anyone in the gallery.

SHRI M. M. MEHTA: No. They will carry the feelings of this House and of the various speakers to the accused here in the Report. I am very glad that they will see and convey them, but unfortunately I have to say that they are habitual criminals. Seth Dalmia is already undergoing imprisonment for one breach of trust. This is the second time that he has come before the public eye. Before the House even this is being discussed. So, I do not think this will have any effect on these habitual criminals as they are modern.

I agree with Shri Mani that not only the tightening up of Company Law and nationalising audit will prevent the criminal acts—it is one of the means—but there are other means also, which are unfortunately being neglected. Avoiding socially associating with them will definitely have a psychological effect on them as well as the nation. I know a few months before the Chief Minister of Maharashtra associated with \* \* \* Shri Yashwantrao Chavan, while he went to cheat even God by opening a temple somewhere in Maharashtra. He has got his booty of Rs. 7 lakhs. He was

[Shri M. M. \*Mehta.] appointed without the resolution of the Board. His letter of appointment has no serial number. It is ante-dated. No formal agreement was executed in favour of Shriyans Prasad Jain. Finally both the letters of appointment and termination were destroyed in the face of definite instructions not to destroy them. What pains me most is that he went a few days after this incident to the Prime Minister and explained to him to publicly associate with him by addressing the Annual Meeting of the Federation of Chambers of Commerce when he was the outgoing President of that institution. Our Prime Minister did associate publicly with him and address the meeting. I want to request our beloved Prime Minister, crusader of socialism, political heir of Mahatma Gandhi, to ask his conscience when he is not surrounded by his yes-men, when he is not surrounded by the imperialist and capitalist friends, who are enemies in the disguise of friends, what Gandhiji would say about it. Gandhiji never allowed his Ashramites to deviate from their duty of keeping the accounts of Ashram very well. He called these rich people trustees of the money they had. He did not even allow them to use in the way they liked their own money. Here is a typical case of types of malpractices done by a person who is being associated with so publicly.

Pandit Nehru is the idol of millions. He is the Rama of thousands. Rama did not associate with his beloved wife who was doubled even by a small washerman. Panditji is my ideal, my "Ram. I had looked at him and his career with inspiration all these years. Today it baffles me whether this Chinese attack has unnerved him, whether the pressure of these capitalists from outside and inside has made him forget the very purpose of independence for which he fought all these fifty years, for the best part of his life. Does he think that by \* \* \* he is going to win the war against

♦Expunged as ordered by the Chair.

China? Definitely not. By this way he will on the contrary perpetuate the exploitation of the people, the millions. Today even the teeming millions of India look at him as the only saviour of them, as one who will get them freed of exploitation.

I reminded our Finance Minister while talking on the President's Address about the exemptions given to the Princes on their investments in Government securities, the exemptions which they have got. Today the Finance Ministry is baffled about the scores on which they were given these exemptions. So, this pampering of these rich people I do not understand. It is not they who are enhancing the war efforts. It is the labourers and workers who are enhancing it. What happened in England in the last War? We thought that it was Mr. Churchill who fought the war, but the Labour Party proved that it was the labourers and workers of England who fought the war, and as soon as the war was over, Mr. Churchill was thrown out.

THE DEPUTY CHAIRMAN: Your time is up.

SHRI M. M. MEHTA: I am finishing. The last thing I say . . .

AN HON. MEMBER: Why d'on't you throw out your Finance Minister?

SHRI M. M. MEHTA: Why should he got out? Today the Princes are being taxed. They have been asked to pay those things. They are being asked to pay for the war effort. I agree with you totally that this report will not remove corruption at present. Only the liquidation of the wealth of these people, the amassed wealth of these people, will remove this corruption. Socialism is the only way and the only means to end it.

Last but not the least, I will say that Seth Dalmia has done plenty of misdeeds in his life. Penance is the only remedy. Our Government jurists are not going to do anything. His wife has asked for more physical comforts for him. But in Hindu religion penance forbids all the physical

comforts. I think Government will help him by taking away all the physical comforts he has got today. Can you show me any instance of a clerk, who has taken away some money of the Government for the treatment of his eideriy parents or the delivery of his wife, enjoying the same comforts as today Seth Dalmia is enjoying? It is his money, his amassed money taken but from the people, that has put him today in that position. He has repeated the crime. Today all the comforts that have been given to him should immediately be withdrawn. I dare say from here that he will live long without those physical comforts to serve as a red light to his fellow brothers who are going the same way as he. I know that the reports on Rubys and Birlas are not out. I d'o not understand why Government keeps them secret about all these people. They must come out with the reports.

*(Interruption)*

Lastly I will say, God save us, God save India from such sons of the soil. Thank you very much.

SHRI N. KANUNGO: Madam, in this prolonged debate, 21—a mythical number—hon. Members have taken part, and I should say that it was extremely helpful because I feel that barring occasional aberrations, Members who have spoken in the debate have been extremely helpful and have taken pains to read the rep'ort and the circumstances leading up to and following it, and remarkably it was free from rancour, again I say barring aberrations. Every Member, who has spoken, has paid unstinted tribute to the labours of the Commission presided over by the hon. Mr. Justice Vivian Bose. I would only take this opportunity of bringing to the notice of the hon. Members of the House the staff who sweated and worked and whose services have been acknowledged by the Commission itself; the Counsel, the investigators and all the host of them are none the less the employees

of Government who were attached to this Commission. I take it that the compliments paid to the Commission also mean certain c'ompliments to these backroom boys as I would like to call them. Their services have been behind the scenes without glamour, but none the less they have been very, hard and very painstaking services.

In this connection, Madam, I believe that the Government can take it as a sort 'of vicarious compliment to themselves. After all, it is the Government which appointed the Commission and helped them to carry out their work. No one has d'one so. Therefore, I take the advantage of doing it myself.

Now, Madam, shorn of—I very humbly submit—irrelevancies, the points before the House are, the action or inaction of the Government leading up to the Commission's appointment, during the investigation of the Commission and the post-Commission stage. I think these are the crucial points which the House would be interested in and it is the duty of the Government to justify their actions.

As has been said, Complaints about malpractices and irregularities in these groups of companies were first brought to the notice of the Government near about May, 1947. What did the Government do? The Government straightway appointed inspectors to investigate some of the companies. The inspections were done as quickly as possible because the affairs of the companies were so mixed up; as the Commission has reported, they were very much mixed up and to unravel them it has taken many years to the Commission assisted by an expert staff. Reports of the inspectors were submitted on November 20, 1952. There are three reports and the latest was available to the Government on the 25th March, 1953. Promptly, the Government instructed the Registrar of Companies of the Delhi State at that time to file the First Information Report with the police. The First

[Shri N. Kanungo.]

Information Report was filed on 18th November, 1953 and then started the legal wrangle. The parties went to court and various objections were heard. It is fortunate that in this country the process of law protects even a criminal. And I am not justifying that nobody is criminal because none of them have been convicted yet. But all the same, every citizen of this country is protected by the Constitution which ensures to him the safety of his person and property subject to the due process of law.

SHRI A. D. MANI (Madhya Pradesh) : Is that all right? This protection given to the citizen by the Constitution, is it in the opinion of the Government justified or unjustified?

SHRI N. KANUNGO: Well, I am sorry. My knowledge of the English language may be inadequate. I have not been able to debate it with Shri Mani.

Madam, as I said the First Information Report was submitted on 18th November, 1953; Now, in going to court at that time with the material in their possession, they had to take the best of advice they could get and consider the feasibility of the case standing the scrutiny of law. Promptly, on the 19th, the day after the First Information Report was lodged, the police wrote to the magistrate asking him for warrants for searches, and the searches were carried out for several months and heaps of documents were collected. In the meantime, as I said, the parties went to the court asking relief, according to them, from the unjustifiability of searches and the seizure of the documents. A whole series of writ petitions and various other petitions were disposed of by about 1955, by the end of 1955. The point that I am trying to make is that even before the appointment of the Commission, the Government was seized of the matter and was applying its mind to it.

SHRI LOKANATH MISRA: ' But what happened to the F.I.R.?

SHRI N. KANUNGO: Please have patience. I may not be able to answer every point, and some of them I will choose not to answer.

SHRI LOKANATH MISRA: It is a very important point.

THE DEPUTY CHAIRMAN: He is still in the midst of his speech. You must be patient.

SHRI LOKANATH MISRA: He has already covered up to 1954. He has come to 1955. What happened to the F.I.R. in 1953?

SHRI N. KANUNGO: I would humbly say that interruptions disturb me and I would just crave the indulgence of the hon. Member to have a little patience. I had been patient when hon. Members were speaking, particularly when the hon. Member was speaking very offensively.

Madam, as I have said, the Commission was instituted in 1956. And when it was instituted, a spate of objections again came along. I believe that the hon. Shri Misra asked why the post of the Chairman was vacant for a certain time. It is just wisdom. The very creation of the Commission was being challenged in the courts. The Chairman had resigned and subsequently he expired. It was not easy to find a Chairman of that calibre and when, after all, Justice Bose was persuaded to accept it, he took over in 1958. Fortunately, at that time the various wrangles in the law courts were over and the Supreme court had permitted the Commission to go ahead with their work minus the very crucial terms of reference which it had struck down. Here, some of the Members have asked what steps the Government took to see that the Supreme Court did not strike down those things. May only answer is that the ruling of the Supreme Court is supreme and I believe that it was all for the good that the Commission had

not been burdened with the enormous task of adjudication because considering the frail health of the Chairman and the strain on the staff, it would have taken them years to wade through it. Therefore, all I mean to submit now is that before the Commission was set up, the Government was alert and was taking steps which it thought appropriate at that time. Many Members may not agree here. I would mention that the F.I.R. was lodged in 1953. The documents were seized. The documents were handed over to or rather subpoenaed by the Commission, and they were in possession of the Commission. Therefore, the police investigating officers could not go off with their work and <sup>a</sup>H concerned felt that the work of the Commission was much more important than that of the investigation at that stage. After the Commission's report we have got many facts which we did not have at that time; it was not possible to get them at that time.

4 P.M.

SHRI ARJUN ARORA: Madam, may I know if investigations have been resumed after the Commission finished its labour?

SHRI N. KANUNGO: Please have patience. I have little time.

SHRI ARJUN ARORA: I have some but not much.

SHRI N. KANUNGO: Simultaneously with the Commission carrying on its work, the Government was also preparing for the revision of the law because at that time the Government realised that the law was inadequate to meet such situations. Apart from that, more regulation was necessary, they realised. And the result of it was that the first amending Act of the Company Law was brought in in 1956. Now, as hon. Members will agree, to bring forward a law of that magnitude does require several months' preparation. The Bhabha

Commission had worked on that. They had collected certain material, and the Government was struggling to prepare a Bill which would meet the situation. This is merely to submit to you, Madam, that the Government was not sitting with folded hands but it was doing all that it thought would be useful and necessary.

Now, I would submit that in 1962 the Commission's Report was available to the Government. It is no doubt a very revealing and painstaking document. But as the Commission themselves have pointed out, they have merely indicated what are the malpractices, what are the offences revealed and what was the *modus operandi* which enabled these clever persons to manipulate the affairs of the companies in a way prejudicial to the shareholders, to the State and to everybody concerned.

One point I have missed, Madam. After the Report was available to the Government the taxing authorities were not idle. The Commission has mentioned a certain figure of tax which has been evaded. The taxing authorities were seized of the matter and they were going through the assessment of this group of companies. And as early as 1952 the first assessment of the joint venture was made. Subsequently it was made in 1954 and later on too. The assessment was made on much higher income than has been assessed by the Commission. Unfortunately, by that time the parties concerned had managed to evaporate the assets. And for trading companies it is not difficult to dispose of the assets even though legitimately.

Now, after the Report was available what did the Government do? Naturally, the first thing Government has to do is to take legal opinion. The Commission had brought out certain facts. Now, how do they fit in with the law?

SHRI M. N. GOVINDAN NAIR: With regard to income-tax, can I ask for a clarification?

SHRI A. D. MANI: I also want a clarification.

SHRI M. N. GOVINDAN NAIR: I want a clarification about that income-tax? Can I have it from you now?

SHRI N. KANUNGO: Yes.

SHRI A. D. MANI: I also want to have a clarification.

SHRI M. N. GOVINDAN NAIR: In one part of the Report, it is said that before the Income-tax Investigation Commission the misappropriation of certain amounts was made known to escape from income-tax. But at the same time, this misappropriation was not taken note of by the Registrar of Companies and action was not taken. My point is: Does it not mean that even information that is available with one department of the Government is not in the possession of the other department so that both together can take proper action? That is one point.

My second point is this. You said that the incometax assessed was much higher than what has been suggested by the Commission. The Commission in its report speaks about concealed income-tax that was evaded. On that point what have your Income-tax officers to say?

SHRI A. D. MANI: On the same point, Madam. The point that I raised yesterday was that in pages 38—42 of the Commission's Report, the Commission has come to the finding that a sum of Rs. T40 crores has not been paid to the Income-tax Department, which they should have paid. That takes into account the income-tax assessment for these years. This is a concealed income which would have come in the income-tax. Now, I am asking the Government

whether they accept that this estimate of the Commission is correct. If it is correct, what is there in the resent Act to prevent a reopening of the assessment of those cases?

SHRI N. KANUNGO: All I meant to say was that the assessment made was a normal course of assessment and the assessment has been made on a much higher income than has been estimated by the Commission. As far as Mr. Nair's point is concerned, he must know that under the Income-tax Act, all relations between an assessee and the Income-tax Officer is a secret. It is not available to other departments of the Government.

(*Shri M. N. Govindan Nair rises in his seat.*)

THE DEPUTY CHAIRMAN: You should listen to him.

SHRI N. KANUNGO: It is well-known that the names of the assesseees are a secret as far as it is concerned.

SHRI ARJUN ARORA: Madam, the fact whether a particular income has been assessed or not and whether a particular income-tax due has been paid or not is not an affair between the department and the assessee. It is something which can be made public.

SHRI N. KANUNGO: It is a question of interpretation of law. I do not agree with Mr. Arora. (*Shri A. D. Mani rises in his seat.*) Mr. Mani will bear with me.

SHRI A. D. MANI: I am just asking; Do you accept the statement of the Commission?

SHRI N. KANUNGO: I am sorry, Madam, I would not like to be interrupted any more.

SHRI A. D. MANI: If he does not want to answer, it is a different matter.

THE DEPUTY CHAIRMAN: The Minister may continue.

SHRI P. N. SAPRU: The question whether income-tax has been assessed properly or not is not before the House at all. The question is whether our business concerns have been doing their work in a proper manner or not as disclosed by the Report of the Vivian Bose Enquiry Commission. We are dealing with the questions of Company Law, but we are not dealing with the questions of income-tax payable by *one* concern or the other.

SHRI N. KANUNGO: I am grateful to Mr. Sapru because I have strayed too much away. I wanted merely to say that the different limbs of the Government were not idle. They were seized of the matter and they were assiduously pursuing the matter. After the Report was available, a\$ hon. Members will realize, the offences disclosed are not offences on the Company Law mostly. These are criminal offences. This could be committed by anybody at any time or on any day. The problem before the Government was how to prosecute the persons involved in it. This happens always and hon. Members will agree that the Government should not go in for harassing prosecutions but should go to the courts here they can put up a reasonably acceptable evidence and that is exactly what the Government is doing and that is exactly what the Chief Law Officers of the Government advised them to do. Here I would submit that the Law Officers of the Government, after careful scrutiny, have come to the conclusion that there are possibilities of launching prosecution on 10 counts. There were many other counts but the possibilities for successful prosecution are indicated to be in 10 cases and those 10 cases are being investigated and very vigorously investigated. Unfortunately, the Investigating Officers have got to struggle with huge volumes of documents. About 4,000 documents have to be examined. Original documents have been destroyed, original evidence was not available and the availability of secondary evidence

has to be examined carefully. Therefore, as I said earlier, it will take a little time to complete the investigation and launch prosecutions. Also the Government, as mentioned in my opening speech, has been exercising extra surveillance on the operations of these companies and in any case, as some Members have said in this House, the Government is determined that the due process of law should not be hampered. But I entirely agree with Mr. Mani that there should be no hysteria and we are certainly not carried away by hysteria. I have mentioned the stage before the Commission's Report, the period of the Commission's Report and the post-Commission Report. I have only to mention that whatever lacuna has been observed in the Company Law as it exists to-day, corrections for them would be brought forward in the form of a Bill about which I have mentioned. Shri Akbar Ali Khan read out the concluding portion of the Report of the Commission. I would just read para 62 where it says:

"We feel that no law can provide absolute remedies to stop malpractices, and a balance has to be achieved between attempting to stop malpractices and imposing fetters on honest businessmen, particularly when legislation can be defeated by human ingenuity, as unfortunately sometimes happens. In such circumstances, the wrong-doer succeeds anyhow and the honest ...usi-nessman is saddled with a considerable amount of technical difficulties. It is this aspect of the matter that the Commission has borne in mind in making its recommendations."

Therefore the next stage is, I hope, to bring forward the necessary legislation as recommended by the Commission plus some other aspects which we have observed in the working of the Act.

Here I would like to remind you that these operations which are the j subject-matter of the enquiry of the

[Shri N. Kanungo.] Commission occurred sometime between 1944 and 1950. Please remember that historical period. It was the war period when most of the laws were not being observed. It was a period of tension, political turmoil. The independent Government of India came into the saddle in 1947 and I believe the Government does deserve some consideration from the House that in spite of the carnage and pillage following the partition of the country, in spite of the conditions of near-anarchy, it was able to pursue this operation because it felt that this was not a crime committed alone by individuals on a group of shareholders but it was a greater crime where the investing public were losing faith in corporate investment. It was in this period when the very existence of Government in some minds was in doubt. Arson and pillage were common and murders were common. It was the post-war period when all the restraints of civilisation had subsided. Therefore, I certainly sympathise and I can appreciate the feelings of my friend Shri Arora and several Members of the House who feel exasperated, who feel as if an intolerable situation has been exposed. It has been. I am personally horrified at the operations which have happened. It is something like robbers prowling about the place when there is an earthquake or a fire on. In my part of the country, there is a code of honour among thieves and one of the conditions of the code of thieves is that when there is a fire in a village, the thieves do not even rob.

SHRI ARJUN ARORA: That is very honourable.

SHRI N. KANUNGO: That is the tradition.

SHRI A. D. MANI: It does not mean Orissa has got thieves . . .

SHRI N. KANUNGO: I believe that is the Indian tradition. The only thing is that I did not observe other places and I have no knowledge of other parts. The point is, this is really J

a horrifying state of affairs and I can judge the feelings of my friends who are rather impatient because quick and summary justice has not been done but quick and summary justice may lead to injustice also. Therefore I only say that we have not lost our heads, we have not gone into hysteria and in considering the steps which we have to take, I cannot do better than refer hon. Members to the very cogent speech of Mr. Dave. In fact, my work has been more facilitated; in fact, it has become almost superfluous after Mr. Dave's very searching and very balanced speech. I can assure the House, Madam, that we will be following the lines suggested by him. I am also grateful to my hon. friend, Shri Akbar Ali Khan, for the very restraining influence of his good speech. He has reminded us that we should not go in for hysterical action and we should see that the rule of law prevails. Our Constitution assures certain liberties to the people and all those liberties have got to be respected, whoever the persons concerned may be. An hon friend suggested that these gentlemen should not be given any licences or whatever they may be, as if the grant of industrial licences or other things of that nature was a patronage. It is not a patronage. The Constitution provides that every citizen has the right to carry on his business subject to law. That is the right of every individual.

SHRI M. N. GOVINDAN NAIR: But this particular group has been found to be defrauding the people. I do not know where in the Constitution it is provided that such persons should be given three new licences. Under what provision of the Constitution were you obliged to give them these three new licences? I cannot understand that.

SHRI N. KANUNGO: Be patient, Mr. Nair.

SHRI M. N. GOVINDAN NAIR: Yes, I am very patient. I am the most patient man here.

SHRI N. KANUNGO; I have already paid you compliments, but you should try to deserve the compliments. I was coming to the same point. I am merely propounding\* the general theory with which Mr. Nair will, I think, agree, that the sacredness of the Constitution where every citizen is guaranteed the right to carry on his profession subject to law, is supreme.

SHRI M. N. GOVINDAN NAIR: But how are you justified in giving them these three new licences?

SHRI N. KANUNGO: I will deal with that at the proper time.

SHRI ARJUN ARORA; Every citizen can apply for licence.

SHRI N. KANUNGO: Every citizen has the right.

SHRI ARJUN ARORA: Every citizen has the right to apply, but every one need not get it. Some of them may be denied,

SHRI N. KANUNGO: Having expressed my communion of thought with Mr. Arora, I must frankly submit that Mr. Arora has done a disservice to the House and to the party to which he belongs by casting aspersions on the highest offices of law in the country. It must be remembered that the Attorney-General is not an officer of the Government. He is an officer of the Constitution and the Constitution gives him a unique position. I believe that my hon. friend might have been carried away by his enthusiasm and by his sense of holy horror. But on his behalf and on behalf of my Party, I beg to submit, Madam, my apologies to the Attorney-General.

SHRI AKBAR ALI KHAN: Many on this side of the House have repudiated his remarks.

SHRI P. N. SAPRU: it is unpardonable to speak thus of the Attorney-General.

SHRI AKBAR ALI KHAN; We all associate ourselves with this expression of apology.

SHRI N. KANUNGO; The best I can do is to offer my unqualified apology to the Attorney-General. Anyway, the Attorney-General certainly enjoys an exalted position. But all other persons also have a right to expect protection from this House. This House and the other House have the unique privilege of seeing that the Constitution is maintained and the rights of individuals are respected. I am sorry that one hon. Member, Shri Ghosh, who I see is not present here just now, went all out to cast aspersions on Mr. Chopra and also on many others. Mr. Ghosh did so with the knowledge that the same aspersions when cast by Shri Bhupesh Gupta, were firmly repudiated by me in this House. If Mr. Ghosh chooses to bring reckless allegations like that, then Madam, am I not justified in considering the rest of his allegations as not worthy of notice? In this particular case here is a gentleman . . .

SHRI M. N. GOVINDAN NAIR: Madam, it may be proper for the Minister to repudiate such statements, but that does not mean that the fact is not a fact.

SHRI N. KANUNGO: But I have stated that it is not a fact and I have replied to that. But in spite of knowing it, it has been repeated. Therefore, I am drawing the conclusion that perhaps I am justified in taking all the allegations of Mr. Ghosh, as not worthy of notice. In this particular case, Madam, Mr. Chopra is a gentleman who is at the top of the profession. He is a past President of the Institute of Chartered Accountants, and at considerable financial sacrifice in his professional work he has accepted the work as a public duty from the Government. To cast aspersions on him which have no semblance of truth at all which are entirely wrong, I suppose, is unfair.

SHRI ARJUN ARORA: Have not the Government been paying fabulous fees to Mr. Chopra?

SHRI N. KANUNGO: No, it is not fabulous and if Mr. Arora wants to know, he can put me a question and I will reply to it. Here, as I was saying, Mr. Chopra accepted the assignment at considerable sacrifice to his professional income.

SHRI ARJUN ARORA: Is it not correct to say that the Government are his biggest clients?

SHRI N. KANUNGO: I would request Mr. Arora and tell him again that there is a proper time for getting such information. He can table a question or move a motion.

SHRI M. N. GOVINDAN NAIR: Now when the issue is being discussed, it can be clarified.

SHRI N. KANUNGO: I have enough experience not to confuse issues.

Now, let us remember that these events happened in the years 1944-45, when the old Company Act of 1913 was in operation. Is it possible for any of these offences, for any of these malpractices to be committed now? I humbly submit that it is not. Today, Madam, as I said in my opening speech, since 1956, a central administration for the Corporation Law has been set up. It was not there before. The law has been made more comprehensive. There was an amendment of the law in 1956 and a comprehensive amendment of it in 1960. When we analyse the *modus operandi* as disclosed in the Commission's Report, we find that there were about 24 items or methods by which these malpractices were committed. I find that out of the 24, all of them are covered by legislation today. That is to say, those operations cannot be committed, they cannot be conducted, except five, and these are of a minor nature. These five have been recommended by the Commission to be taken care of. Apart from the law as it stands, there is a great deal of disclosure today to the public, to the shareholders and to the Parliament.

Annual Reports of the Company Law Administration are placed before the House every year and on just a cursory look at the five Annual Reports, which have been placed before the House, I find that 66 types of unsound company practices are disclosed there and I am glad to say that the number is diminishing. The vigilance of the Company Law Administration is having its effect. The shareholders' associations are being formed and some associations are alert. I would like to draw your attention to the memoranda submitted by the Shareholders' Association to the Joint Select Committee on the Companies Act. This would disclose how they are as alert as they could be. They are voluntary organisations and they have limitations of funds. It is run on voluntary membership and the office bearers do their work in their spare time but at least I know of one association which is very alert and which is very zealous of the rights of the shareholders in companies. Above all, there is the vigilance of Parliament. Parliament discusses the Annual Reports of the Company Law Administration every year and reviews the condition of the corporate sector. At any time also, hon. Members have got the privilege and the right to bring to the notice of this hon. House any slackening of the efforts of the Company Law Administration and the Government or any other party in the management of corporations. These are salutary efforts as a result of which I feel, Madam, honestly feel, that the management of corporations has improved considerably and I believe, in course of time, malevolent factors will not be there. As a matter of fact, no serious malpractice has been noticed within the last five years. Here, another aspect, which is a recent development, has been the publication of financial journals which analyse company performance. We have then the academic studies undertaken by professors of Universities, by the Reserve Bank of India in their bulletin. The Company Law Administration, with its limitations of staff, tries to

do a certain amount of analysis and considering the size of the corporate sector in this country, I hope some day they will have enough staff to carry on the analytical work of the many documents which are filed and to draw conclusions from them in course of time and above all, the social responsibility of management has been perceptibly improved. These, however, are subjective assessments. I merely mention these factors to emphasise that these criminal propensities, which are very difficult to curb, are not possible under the present circumstances. In other words, society has put up a very effective system of burglar alarm but it does not mean that there will not be any burglaries. The chances are that the burglaries will not be so easy as they used to be. Now, two remedies were suggested about tightening audit. Here I would suggest, Madam, that a Reviewing Committee was set up in 1958, wherein it was considered how the audit could be more effective. After all, an auditor is the eyes and ears of the shareholders. He has been given a sacred duty of interpreting and checking and submitting information about a corporation to the shareholders and to the public and I can vouchsafe from my personal experience that the standard of the profession in our country is second to none anywhere in the world. In fact, it is much more rigid, and the professional standard insisted upon by the Institute is of high order. It will be proved from the fact that out of 5687 Chartered Accountants on the Register in the course of the last five years, only twenty cases of allegations came to the Institute from the Government and from others, including the Institute itself. Out of ten cases, the Institute took disciplinary action against nine and one case is pending still. In each case, the Institute took action on the erring member. The member has a right to go to the High Court and in each case the High Court considered that the penalty imposed upon the member was rather severe. The point I want to emphasise is that the Institute is

very zealous of its reputation and the members are aware of it, aware of the supervision of the Institute and, therefore, Madam, I believe there is no justification to doubt the efficacy or the reliability of the audit system as it prevails today. I believe some speaker mentioned it and an impression might be created that the auditors are at the mercy of the management of the company and they could be thrown out by anybody. The law today provides that the auditor cannot be thrown out. He is protected. My esteemed friend, Mr. Khandubhai Desai, mentioned that there should be provision for concurrent audit; in other words, a random audit by the agents of Government should be undertaken. There are now, section 233A, I believe, and if and when the occasion arises, the powers will be used; but at the moment I do not think there is any justification for casting any doubt on the capacity, integrity or the efficiency of the profession of auditors as prevailing in our country. Here again, Madam, I would submit that today, unlike in previous times, the shareholders, the creditors and even responsible public men, apart from the Members of Parliament, have rights under the Company Law, as it stands, to bring matters of mismanagement or fraud or any other factor to the notice of courts or Government. Madam, the whole structure of the Company Law today is that the shareholders are the owners of the company. They have the interest and they have to take care of their interests but the conception of public accountability and the conception of social responsibility has been inducted and, therefore, today under the law, if there is a *prima facie* case, if anybody has doubts, he may bring the matter to the court or to the Company Law Administration for investigation and prosecution, if necessary. But before that is done, a *prima facie* case has got to be established. As a matter of fact—though the courts are overloaded—the main sections 397 and 398, which give very wide powers to the courts whereby

[Shri N. Kanungo.] they can give any ruling, whereby they can direct a company to do anything or not to do anything, have been invoked only in 230 cases. Madam, here I would not have taken the lime of the House if Mr. Niren Ghosh was alone in making allegations. Unfortunately, many of the allegations have been repeated by many other Members. As I have said earlier, let the House and the Members thereof owe a responsibility to everybody. One of the allegations running through many of the speeches was that the Government was kowtowing to Big Business and in fact, one of the hon. Members went to the extent of saying—somehow I felt it was not worthy of being repeated in this House—that the Minister was in the pockets of big business; and individual Minister and I believe, he named somebody. At least I have been saying that every citizen expects certain amount of protection from Members of the House, and from this privilege which has been granted by this House, I believe, the Ministers should not be exceptions. They also deserve some kind of protection. But what is big business in this country?

SHRI ARJUN AEORA: There is a whole security department to protect them.

SHRI N. KANUNGO; Madam, where is big business in this country? I have found that only 17 companies in this vast country have got a net profit of more than one crore. Out of nearly 30,000 companies on the Register, only 102 companies have an annual net profit of Rs. 30 lakhs and above. So where is big business?

SHRI M. RUTHNASWAMY: Big for India.

SHRI N. KANUNGO; I think somebody mentioned that within a certain period the assets of companies have doubled and so on. As far as I remember, he was referring presumably to a study of the Reserve Bank. Unfortunately, out of 30,000 companies the Reserve Bank

has been conducting a study of only 1001 public companies and not of private companies. These 1001 companies account for three-fourths of the total paid-up capital of public companies. Add to it the private companies which have got equal investment in these companies and then it comes to this. The leading houses mentioned in the Report have only 7 per cent control over the investment. It is not anything dangerous. In any case, the House will be getting the Report of the Mahalanobis Committee which is enquiring into the economic conditions of this country, concentration of economic power and that sort of thing. It is a very expert . . .

SHRI M. N. GOVINDAN NAIR: When are we getting it?

SHRI N. KANUNGO: I am not aware of it. It is not yet available to me anyway. I understand from discussions with members, some of whom are my friends, that it is an enormous task that they have to struggle with; they have to process an enormous amount of data. Now, Madam, to my mind, this is the condition of the so-called big business. Naturally one of the difficulties for hon. Members, for myself and also for the public is that there is no reliable publication and no reliable analysis of the corporate economic sector. One attempt to which reference has been made by several Members is the study by Prof. Hazare. Here again, I submit, who financed the project of Prof. Hazare? Who encouraged him to carry on this study? It is the Government. But unfortunately Prof. Hazare's study referred to conditions before the 1960 Act came into operation. It was for a period of about ten years, I suppose, and Prof. Hazare himself has said that it was an enormous task and that he could not get the full data. It must be remembered. . . .

DR. A. SUBBA RAO (Kerala): If his conclusions are not based on present-day conditions, what is the necessity of doing it? If the argument is that it does not correspond to the present-day conditions, what is the use of that?

SHRI N. KANUNGO: What I say is that such studies would be useful to the public and to Members of the legislature. If more such studies were done, it would be useful but we should take it with the limitation that the data available was limited. Therefore, I am sorry that these allegations have been made in this House. What has been done is forgotten. How did it happen that the Commission was set up? How does it happen that investigations go on? I have on record that there have been 49 investigations by the Company Law Administration. Does it mean that all of them are against people who have not contributed to the funds of the Congress Party? I am really sorry that such allegations have been made. I am sorry to say that in both Houses of Parliament the major factors of the law were perhaps lost sight of in the furore about the particular clause where contributions by companies to political funds have been mentioned. I entirely agree with Mr. Mani that the law has got to be amended but not the Companies Act. The results can be obtained if the election laws are amended. But as it stands today it is a great improvement from 1913 when the directors had the full privilege of granting any amount of money as they liked. Today the most important factor in the 1960 Act is that every contribution given to a political party has got to be disclosed. Let the public judge it; there are limits about the contributions no doubt.

SHRI LOKANATH MISRA: Not for surreptitious ones for permits, quotas and licences.

SHRI N. KANUNGO: My friend, Mr. Misra, has got rather, I should say, not a very healthy mind. But the point I am trying to make is that after the 1960 Act, anyone can find out which party receives contributions from which company and that disclosure is the most important factor, I think, which is there. For the rest, I certainly like Mr. Mani to make his

precis for an amendment of the Companies Act. Here what I want to point out is that to throw out allegations is not fair.

Take the case of Mr. Thackersey. Time and again I have said in this House that all the allegations about the Sholapur Mills are wrong. Statement has been made. I have explained it in the House. Yet the same is thrown at. In the case of Birlas about the Ruby and Asiatic Insurance Companies, whatever they are, documents were placed on the Table of the House on 30th April 1963. It is there for anybody to see and yet off and on it is being repeated. Innuendos have been made—I am again referring to Mr. Misra—about the Kalinga Industries.

SHRI LOKANATH MISRA: Kalinga Tubes.

SHRI N. KANUNGO: Kalinga Tubes. I have answered the question—I do not remember whether in this House or in the other House—saying that all the allegations about zinc being sold in the blackmarket are wrong. It has been carefully enquired into. I am aware of the enquiries.

SHRI CHANDRA SHEKHAR: What is the machinery of enquiry? May I know whether any judicial enquiry has been held?

SHRI N. KANUNGO: The simplest explanation I can give is this.

An 'X' quantity of zinc was allotted to a particular company. The goods they produced proved that the 'X' quantity had been used. What more do you want?

SHRI LOKANATH MISRA: When the enquirer and the supposed accused is one and the same person, how can we depend on that enquiry?

SHRI N. KANUNGO: Mr. Misra, I cannot convince you. But I can convince Madam Deputy Chairman and through her the other Members of the House that it is a simple case. 'X' quantity of zinc was being allotted for the manufacture of certain products and where it is proved that the 'X' quantity has been fully used, where is the occasion for blackmarket-ing or fictitious selling? Now, the point I am making out is this. In spite of this knowledge which has been available to the House collectively and which is on record, these allegations are made and I am sorry they are made. I hope, as I have said earlier, that hon. Members will be more careful in casting aspersions on parties who are not here and who have no means of defending themselves.

ताकि असलियत का पता चले । आज हालत  
य है कि :

खुद ही कातिल, खुद ही शाहिद,  
खुद ही मुन्सिफ ठरे।]

SHRI N. KANUNGO: Madam, I Minister has given the explanation.

SUM N. KANUNGO: Madam, I am merely referring to the answer which I gave to a question which was given due notice of. If the hon. Member is not satisfied with the answer, it is open to him to bring forward a motion saying that I have given a wrong answer.

SHRI CHANDRA SHEKHAR: The 'No Confidence Motion' is there.

SHRI N. KANUNGO: Madam, I have nothing more to add. I share the same feelings of the more impatient Members of the House and I believe that the investigations of the Special Police will be completed soon enough and there will not be lack of adequate evidence.

SHRI ARJUN ARORA: Madam, while offering his apologies to the Attorney-General, the hon. Minister used some words which meant to convey the meaning that he was offering apologies, among others, on my behalf. I want to make it clear that I have not authorised the hon. Minister to make any apologies on my behalf. I take this opportunity of dissociating myself from those apologies. I feel that the opinions of the Attorney-General are not binding and they are as liable to criticism as the statements made by any Minister. I did not use strong language . . .

SHRI N. KANUNGO: I plead . . .

SHRI ARJUN ARORA: I am on my legs. I did not use strong language against the Attorney-General. I could have used stronger language. I did not say anything irresponsible for which I should apologise. If necessary, I am prepared to make the

شہی عبدالغنی : میں منسٹر  
صاحب سے یہ پوچھنا چاہتا ہوں  
کہ کیا زنک کا کٹہ جس کو کہتے  
ہیں کہ کانٹا ڈوب میں استعمال  
کیا گیا اور ہالک میں نہیں بیچا  
گیا اس کے بارے میں آپ ویڈیو بوس  
کمیशन بتھلائیں گے تاکہ اصلیت کا  
پتہ چلے - اچ حالات یہ ہے کہ :-

خود ہی قاتل خود ہی شاہد خود  
ہی منصف تھے۔

†[श्री अब्दुल गनी : मैं मिनिस्टर सा व से  
यह पूछना चाहता हूँ कि क्या जिंक का कोटा  
जिसको कहते हैं कि कलिंगा ट्यूब में इस्तेमाल  
किया गया और ब्लैक में नहीं बेचा गया उसके  
बारे में ग्रुप विवियन बोस कमिशन बिठलायेगे

same speech outside the House and face all the consequences. I was speaking with full responsibility . . .

THE DEPUTY CHAIRMAN: Please be brief.

SHRI ARJUN ARORA: . . .and I do feel that the hon. Minister had no right to apologise to the Attorney-General or anybody else on my behalf.

SHRI N. KANUNGO: I admit, Madam, that I took the privilege, being a colleague of Mr. Arora, of doing so without consulting him, but I still think that an apology is due.

THE DEPUTY CHAIRMAN: I think every Member on the floor of the House is entitled to his own opinion. There are two amendments.

The question is:

1. "That at the end of the Motion, the following be added, namely: —

'and having considered the same, this House is of opinion that all the Dalmia-Jain business concerns be immediately taken over by the Government.'"

*The motion was negatived.*

THE DEPUTY CHAIRMAN: The question is;

2. "That at the end of the Motion the following be added, namely: —

'and having considered the same, this House is "of opinion that in the light of the disclosures made in the said Report, a permanent Statutory Commission should be set up to keep a watch over and enquire into the affairs of the Big Business Concerns to check corruption and malpractices, curb monopoly and concentration of wealth and safeguard the interests of the public and the State.'"

*The motion was negatived.*

# **I THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT BILL, 1963.**

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND EMPLOYMENT AND FOR PLANNING (SHRI C. R. PATTABHI RAMAN): Madam, I beg to move:

"That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, be taken into consideration."

This is a small and simple Bill and I shall, therefore, not take much time of the House. The Statement of Objects and Reasons attached to the Bill gives in brief the main purpose for which it has been brought before the House. At present some difficulty is being experienced in enforcing the provisions of the Industrial Employment (Standing Orders) Act, 1946 in the establishments which last for short durations. The formalities regarding submission of the draft standing orders and the proceedings for their certification take some time and by the time the certified standing orders become available for enforcement, these establishments cease to exist. Such a difficulty is being experienced particularly in the case of contractors' establishments. The matter was placed before the 20th Session of the Standing Labour Committee which accepted the suggestion that the Act might be suitably amended so as to make the Model Standing Orders framed by the appropriate Government, operative in all industrial establishments covered by the Act until such time as the standing orders are certified for the establishments concerned. Hence this Bill.

Opportunity is also being availed of to amend the Act in respect of certain other matters which are of a clarificatory and formal nature. One of these provisions in the Bill is to amend the definition of the term "appellate authority". In the existing Act, it has been defined as the