

[श्री अब्दुर रज्जाक खान:]  
 कलरिंग आ जाता है। उसे इनमें पाक  
 करना चाहिये, यही असल बात है। यहां  
 पब्लिक इंटरप्राइज या प्राइवेट इंटरप्राइज  
 का झगड़ा नहीं है, इस बात का झगड़ा यह है कि  
 मौजूदा सूरत हाल में जब कि दोनों सेक्टर,  
 पब्लिक सेक्टर और प्राइवेट सेक्टर, मौजूद  
 हैं तो इनमें बैलेंस कैसे हो सकता है। किसी  
 पोलिटिकल पार्टी को

MR. DEPUTY CHAIRMAN: Mr. Abdur  
 Rezzak Khan, you can continue after lunch.

### ANNOUNCEMENT *RE* ORDER OF GOVERNMENT BUSINESS

THE MINISTER OF PARLIAMENTARY  
 AFFAIRS (SHRI SATYA NARAYAN SINHA):  
 With your permission, Sir, I rise to announce  
 that Government Business in this House for  
 the week commencing 8th December 1958,  
 will be:—

(1) Further consideration of the  
 Chartered Accountants (Amendment)  
 Bill, 1958.

(2) Consideration and passing  
 of—

(i) The Cost and Works Accountants  
 Bill, 1958.

(ii) The Parliament (Prevention of  
 Disqualification) Bill, 1958, as passed  
 by Lok Sabha.

(iii) The Himachal Pradesh Legislative  
 Assembly Constitution and  
 Proceedings) Validation Bill, 1958, as  
 passed by Lok Sabha.

(iv) The Assam Rifles (Amendment)  
 Bill, 1953, as passed by Lok Sabha.

(3) Discussion on the situation  
 arising out of the closing down of  
 the Banaras Hindu University on a  
 motion to be moved by Dr. Raj

Bahadur Gour, on 9th D 1958,  
 at 2-30 P.M.

(4) Discussion on the Second Annual  
 Report of the All-India Institute of Medical  
 Sciences for the period 1st August, 1957 to  
 31st March, 1958, on a motion to be  
 moved by Dx. Shrimati Seeta Parmanand,  
 on 11th December, 1958, at 3 P.M.

I may also inform Members that a debate  
 on Foreign Affairs will take place on 15th  
 December, 1958.

MR. DEPUTY CHAIRMAN: The House  
 stands adjourned til 2-30.

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

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

### THE COMPANIES (AMENDMENT) BILL, 1958—continued

श्री अब्दुर रज्जाक खान : जनाब  
 डिपुटी चेयरमैन साहब, मैं इससे पहले अजें  
 वर रहा था कि सवाल कांग्रेस-कम्प्यूनिस्ट  
 के झगड़े का नहीं है। झगड़ा किसी का भी  
 नहीं है, यूँ उठायें तो बहुत कुछ उठा सकते हैं।  
 मगर सवाल यह है कि कम्पनियों को क्यों  
 इस सयासी रंग में लाते हैं? क्या यह  
 मुनासिब है कि आज के दिनों में इस पर गौर  
 करना ज्यादा जरूरी है। इससे मालिकान  
 कम्पनियों की कोई हक तलफी नहीं होती  
 है, उनको हक है, उनको आजादी है कि वे  
 जिसे भी चाहें रुपया दें, लेकिन एक कम्पनी  
 जिसके कि मुलतलिफ़ शेयरहोल्डर हैं, उसमें  
 ऐसे लोग भी होते हैं जो पोलिटिकली इस  
 चीज को पसन्द नहीं करते जिस तरह  
 से कि कम्पनी के मालिकान रुपया दे  
 रहे हैं। उससे खुद कम्पनियों के मफ़ाद में

जुड़ आ सकता है। कम्पनियों को चाहिये कि वे किसी रंग में न आयें क्योंकि हम चाहते हैं कि वे कम्पनियाँ बँधें और हर एक वहाँ के मजदूर, अगर वे दूसरी पार्टी को मानते हैं, वे भी उनके शेयरहोल्डर हों। कम्पनियों के बहुतरास मफ़ाद के लिहाज में भी अगर गौर किया जाय तो यह जरूरी है कि कम्पनी को यह हक न दिया जाय बल्कि उनको बिल्कुल अलग रखा जाय और किसी भी सियासी पार्टी से कम्पनी के ताल्लुकान् मुक्तता रखे जायें। यूँ हर शक़्स को आज़ादी रहे, यह अलग बात है।

दूसरी बात यह है कि इस वक़्त जो मौज़दा सूरत है कम्पनियों के बर्किंग की, अगर उसका अन्तकरीब जायज़ा लिया जाय, जैसा कि हमारे आन्तरेबल मिनिस्टर ने उन हाउस में वायदा किया है और वहाँ इन बारे में बहुत भी हुई है कि कम्पनियों की बर्किंग पर दोबारा गौर करता है, जब से कम्पनियों के मुताल्लिक यह राय पास हुई है उसका अगर अप्रैजन्स लिया जाय, जायज़ा लिया जाय तो आप देखेंगे कि कम्पनियों के बर्किंग में ऐसी ऐसी खराबियाँ आई हैं जो कभी भी देखी नहीं गई और उनको हालत और बदतर हो गई है। अब तो सूरत यह है कि कम्पनियाँ गवर्नमेंट के कंट्रोल से बाहर जा रही हैं। इन सिलसिले में काफी बहुत हो चुकी है उन हाउस में, ऐसी सूरत में मैं उसकी तफ़्सील में नहीं पड़ना चाहता। अगर उनको यहाँ लाया जाय तो एक दास्तान हो जायगी। लेकिन आप सुन चुके हैं, आज जब मुल्क में फ़ारेन एक्सचेंज की कमी है, गवर्नमेंट रो रही है, हमको तरह तरह की मुमीबतों में पड़ना पड़ रहा है, और वह फ़ारेन एक्सचेंज ग़ायब हो रहा है, उसके बारे में जो कम्पनियों की कर्तूत हैं वे अगर सामने लाई जायें तो मैं कहता हूँ कि उनसे ज्यादा अहमियत की बात और कुछ नहीं हो सकती है। जिस तरीक़े से वे चल रही हैं क्या कम्पनी ला के कंट्रोल के मुताबिक

चल रही हैं? नहीं। उनको ज़द में लाने की जरूरत है और अगर न लाया गया तो एक ख़तरनाक सूरत पैदा हो जायगी। मैं यह नहीं कहता कि प्राइवेट सेक्टर को तोड़ दिया जाय, उनको नुक़सान पहुंचाया जाय। मेरा यह मतलब बिल्कुल नहीं है, मैं यह नहीं चाहता। बल्कि मैं यह चाहता हूँ कि प्राइवेट सेक्टर को, इन कम्पनियों को, सही रास्ते पर चलना चाहिये, सही कौमी मफ़ाद पर चलना चाहिये। उनको इस बात के लिये तैयार किया जाय कि गवर्नमेंट के नेशनल कंट्रोल में वे रहें लेकिन वे नहीं हो रहे हैं और वे बाहर चले गये हैं। अभी आप देख रहे हैं, फ़ारेन एक्सचेंज के मामले में, एक्सपोर्ट इंपोर्ट के मामले में जिस तरीक़े से लाज़िम हो रही है उससे फ़ारेन एक्सचेंज बिल्कुल ग़ायब हो रहा है और इस मुल्क का तनाम क्या फ़ारेन एक्सचेंज की सूरत में यहाँ से निकल रहा है और फ़ारेन बैन्स में जमा हो रहा है। दूसरी तरफ़ पर वह गवर्नमेंट के कंट्रोल से बाहर हो रहा है।

MR. DEPUTY CHAIRMAN: We are not concerned with all this.

श्री अब्दुल क़ज़्ज़क ब... : जी हाँ। मैं यह अज़ करत चाहता हूँ कि जब कम्पनियों का यह हाल है तो हमें कम्पनी ला को दोबारा अमेंड करने की जरूरत होगी। निज़े प्रमैंड करता नहीं है बल्कि उन कम्पनियों को, सारे प्राइवेट सेक्टर को एक कौमी इंटेरेस्ट पर चलने के लिये तैयार करना है। इस वक़्त जो सूरत है उनमें ख़ास करके ज्यादा जरूरी, ज्यादा अहम यह है कि कम्पनियों को वह हक़ कि वे जाकर किसी पार्टी में शरीक़ हों और उसके लिये ख़या दें न हो। इंडिविजुअली कोई शक़्स जैसा चाहे करे, लेकिन कम्पनी की हैसियत से यह खोज नहीं होनी चाहिये। यही मेरे कहने का मक़सद है और मेरे ख़याल से इससे ज्यादा और कहने की जरूरत नहीं है।

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, when I presented this Bill to the House, I had no doubt in my mind that the hon. Members opposite and on this side of the House would give it their deepest thought and express themselves on the subject, which after all is an important subject in the context of democratic institutions and the processes of democracy. Whether I agree or not with some of the things that had been said, I must confess that points have been made pertinently for and against, and we have to sum up the discussion in the light of the merits and demerits of the various arguments that have been given.

Mr. Deputy Chairman, at the very outset I wish to express my grateful thanks to the hon. Members for giving it their kind consideration. I particularly thank Mr. Dave, Mr. Govinda Reddy and Mr. Jaspat Roy Kapoor for extending to this measure their eloquent support. They have added to and reinforced the arguments that I have put forward, and I think none of the points they have made has been met by the adversaries of this Bill. At the same time I also **wish to record** my appreciation of those who have opposed this measure and tried to make out a case against it.

I have no doubt in my mind that all of us have given our respective points of view. But I do not know exactly where we stand because many have not spoken and I do not know as to what would have happened to the fate of the Bill if the Congress Party had issued a kind of no-whip itself in this matter as was done in the case of a privilege motion in another place.

SHRI SATISH CHANDRA: No whip has been issued.

SHRI BHUPESH GUPTA: After all, I would not have put forward this measure here in this House had I not thought that there are many

in the party opposite—in the ruling party—who are today perturbed by the encroachment of monopolistic elements and their influences into the Congress Party and who would not like to see the resurrections of some of the Congress ideals of the past being so brutally slaughtered at the counter of the rich politicians. I would not have brought forward this Bill if I had not heard the echoes of resentment and protest against this provision from the lobbies of the Congress Party and from other ranks because many of them, on second thoughts, have begun to realise that this particular provision in the Company Law opens the gate-way not to democracy, but to perversion and corruption of democracy. That is why these well-meaning, honourable, honest men opposite are rightly perturbed and I know their difficulties in sponsoring a measure of this kind. Hence, I have taken up a task which is theirs as well as mine.

AN HON. MEMBER: Thank you.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, the critics of the amending Bill have all fallen into three categories. One category is led by the redoubtable Mr. Sheel Bhadra Yajee^ an esteemed friend of ours, supported by Mr. Pattabiraman and others and Mr. Chinai lustily holding the rear. The other category of people are Mr. Bisht, Diwan Chaman Lall and others who have tried to make out a case on merits and have tried to go into the proposition as it is. And there are also some others who do not like Dr. Barlingay and seem to have cut him up. They are decent and honest people, as they are. Therefore, I have to deal with three distinct sets of people opposing this amending Bill of mine.

As far as the first category of Mr. Yajee is concerned, I am not surprised because he himself told the House in the course of the speech that he had been a **general secretary**

of 13 parties. Well, such a distinguished person would have a good future in the bargain and I am looking forward to seeing him as the general secretary or at least an under secretary of the 14th party.

*(Interruption.)*

Naturally, when the Congress has so turned in politics in what is called political turncoat—it is understandable that there would be a loss of balance, and I can appreciate the accusations and insinuations into which he thought himself free to land against the Communist Party because, Sir, it is a disease that is carried. You contaminate and carry it the moment you start passing from one party to another. Ultimately, you have the distinction, record-breaking claim, of having been the secretary of thirteen parties. How many in India can have such a distinction? Is there a person, living or dead, who can claim that he has been the secretary of thirteen parties? Well, in the life-time of a man, many achievements are possible. But this is a rare achievement and that is why, Mr. Deputy Chairman, rare arguments have come from that quarter. It is difficult to meet them because you have not tried to make up a case, but only accused the Communist Party. But the thing that was said was quite interesting. For instance, he made many interesting points. I did not follow him very carefully. I could not hear his speech carefully. I had a friend to help me in going through his whole speech. A person who understands Hindi read out the whole thing again to me lest I should be denied the refreshment that such speeches bring.

Now, Sir, Mr. Yajee is quite candid. He says, why should you not take money from the capitalists? After all, we did not take money from the capitalists in August, 1942. And he almost made out in his speech as if the 1942 movement was financed... j

*(Interruption.)*

SHRI SHEEL BHADRA YAJEE: Sir, we take money from the capitalists and they—the C.P.I. people—also take money.

SHRI BHUPESH GUPTA: I can tell hon. Members, the moment they stand up, I shall yield so that they can have all the interruptions they want, only if they care to stand up.

Now, Mr. Yajee said—I read his speech carefully; if I am mistaken, he would correct me—that we look money from the Tatas and others; Sardar Patel collected money from others—he gave examples—in order to conduct the 1942 movement. Well, I have read much literature on the 1942 movement including books by Prime Minister Nehru and others. I never thought they had understood the 1942 movement as if it was something which was the creation of the Tatas and Birlas and their money.

*(Interruption.)*

MR. DEPUTY CHAIRMAN: Order, order.

SHRI SHEEL BHADRA YAJEE: They were supporting the Congress movement of August, 1942.

SHRI BHUPESH GUPTA: It is one thing to say that this was not the movement. Some of us—and all of us concurrently—were working with that money in the movement. Well, perhaps, two things work in two directions. It is one thing, in a way, to say that they were supporting the movement. It is another thing to say something that pushes their case so much as if they were inspired by their financiers: and everything in the 1942 movement. Sir, it is most unfortunate that a person whose peregrinations into politics landed him from one party into another should have so facetious and fantastic an idea of the 1942 movement. I claim to have a better idea of the 1942 movement than Members opposite and others in the country. Many of you and others in the country made this movement what it was not with Tatas' and

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Birlas' irony. but with the support —heroic support—of the people, the I.N.A. and other people, the workers . . .

SHRI SHEEL BHADRA YAJEE: The C.P.I. . . .

MR. DEPUTY CHAIKMAN: Order order. Let him go on.

SHRI BHUPESH GUPTA: Sir. I •' you to permit him to make the interruptions that he i

Now, Sir., that 13 so. This is why I introduced this Bill. I think that they should not persist in order to defeat a Communist motion, his slandering a movement which is glorious because of the heroism and sacrifice of the great people of our country. Before these heroic sacrifices, the moneys that you may get from the Tata; and Birlas are nothing.

Sir, that is how I speak, but, unfortunately today that is my objection. The moment you start taking that money of the rich, you forget history; you forget your tradition; you forget the contributions made by the people and you begin to talk as if the Tatas and Birlas make history and not the common man by his Borrow, suffering, heroism and sacrifice.

Now, Mr. Yajee . . . (Interruption.) Yes, you have to get up fully so that I can see you. You should rise in your full stature as you have risen in various parties.

Therefore, Sir, that argument should not be brought in.

Then he said that Bulganin, Tito and others came to this country and the Congress Party for building socialism. Well, I am not going into that. But I do not know of any speech in which they said that you have taken money from the Tatas and Birlas. Then why are you quoting them? I cannot understand it.

Well, as far as they are come in those countries—in the Soviet Union and other places—they do not have such people to go to to find election money. Then again he said — where will the Congress workers find the money to work for their cause? They have been working for twenty years and thirty years, poor people, pi.

modest people like Mr. Yajee, where would they find money until and unless we go to the rich men?

Well, I should have thought that Gandhiji should have at least told you where to find the money. We had fought many an election in our life and we were never corrupt! lining that there was dearth of funds and that we could not win the elections at all. Moneys were showered on you by the common people. They came. . . .

SHRI SHEEL BHADRA YAJEE: From heaven?

SHRI BHUPESH GUPTA: Well. I do not know whether you look to the heaven or to the hell. I look to the people and I find that you get money from them in abundance so much so that many of your electoral funds filled by the contribution and sacrifice of the common man. You should be grateful to them. Today, after twenty and fifty years of service, being a Door man, a modest man. why should you be afraid of going to them to collect money and feel that until and unless you go to the rich people you will not find money. I should not suffer from such defeatism if I have faith in democracy and the people. You are fearing to go to the people, the hon. Mr. Yajee. because you have not fulfilled the pledges that you took out have forsaken some of the pledges. Therefore you are afraid of facing the people and you are turning to the Tatas, the Birlas and the Singhanias and the Mundhras for your election funds. I precisely want to save you from that claim-

tous and, which would be a disaster for the country.

Mr. Deputy Chairman, then Mr. Sheel Bhadrn Yajee accused us; I need not go into that because, after all, why should he not accuse, because accusation against the Communist Party is. I believe, a passport for transit, from one party to another. naturally so, since he belonged once to the Marxist Forward Bloc and claimed to be a Marxist Socialist?

(Interruption.)

How could you travel, Mr. Yajee, to the Congress Party if you had not developed the art and habit of flinging accusations and insinuations against the Communist Party? That is an investment for the acquisition of the position you hold today.

SHRI SHEEL BHADRA YAJEE: Because you deserve it.

SHRI BHUPESH GUPTA: Well. I am very fortunate to state before this House, this esteemed friend of mine as he is, never had the privilege, or we did not have the advantage of his belonging to the Communist Party.

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Therefore, Sir, this is very good. You should have considered the question from a practical angle.

He raised another point as to where these small workers of the Congress would find the money. I can understand that small workers of the Congress: I think he meant the workers who do not have money, who are poor, who do not have the resources. Well, they used to find it at one time from among the people; from the hovels of the peasants, slums of the workers and the dilapidated houses of the poverty-stricken

middle class they used to get funds of war for their election. Today why are you not going there? Yajee can find all your funds provided you affirm your loyalty to them uphold their cause. Money shall be coming to you without your going there. Therefore, Sir, again I think that he is suffering from some misconception.

Then on the one hand he said that he would seek money from the rich, from the Rajas, the Maharajas and the capitalists; on the other hand he said in the same breath that the Congress is killing step by step the Brijas, the Maharajas and the Birlas. Am I to understand, Sir, that they are paying you, to the Congress, election fund for being killed and murdered by you, though step by step. Sir, this is kindergarten argument.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Even Kindergarten answers to questions, you do not understand,

SHRI BHUPESH GUPTA: I am grateful to the feminine voice, I may tell the lady who may be running one or two kindergartens that I do understand kindergarten arguments because they are very childish in nature.

(Interruption.)

Mr. Deputy Chairman, all that I was trying to impress upon the House was that Mr. Yajee in his misplaced eloquence and somewhat overcharged exuberance was not quite conscious that he was cutting one argument by another. While he was saying that he was taking the money from the rich, at the same time he was telling the country through his speech that he was killing the capitalists and the Maharajas step by step but who would not like to kill them as the Czars had been killed?

SHRI SHEEL BHADRA YAJEE: We have adopted socialism; that is a fact.

SHRI BHUPESH GUPTA: That is a very interesting statement that you have made. I will not allow myself to be digressed. Socialism of yours I shall come to later. But then you should not have contradictory arguments unless you are prepared to say that either you are so clever that you can get the money from the Rajas and capitalists in order to kill them, or the Rajas and capitalists are such big fools that they would give money to you so that you could kill them.

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order; let him go on.

SHRI BHUPESH GUPTA: Neither you are so lacking in intelligence nor are the Rajas and the Maharajas and the monopolists who give you money are doing so for their extermination. Therefore please do not give such arguments. These are no arguments; they are very interesting entertainments which sometimes entertain us, especially in a non-official motion, and for that I am undoubtedly grateful to you. I leave Mr. Yajee at this till I see him become somebody in the fourteenth party.

Then, Sir, I deal with the argument—I am following that order—of Shri Santosh Kumar Basu. I am sorry he is not here now. And being an intelligent lawyer, how he proceeded, you see. His main contention was that there is some provision in the Trade Unions Act—interpreted in his own way—to suggest that a trade union could give money to the election funds or for electoral purposes; why should not the capitalists be also allowed to give money through their companies? Well, he referred to section 16 but then, Sir, instead of reading the first part of that section, he started reading from the bottom. I believe that socialism of the Congress Party proceeds in reverse gear. That perhaps is the reason why he believes in proceeding, even in legal interpretation, on somewhat reverse gear. Here section 16 says:

"(1) A registered Trade Union may constitute a separate fund, from contribution separately levied for or made to that fund, from which payments may be made, for the promotion of the civic \*and political interests of its members, in furtherance of any of the objects specified in sub-section (2)."

This is the Act of 1926, Sir. Then after this sub-section the objects follow. This is not our Act or even your Act. You have adopted it. Now, Sir, it should be a separate fund; it is not that a trade union out of their dues can make contributions. If any trade union decides to make any contribution for such purposes, it has to float a separate fund and to that fund people may or may not pay. Only such moneys will go. Every single individual has the right to pay or not to pay; he is not bound by the majority decision of the trade union at all; it is a separate fund. Well, I could have understood if the provision of the company law was such that the companies would be empowered to create a separate fund calling upon the shareholders individually to make contributions if they so like, and then if you offer this contribution to this or that party. But that is not at all the position. Therefore comparison between the Trade Unions Act and the present Companies Act is an utterly wrong and misleading comparison. Here under this company law the shareholders do not meet and agree to this; there is no provision to call a meeting for that purpose. Here once the decision is taken, once the articles and memorandum of association are passed, the contribution can be made, and all the other shareholders are to be bound in the same way as they are bound by certain other financial transactions on the part of the companies; the shareholder has no choice. Supposing one or some shareholders do not want to give to the Congress Party, even then if the majority or even, for that matter, a minority decides otherwise, he has no choice. He can only sell his shares on the stock market, but he cannot prevent

the contribution made by the company. But in a trade union organisation, if I do not like, well, I need not pay a single pie; the trade union cannot take a single naya paisa out of its money to make contributions to any political party until and unless I am a willing party to it. Therefore why bring in this comparison? That is the legal part of it, and the political part of it is obvious. In the case of the trade union it is the workers, it is the employees out of whom you get the money.. Well, if it is collective contribution which comes from them, in that case along with that money will come very right and sound influences. Now am I to understand that the majority of our people who are the workers, employees and peasants or, in this case, the trade union workers or employees will bring wrong influences, remit wrong influences into the Congress, pressurize the Congress to use anti-labour measures or monopolist measures to indulge in all kinds of wrong things? On the contrary their impact on our political life is sound, democratic and is helpful for the flowering of our democratic institutions. Therefore, 3. P.M.

Sir, politically they stand poles as under. This comparison should not have been in this manner. But, Sir, he did it with a view to misleading perhaps some hon. Members by his advocacy, and some advocates sometimes do so. But I think a careful perusal of the Trade Unions Act and the Companies Act will tell you that these comparisons are absolutely misleading and had better be avoided than taken recourse to. He again made various statements and I need not go into them. But that was his main point which, I believe, I have met.

Then, Sir, our friend, Shri Pattab'raman referred to Mr. Justice Tendulkar's judgment which is there. He read out some portions of it and he was supported by our gracious lady hon. Member from Andhra, Mrs. Yashoda Reddy. I am not saying that they were saying

any wrong thing. Some part of the Tendulkar judgment is what they said, but then Mr. Justice Tendulkar had also said other things. I take my stand on those things, and it is for you to choose anything that you like. I choose that part of the judgment which, I think, conforms to social standards and to the growth of democratic institutions and helps the betterment of political life in the country. But if you choose the other thing, choice is open to you. But then there are other judgments also. I was distressed, Sir, to find that they dealt with the Judges with some kind of—I would not say 'disrespect', but—lightness. We also know that many of the Judges are not Doliticians, although, as I have Dointed out, the Congress is trying to make some politician Judges—politicians belong ing to their Party—as has been the case in the Calcutta High Court. But then. Sir, Judges are wise men before whom Mrs. Reddy stands for D'eadng a case. Whether she loses or wins, I do not know. But if she takes recourse to such arguments, Mr. Denuty Chairman. I have not the slightest doubt in my mind that she would not find the legal profession fairly attractive.

SHRIMATI YASHODA REDDY: I find that Judges are more amenable to reason than my hon. friends in the opposition—SHRI BHUPESH GUPTA: Well, the hon. lady Member says that Judges are more amenable to reason. But still it seems that she was more interested in giving to me a test of her reason rather than being in a court to see how the Judges accept her reason. But that is a different matter. Now, Sir, Judges are amenable to reason and therefore they are wise men. But then why don't you accept their judgments? Why do you dismiss them bv saying *obiter dicta*? Of course, we know that Judges do not legislate. Judges interpret the law as it is and they apply the law, and section 293 of the Companies Act is such that not even the most ingenious Judge in the country can interpret in such a



hr: Bhupesh Gupta.] manner as to prevent donations from being paid to political parties. They, being in that position of dignity, notoriety and wisdom, tell the ruling party and others in the country. But in their thoughts and in their view ; such contributions would be harmful to the growth of democratic institutions, to public morality and to the political and national life of the country. I want this *obiter dictum* to be legislated into enactments of Parliament. Perhaps I am crying in the wilderness when I remember some people. But I am making this effort here in this House in order to impress upon the hon. Member opposite that this *obiter dictum*, according to the counsel of business p. 1010 who do not belong to any political party, should be looked at from certain positions where political bias and prejudice do not easily reach. They want to see things according to their own light and their political life is so shaped that the rich people, the multimillionaires and the monopolists cannot debase and corrupt them in order to wreck the democratic institution in these very formative years. Therefore, Sir, we should take a lesson from them. Let us discuss as to where they have gone wrong. Let us whether we find some substance in it. Mr. Justice Chagla's words will shine through the corridors of history, however much the Members opposite shout against them, because he had the courage to utter so noble a truth which will more and more assert itself, the moment our people begin to see that it is here that they must seek some solution by changing the measure. After all, Sir, people's experience is very important. Therefore I was a little surprised when an eminent person like Diwan Chaman Lall said *obiter dictum*. And he would take counsel and advice from a politician rather than from a Judge. I am not asking him to take advice from a Judge. I am asking him to take advice from a politician, and especially that politician who has realised as a result of experience that this measure ought to be changed. Judges

had the courage to tell you certain things at the time when the general elections were about to be held and I when certain petitions are filed in respect of the company donations, especially the Tatas. Now, Sir, I very much regret that the party in power prefers the wisdom of the electioneering of the Congress Party to the wisdom of so eminent a Judge as Mr. Justice Chagla. Therefore, Sir, that point, I think, does not merit any consideration on the part of the hon. Members of the House.

Then, Sir, several points have been made today. Well, I should like to mention that point about pool intelligence and better than he has. Diwan Chaman Lall said that the Communist Party is not opposed to the principle. Well, I have given the Bill. Whatever it is worth, you take it. Now, Sir, Mr. Shastri was saying that when we take money from peasants and workers, why should they not take money from capitalists like Tatas and Birlas? I said that if it is for common good of the country, then surely they should not go to the Congress pockets. Let us forthwith declare that Tatas, Birlas and other industrialists should contribute for the better conduct of elections and the money should come broadly by legislation and the fund should be under some statute. And then let it be distributed. I can understand that. Therefore, Sir, that point should not be taken as a debating point at all. Then, Sir, he said 'loot'. He accused us of trying to shore the loot. Suppose, Sir, some dacoits are running away with some money, with some loot. I am just giving an example. What is the harm if some citizens go and catch them and retain the money in their own hands for common good like community projects etc.? There is nothing wrong there. Therefore, Sir, if they feel that the loot is such to which only they are entitled, then we shall say that there should neither be such a loot nor those persons who seek this loot. That is my point, Sir. Therefore, Sir, Diwan Chaman Lallji I should not have tried to make that point.

SHRIMATI YASHODA REDDY: He ; was not making that point, Sir. W he was saying was that you did not object to the principle of taking money, but your only grievance was that the Congress was getting move than the Communist Party. That is why . . .

SHRI BHUPESH GUPTA: I. have so I many grievances, Sir, And if I go *on* narrating them, I thinking Mrs. Yashoda Reddy will lose her patience. Then this is not a question of grievance. In principle, my Bill is there but supposing you don't accept I this principle, I want to minimise the I damage. That is quite clear. Being intelligent you will understand it. If j you think that Tata's money must , come for the electoral purposes, I would like the moneys to be brought and placed on the Table of the House and we should say how it is to be distributed. This is the wisdom on our side. Therefore I hope the hon. Lady Member in trying to defend another hon. Member has understood the pouit that I have made. Diwan Chaman Lall said 'Ours is the greatest democracy.' Why are you fighting?'. Well, if it is I the greatest democracy—I am not going into that because I avoid controversies—make it greater; b'.vt am I to understand that the greatest democracy is so great or is such that unless and until Tatas' Rs. 10 lakhs come it cannot be sustained and fed? Am I to understand that the greatest democracy is such that Vivian Bose Enquiry Committee should be upset by certain donations, if the pre;"s report is correct? Am I to understand that Mr. Chinai, being the Chairman of the Chamber of the Federation of Commerce and Industry has to work out Rs. Is lakhs, on his own admission, from his company.

SHRI BABUBHAI M. CHINAI: For the information of the hon. Member I am not the Chairman of the Federation of Commerce and Industry.

SHRI BHUPESH GUPTA: Former Chairman—I beg your pardon. But  
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I believe that when you forked out the cash, you were the Chairman. Rs. 1J lakhs he gave and he is very proud. He declares on the. top of his voice that he would givp more money to the Congress. I can understand that, for, these moneys are very helpful in a certain way.

SHRI V. K. DHAGE: But' did he say that he would not give you?

SHRI BHUPESH GUPTA: You better ask him. No such offer has been forthcoming as far as I am concerned. If an offer was forthcoming, Mr. Deputy Chairman, I assure you, that, we shall judge on merits.

AN HON. MEMBER: You will ive  
with both hands.

SHRI BHUPESH GUPTA: Therefore the greatest democracy today need not go with a beggar's bowl either through the front door or through the back-door for getting the millionaire's funds in order to sustain it, feed it, maintain it and to run it. If your democracy is so great as to be called the greatest in modern times, why not turn this democracy to people who will strengthen democracy, maintain democracy, reinforce and buttress democracy and make democracatic institutions a success? No answer would be forthcoming. It is a cry of an oppressed soul. Congress has an oppressed soul today—its lamentations or meanings are of an oppressed soul. When they feel they cannot get money for thenx they have to go to Tatas and BirlaK. Hon. Members got up and said something about elections. Diwan Chaman Lall said something on the excellence-<sup>1</sup> of candidates. Am I to understand that all of us are so excellent that this claim could be made? If we are so excellent candidates, opposite in the Congress Party, is your excellence such that unless and until you get brushed up with Tatas' money, the excel'ence do'is not shine? These are contradictory arguments—excellence of the Congress and yet you must go for Tatas money. Have one or the other. If the.

[Shri Bhupesh Gupta.]

candidate is so excellent that he can win, then you go in for winning elections with popular support and forget the Tatas' money. If the candidate is not so excellent and sometimes is only average, then of course it will be necessary for you to bolster you up with the funds of the millionaires. I don't know, what kind of deal we are getting out of these transactions. The Congress party will be able to tell us. I am glad that Diwan Chaman Lall, a very esteemed friend and guide of mine enters the House. I was just dealing with him. He said about excellence of candidates. Yes, there was a time when Congress candidates by their excellence won elections.

AN HON. MEMBER: Still.

SHRI BHUPESH GUPTA: I saw them not going to the company directors for money. I saw them going from door to door, rousing people into an electoral campaign and out of the small purses of the people came in pies, in annas, millions of rupees with which they fought the elections in one year. Where that excellence has disappeared? Today this excellence is becoming rapidly a thing of the past in the lobbies of the Congress Party. In the Congress Party, unfortunately, excellence is the greatest casualty today and that constitutes for the future perhaps, to some extent, the tragedy of the situation.

SHRI SHEEL BHADRA YAJEE: Ask Comrade Bulganin and Comrade Khrushchev who have praised our socialist ideology and foreign policy.

SHRI BHUPESH GUPTA: Well, Comrades Bulganin and Khrushchev do not fight elections here nor with the Tata funds.

SHRI SHEEL BHADRA YAJEE: They never fight.

SHRI BHUPESH GUPTA: I think the point that was made by Diwan Chaman Lall is also my point. **The**

more you take the moneys from the rich, the more your excellence is compromised and undermined.

SHRI SHEEL BHADRA YAJEE: Never . . .

SHRI BHUPESH GUPTA: The more you take money from the rich, the more you are under the dark shadows of evil political influences; the more you take money, from the rich, the more excellent people in the Congress have to make way for the non-excellent people inside the Congress, and that process has started. Do I not see in the country some very good excellent people in the Congress Party being elbowed out, some seeking outlet in Bhoodan and Sarvodaya and others going into oblivion as far as public life is concerned, while the institution of the Congress Party is being crowded by careerist politicians and other anti-social people? Is it not stated from the forum of the Congress itself by eminent Congressmen . . .

SHRI BABUBHAI M. CHINAI: May I know how my hon. friend is interested in the Congress?

SHRI BHUPESH GUPTA: Shri Babubhai Chinai asks me how I am interested in them. You are my adversary politically. I want excellent political adversaries. I think you have caught that point that I am stating. You are the ruling majority party and I am interested in how your affairs go. Every time I don't turn you out of office nor I think we can do it immediately today or tomorrow as far as the Centre is concerned. Therefore we are vitally interested as constituents of Indian democracy to see that the institution of democracy is not put to needless strain, is not debased and demoralised, is not mortgaged to capitalists and monopolists. I am vitally interested not any partisan interest— but in the common broad interest of the country's democratic institutions and their future.

Diwan Chaman Lall's eloquence was heard in the old days of the Swa-

rajya Party, when he was there with C. R. Das, Motilal Nehru and others, If you read his speech, you will never find that excellent advocacy being so abused in so un-excellent a cause. Today it so happens if he is to sit in these benches under the grim and approaching shadow of very many wrong and evil things, even such good speakers will have to take up a case, which they know in the bottom of their hearts, is indefensible from every point of view. I would ask therefore so eminent and erudite a person as hon. Diwan Chaman Lall, not to permit his eloquence to be so used as would go to the advantage of people whom he would not like to see placed in high positions in public life. I leave Diwan Chaman Lall at that.

As far as Shri Babubhai Chinaiji is concerned, he is a gentleman of the big money and therefore his words would be very big and he is very candid. One thing I like, understand and appreciate is the candour, brutal frankness of India's monopolist classes. They give money to the Congress and declare in a court of law 'I gave Rs. 30 lakhs to the Congress for elections.'

When they are hauled up before a court of law, before an enquiry committee, they declare, "I gave so much money". They come to the press to tell, even after a deal had been exposed, that they gave so much money to the Congress. The cynical frankness on the part of such donors to the Congress frightens me for the simple reason that these people dare say such things in so loud a voice and in such broad daylight. Ask yourself this question today. Their voice is becoming more and more powerful within the Congress Party; the other voices are gradually becoming a faint echo of what was great and what was past and that frightens many of us on this side of the House.

There were three musketeers of the big capitalists but it seems that by a process of elimination there is only

one today occupying the seat. He is the top notch of that world and he has come. I think he has been sent very rightly to take the place of three and he is justifying himself for having taken the place occupied by three.

DR. W. S. BARLINGAY: This is the result of taking money from the capitalists.

SHRI BHUPESH GUPTA: Yes. Well, Mr. Chinai will feel embarrassed if you say such things. I would not like party men to embarrass the party even by interruption.

Therefore, Sir, his argument also out. There was this other argument. Where does the Communist Party get its funds? Suppose we get funds, even assuming but not admitting it, how does it help you? I want to have this particular Act amended and it applies to you, to me and to everyone. If you think that we are getting money from the companies, then prevent them by accepting my amendment. But we do not get money that way at all from the companies. Somebody has discovered that books are sold. I do not know whether the hon. Members who referred to the books, to the People's Publishing House, have enough time to read books. I do not know if the hon. Member has enough time to read books. Apart from that, look at the front page of the books. You will find that the books are priced at usual rates. It is a company and it is run as a company. The balance sheets are there and you can examine them. I shall give you a cup of tea, if you like. Look at the books of the Peoples' Publishing House, the National Book Agency and, on top of that, I shall give you two cups of tea and, if you like, some biscuits and cakes.

SHRI P. S. RAJAGOPAL NAIDU: Your accounts are not audited. The accounts of the Communist Party are not audited as the accounts of the Congress Party are.

SHRI BHUPESH GUPTA: I do not know. We have our accounts audited but we have so little compared to the Congress that after all its is not worth . . .

*(Interruption.)*

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: . . . appointing Messrs. Billimoria and Co. to audit our accounts. If you pay the charges of such chartered accountants, Rs. 2,000 or Rs. 3,000, I think we will consider the proposal of appointing Messrs. Billimoria & Co. to audit our accounts.

SHRI P. S. RAJAGOPAL NAIDU: Who can audit invisible accounts? Nobody can audit invisible accounts.

SHRI BHUPESH GUPTA: I do not know. Money must be visible to pass from one hand to another. We do not have invisible money. I do not know of invisible money but I know of visible money that passes through the backdoors and I will have to enter certain other quarters where certain Members opposite nourish. Mundhra's money was not very much visibly given to the West Bengal Government and it required another enquiry committee and us before the funds could be visible for you.

*(Interruption.)*

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: The hon. Member's visibility must be very very weak.

SHRI P. S. RAJAGOPAL NAIDU: It is very much better than yours.

SHRI BHUPESH GUPTA: Therefore, let us not go into that.

I think Mr. Pattabiraman made a very interesting statement. He said that the Communist Party sold books

out of which it got Rs. 9,000 or Rs. 10,000 or Rs. 12,000. I think we are a bigger party than could be thought of in terms of Rs. 4,000 or Rs. 5,000. We, even in Parliament, out of our earnings give more than that to the Party funds. I do not know what they give, probably Rs. 75 but we give much more than that. Therefore, do not go into that kind of thing. Money comes to us from the people. We make public appeals. You raise funds and then go to the elections. We ask the voter to give us the vote as well as money. Money comes to us like that. Somebody has discovered 70 jeeps in Devicolam. I do not know whether we were waging a major war in Devicolam as to take 70 jeeps and do such kinds of things. Anyway, it some times happens that people come with whatever they have got to support the Communist Party.

SHRI P. S. RAJAGOPAL NAIDU: They come out with the jeeps.

SHRI BHUPESH GUPTA: It does not happen to you. You go to Mundhras first and then go to the electorate. We go straight to the people and find the money. You can come and see how we contest elections. I invite all the hon. Members. *(Interruption.)* We shall be soon contesting a by-election in West Bengal. I invite some of you to come and see how we contest the election. See things for yourself. Do not start an election campaign but sit and observe how we contest an election. Therefore, Sir, let us not go into that. I think Mr. Chinai was very right when he said that he did not know that the Communist Party took money from the companies. The company balance sheets are there. Everything is open. You can go into the balance shaets, find out which company has paid to the Communist Party. It would be recorded in the same way as the money given by Tatas had been recorded in the balance sheet of the Tata Iron & Steel Co. You cannot accuse us of taking money. I am not here talking about the invisible funds. I am talking about the very

tangible visible funds given very openly taking the sanction of the High Court. Find out and give an instance where the Communist Party has got money in that manner from the people. Then only can you say that we are taking money from the capitalists, from the big companies. Well, you have neither a correct idea of the Communist Party which is understandable nor some idea of the capitalists. You do not seem to have any idea about them either. Therefore, please do not give this argument.

I think Shri Deokinandan Narayan is not here. The trouble in Maharashtra has given him some lacerated wounds and, therefore, he wants to satisfy himself by launching into a sort of broadside against the Communist Party, attacking the Communist Party. That I think is as irrelevant to this particular Bill as Shri Deokinandan Narayan to the proposition of a Samyukta Maharashtra or Maha Gujarat. Therefore, I am sorry if I cannot answer his accusations because he has not understood all these years and he would not understand us through a short speech.

Let me now take up the speech of Shri Lai Bahadur Shastri. I must pay my tribute to him because unlike many hon. Ministers, whenever he speaks, he tries to be polite, non-provocative, decent and he wants to say things in his own way, untenable things at times but he says things in order to convince the other parties. I say this thing because I like this kind of mentality in our Ministers. We are not the Ministers. You are the Cabinet of the country and so your action, your mental attitude or your behaviour are all things that are very important. Therefore, even when you make a speech of this kind, even though I do not agree, I wish to record my appreciation of the manner in which he spoke but, Sir, unfortunately there was this point. He is a very clever man. He is a very intelligent man and I liked that kind of speech because there was frankness. I cannot think of very many

Ministers in the Government who speak with candour. They try to prevaricate, get mixed up in all arguments and lose themselves in that fashion. He was very frank. What did he say? He said, "Well, if we did not take money from the rich, how do we fight the elections?" A very straight question, Sir. No bones about it. He said, "We have to take money as the election/expenses today are very heavy. Where do we find the money from?" My answer to that question would be, you can find the money provided you fight the elections with good promises and promises that are kept after the elections. At every election, you give them promises but the trouble is that the moment you return, you break the pledges that you gave to the electorate but remember the assurances that you gave to the rich. The trouble comes in there. Now, if you change that thing, if you remember the pledges that you gave to the poor and forget the assurances that you gave to the rich, should you take money from the rich? Then, probably the process will be that you will get more and more money from the poor sections of the people. I think it is possible to get money. Lai Bahadur Shastri ji says he does not keep any bank account. I believe it, because I think he is one of those who does not believe in bank account, just as I do not believe in bank accounts. Now, am I to understand that it disqualifies him from contesting the election? I do not think so. I think if he tells, and I am sure he does, when he goes to the electorate that he does not have enough money and he has no bank account at all, it appeals to the electorate, rather than when you say that you have got Rs. 10 lakhs from the Tatas. These things are never uttered. I wish the hon. Members opposite had told the electorate that they had Tata's ten lakhs in the pocket and I would have seen how much vote they got. Secrecy, silence, a veil is drawn over all things kept pending in the High Court till after the elections are over, here we are sacrificing. We do not have funds

[Shri Bhupesh Gupta.]

This is how you fight. I, therefore, think Shri Lai Bahadurji is not disqualified by his paucity of personal funds for contesting the election. He will support the policy. For instance, if he accepts this amendment, he can go and tell the electorate that he accepted this amendment. That will be a certificate for him, that will be kudos for him.

SHRIMATI YASHODA REDDY: It is better to take money rather than go and distribute a lakh or two just a day previous to the election. That was done in Devicolum. At least we do not buy the votes. We say we collect it for our expenses.

SHRI BHUPESH GUPTA: Sir, I understand Devicolum has become an obsession to some people and I never thought the honourable distinguished lady Member . . .

DR. A. SUBBA RAO (Kerala): Take the defeat gracefully.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: I never thought that the hon. Member from Devicolum would so easily fall a prey to that obsession.

SHRIMATI YASHODA REDDY: Andhra for your information.

SHRI BHUPESH GUPTA: Well, Sir, Andhra. Therefore, you need not go to Devicolum for it. Therefore, this is wrong. I disagree with Shri Shastriji when he said he can contest the elections. The very fact that when they contest the elections they do not disclose the big donations, shows that the electorate do not like the big donations and it is something not to be talked about, but only transacted in secrecy. Therefore, this goes. .

Then, he said that the elections today require so much money collectively. Well, voters are so many,

constituencies are so many. He referred to the election expenditure and other things. Well, it is possible for you to find the money. If you do not find the money from the people, you are not politically, morally entitled to the support of the people and the electorate. Now, if you find money that way from the people, it shows that you have got some connection with the people that will inspire. That is what should be the approach of the party. Then, Sir, am I to think that our electorate is such that until and unless we mobilise and marshal Tatas', Birlas', Dalmias' money, the adult franchise remains in cold storage and the electoral apparatus does not work, democracy remains in abeyance and the Constitution and the elections become a mere far cry? Not at all. Sir, I think if all of us agree to give up wrong moral standards, go to the electorate on the basis of our respective policies, telling the people frankly what we stand for and what we have done, people will know how to go to the election booth, cast their votes and make their choice freely and fully in order that the democratic institutions can be founded on uncorrupted, untainted public opinion and the will of the people. That should be the approach. I regret that our friend . . .

DR. R. P. DUBE (Madhya Pradesh): Why don't you set an example?

SHRI BHUPESH GUPTA: Will you kindly get up? You want to say something?

DR. R. P. DUBE: Should I get up? I may, tell you, please set an example. It is no use perorating here. You have got one State where you are ruling. Show us and prove.

*(Interruption.)*

SHRI BHUPESH GUPTA: The hon. Member is very right when he asks examples from me. The example on the floor of the House would not be

the example of the Kerala Ministry, but would be the example of this particular Bill. Now, it is for you to accept a good example rather than brave precepts from the side opposite. Therefore, please do not go into that. Then, Deokinandanji revealed that the Congress election funds had collected Rs. 3 crores. We did not know, but the discussion revealed it. Maybe more. I do not know what the Election Chief would tell us. It may be Rs. 3 crores or it may be Rs. 10 crores. But it does, I think, sound true that they have got huge amounts from the various people. Now, he said that. Therefore, I say we do not accept it. Constituencies are divided. People vote. They will find the money. Ten thousand or twelve thousand maximum for an Assembly constituency people can raise. They will be in a position to raise that. Dr. Barlingay developed a very great theory, a shocking theory. I believe the Congress party does not accept it. He said the people will become poorer and their incomes will more and more go down, corporate income will increase. Well, if that is so, then, I am all the more frightened of getting capitalists near at hands ...

DR. W. S. BARLINGAY: I did not say that. I merely said that there would be more and more equalisation of income.

SHRI BHUPESH GUPTA: Now, whenever Dr. Barlingay speaks anything, I listen to him with rapt attention and what he said I took down like Diwan Chaman Lalji in the case of Mr. Dave. He said this thing, but if he did not say it, I am partly relieved. Therefore, he said people, the Constituency of 4 lakhs, will give money. A constituency of four lakhs should find Rs. 10,000/- or Rs. 12,000/- or Rs. 25,000/-. It is not difficult if you have got the support among the people, if you need such money. We contest elections below the election expense high limit. Within the maximum limit we do. I can tell you that we have contested very many and

have won many. You might have done it. I do not deny it. But do not say these things that monies are needed from the rich. Constituencies are divided. People will make their choice, will give the money and help. Therefore, I wish hon. Shastriji had not advanced this particular argument.

Then, again, towards the end he said something, somewhat reassuring that a draft Bill is getting ready. And he said that he would bring it in that session, but so far we have not got any intimation of the particular Bill. Well, we stand vindicated. The moment the Congress party is thinking of redrafting this particular clause at all, we at least stand partially vindicated. It is we who had been advocating that this particular section 293 should be somewhat changed. If the hon. Minister said that he was considering it, who stands vindicated? Is Mr. Pattabiraman vindicated?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI LAL BAHADUR): May I interrupt the hon. Member? He is not quite correct in what he says that we started considering amending this law when this motion was made or when the Bill was presented by the hon. Member. Immediately or some time after the last Company Law Amendment Bill was passed, a Committee was set up to consider various matters concerning that law and to plug various loopholes and propose new amendments wherever found necessary. That Committee itself has gone into this matter and made certain recommendations. So, those recommendations were made long before the hon. Member moved this Bill in this House. Therefore, we had been considering this matter much before this was discussed in this House last time.

SHRI BHUPESH GUPTA: It has never been my contention that my wisdom is necessarily and always a forerunner of the wisdom of Shri Shastriji's. Never it has been my contention. All that I am saying is what we were talking then, that you



[Shri Bhupesh Gupta.] were also discussing when many of your people did not know it. Whether the adage "great men think alike", is applicable here, I do not know. But it remains to be seen whether all of us are great men or not when the Bill comes. Here he said—it is in the proceedings:

"... and in a few days' time perhaps, the first draft will be ready, rally, it will have to be considered by the Law Ministry and therefore it may take some time to introduce it. In fact, we wanted to introduce it in this session itself."

Then you advised me to wait and withdraw this thing so that you can go to the Select Committee. You made a number of commitments, as you always do. Firstly, you said that something was being considered, that that thing would go to the Select Committee, and that that would be such a thing as would inspire me to withdraw, according to you, my Bill. Therefore I take it—when I pointed out that it should relate to section 293, you said that this would also be covered. A whole commitment was made. Complete commitments were made. We should like to know where we stand. The last session is gone. We are in the midst of this session. If you had produced something, even if you say something positive to our satisfaction today, I shall reciprocate the gesture, I shall respect the leadership on your part by withdrawing this Bill and waiting for your wisdom to have its full run.

SHRI LAL BAHADUR: May I inform the hon. Member that it is true that I said that it would be possible to introduce that measure in this session? But we have not been able to do so. In my speech the hon. Member will see that I had said what the Committee of which perhaps Shri Visva-natha Sastry, a Judge of a High Court, was the Chairman, had recommended about this particular matter. I had emoted the recommendations made by that Committee. That is number one.

Number two, as regards the introduction of this Bill, well, in fact I committed an error in stating a few days before in the other House that it would be possible to introduce the Bill, maybe on the last day of the session. I mean, the draft is being prepared. It has been delayed no doubt. As the hon. Member knows, in our present set-up, things have to be examined at various levels and in the various Ministries. So, there has been some delay. But it was said in the other House later on that it would certainly be introduced, and if possible discussed, in the next session of Parliament. Still I am trying, and if it would be possible to introduce it this session, I shall be very much pleased, but I cannot give any definite assurance on that point.

SHRI BHUPESH GUPTA: I appreciate the sincerity of the hon. Minister in stating this. But I do not see why there should be this delay. How long will you take even to draft simple amendments? I know the legal difficulties and the labyrinths of other things in your bureaucratic institution that a Bill has to go through. I understand that kind of thing. Bottlenecks are there. Everyone is waiting to ambush it. Everyone is waiting to attack it. I understand that. As far as this particular clause is concerned, would it not be better if the hon. Minister has some informal consultations with the parties opposite, since we have raised this point, so that some agreed formula can be worked out? It will be something of a *via media*. A gesture of this kind would be very good on the part of the Minister here, and I was very anxious to hear such a kind of assurance from him.

Sir, I feel that the delay is due to the fact that the Government finds it difficult to exactly make up its mind. This is the position. Because we accept the fundamental theory that you must take money from the rich that the companies should be permitted to make contributions, Rs. 25,000 or 5 per cent, whichever is greater, hon. Members opposite

always remember not Rs. 25,000 but the 5 per cent, or whichever is greater portion. The Tata Iron and Steel Company, on the basis of their present balance sheet, would be in a position to contribute Rs. 15 lakhs to the Congress election fund, without any hitch. Because, at 5 per cent., it comes to Rs. 15 lakhs. This is the position. Change it, I say. I beg of Shri Lai Bahadur Shastri to consider this matter. I have given almost all the arguments. Mr. Himatsingka has also said something. He had to say something since he comes from the same State ....

SHRI P. D. HIMATSINGKA: Sir, in spite of his long peroration the main argument has not been met, that the Congress Party was helped all through, according to him, by big money after they came into power. Still there was no bar to any amount of payment under the old Companies Act. This Congress Party, this Congress Government has introduced this limit beyond which one cannot go. What is the answer? If they have been paid money in this fashion and they were helped through, have they not gone against those persons who had helped them? The main argument behind this amendment is that it will influence the Congress Party. . . .

MR. DEPUTY CHAIRMAN: No speech now.

SHRI BHUPESH GUPTA: ] apologise to the hon. Member because that point he made I havf not answered. Yes, the Congress Party did it. Previously there were no restrictions. You had limited i' to some extent. If you want credi for it, I will give you credit. Bu you are such a big party, almos claiming to be the saviour of India Why should you be satisfied with s< little tributes from me in this matter' Here, the main thing is this. If anj particular company gives contribution that does not matter, because it wil be the case of an individual compan;

which will be giving to the Congress Party. But here we are concerned with institutions. We are concerned with companies which are composite bodies. Tatas may be shareholders of those institutions, and other shareholders may be there. They may have divergent political views, they may have divergent loyalties, and out of individual conviction they may like to give to any party they like. But in a composite institution their views do not count. Therefore, for what you have done if you want credit, have it, but then we shall be a party to it. Let us share the credit together. You have the bigger slice of it.

Now, Sir, I say change it, I say change the whole thing. The point was made that, "yes, we take from the Tatas and Birlas and the big companies; but have we not modified our laws? Have we done anything in their interest?" Sir, the economic life of the country bears eloquent testimony to facts, the class which some people are serving. This makes it clear who has gained today. Now, Sir, every time it is concession, always, for the rich people. Modification of the Second Five Year Plan is in the interests of the rich people. Listening to the private sector, steel mills have to be reduced, community services have to be cut, social services have to be eliminated to the extent of Rs. 135 crores. Foreign monies have to be brought in not for strengthening the industries in the public sector but for strengthening the industrial private sector and the monopolist elements. Import and export duties should be so manoeuvred and manipulated that the monopolists get the advantage. These\* people have to be given all international passports to take money outside the country and to travel as they like with the biography of the Finance Minister in their baggage. Such things are happening. This is the position, Sir. I say definitely that you are subject to big money pressure. I do not say that every Congressman is like that, never will I say this, because I know

[Shri Bhupesh Gupta.] there are very many Congressmen who would not like to be subjected to the pressure of big money. But it is a fact of facts today that having provided funds to the Congress they built up, the multifarious connections in the Congress Party, morally, financially, politically and organisationally, they are trying to browbeat the Congress organization more and more to the service of their narrow class interest. This is the fact. This fact has to be faced.

Then, Sir, somebody said that land lordism is abolished for a song. I think Mr. Bisht said that. He is a literary man. Landlordism was abolished for a song—but that song has cost the exchequer Rs. 600 crores, if you care to see that. That song is not a song of that type that you get things for a song. It is a song for him, Rs. 600 crores out of the downtrodden, suffering, dying humanity, peasant masses, is a matter of song for him to be bandied about and paraded, in order to boost and advertise the so-called zamindari abolition of the Congress Party.

SHRI J. S. BISHT: That property was worth six thousand crores.

SHRI BHUPESH GUPTA: Now, Sir, the consolation, thousand crores! They have gone on exploiting. We have got it by paying Rs. 600 crores of our hard-earned money which comes from the sweat and toil of the common man. That may be under the aegis of the Congress Party. That may be under the new-found ideas of those votaries of socialism. But that is not our idea. It was possible for you . . .

SHRI J. S. BISHT: Your idea is confiscation outright.

SHRI BHUPESH GUPTA: Well, I don't want wholesale confiscation, nor such handsome compensation. There seem to be many stages in between. You could have chosen smaller Compensations. Why did you not do it?

Do not say that. Even the children will laugh when they hear that a responsible hon. Member of Parliament is saying that he has acquired the lands of zamindars for a song when the song is costing six hundred crores and I think, about Rs. 175 crores for a State like Bihar or so. Don't say such things. Sir, such utterances will shock everybody and shock even the landlords. Therefore, this is the kind of song that is being sung because the payer is somebody who lives in the upper layer of the society calling the tune and he pays the money in the pockets of the Congress Party and calls the tune. That is the position.

SHRI J. S. BISHT: When all these zamindaries have been abolished, who is the piper?

SHRI BHUPESH GUPTA: The pipers are the Mundhras. The pipers are the landlords. Every landlord is a Congress supporter in the rural areas. Many of them were Congress candidates in the last election. Some of them are flourishing as hon. Ministers of the Congress Government.

DR. W. S. BARLING AY: He calls the tune who pays the piper.

SHRI BHUPESH GUPTA: Well, if you are interested, we have got a multitude of pipers—the masses—who pipe, who sing and they are, you see, something eke. Our pipers are not of that type. Yes, they call the tune. Our pipers who call the tune are the workers, peasants and that is why I am speaking. I have been called to the tune. A tune has been called in respect of me. That is why I have brought this Bill before you and I fought in Parliament. But the moment we advance the other things, the other pipers come in and some of them are physically present to remind lest the tune is not according to the order. Therefore, Sir, I say, you have subjected yourself to this kind of a thing.

Now, towards the end, I would like only to point out that we are passing

through very critical days. Democratic institutions. Hon. Diwan Chaman Lall and others said, "Democracy." He should have his own pride. I do not deny. Do you not accuse other people? You have written nice things about the Soviet Union. And as you know, he writes very well and I was reading some of the things which somewhere appeared in his speeches. He did not say such things there. It may be that it was a matter of courtesy for him. But I say that it was a matter of belief for him; he does not believe in two voices. But under the impact of the Congress Party, he had to say something. Do not bring in those countries unnecessarily by saying totalitarian and other things. They are not interested in this matter. They are not involved. They have got different social systems, whether you like it or not. There are no companies there of this type—private sector of this kind—with a balance sheet showing the donation by a particular concern of Rs. 10 lakhs to the Congress Party and they do not exist there at all. Whether you like it or not, do not bring them in here. I know that you have not chosen this system. I know that you believe in the other system. I know that you believe in capitalism. I know that you are talking of socialism, but building up capitalism. But build it up with clean hands as far as possible. That is the point. Today, democratic institutions in Asian countries are faced with threats. What do you see? In various countries, in Thailand, in Burma, in Pakistan, democratic institutions are being subverted, undermined and finally smashed and broken by some men, by violent, unpatriotic forces, forces that do not believe in democracy. When did they rise from? They did not rise from the common man, out of the huts of the peasants or the ranks of the workers. They rose from the palaces of the rich in order to carry on their *coup d'etat*, sometimes in general's uniforms and sometimes in other garments. That is the position. Today, if you are interested in your democratic institutions, in your

political institutions in not promoting the enactment of the tragic drama that is being enacted in some countries across our borders, it is all the more necessary that the processes out of which such saboteurs arise should be taken note of. The Congress Party or for that matter, any party in the country should not be associated or linked up with those processes of subversion of democracy, with those men, with those violent and unpatriotic forces. This is what I want to say. I do not think that we believe in these attempts. The people have to build the society and it is incumbent upon persons like Diwan Chaman Lall and others to see that the approaching influences of the richer classes, millionaire classes—the Tatas, Birlas and others—who carry on every crime in the world—foreign exchange regulation violations, scandals in insurance, speculations, defalcations of insurance funds and profiteering—are checked. Such people's money is tainted money. Such people's hands are corrupt hands. The Congress Party, if it believes in an iota of what it preaches, should not have any truck with them. Sir, this is what I am talking of them. It is possible to turn otherwise. That is why I say, in the name of democratic institution in the country—bourgeois democracy—it should be strengthened, strengthened by the mutual co-operation of the various political forces, despite the differences, divergence of opinion, but having some common loyalty and our loyalties should be such that would never let us into the hands of those rich people. Turn to the people. Take counsel from them and get help from them. Sir, it is in these interests that I have pressed my Bill and I think that unless something comes . . .

SHRI J. S. BISHT: We have eighty minutes of his speech . . .

SHRI BHUPESH GUPTA: Sir, I hope I have done. I know that I am crying in the wilderness in that matter. But I know what I am trying to do. (*Interruption*) Sir, I have

[Shri Bhupesh Gupta.] something for you to consider. I know you will not give me your verdict today. You will throw the Bill out, I know. The brute majority is behind it. The millionaires' money will be in full operation and a humble Bill like mine with so much little support here, will have no chance.

SHRI RAGHAVENDRA RAO (Mysore): The country does not support you. Why do you say 'brute majority'?

SHRI BHUPESH GUPTA: Well, who will support me?

SHRI RAGHAVENDRA RAO: The country has supported us. Why do you call it a brute majority?

SHRI BHUPESH GUPTA: 'Brute majority' is an English expression. If the brute majority wants to be very, sweet, reasonable and affable, you can accept that Bill. I will at once change my opinion and tender an apology. Now, Sir, brute majority has to be called 'brute majority.' What can I do? The country—yes, • the country—has returned you. And I know that the majority of the country's people did not vote for you. Democracy here should be counted not in the results of the elections, democracy has to be counted in the electoral forces.

MR. DEPUTY CHAIRMAN: Please go on. Don't go into those things.

SHRI BHUPESH GUPTA: Therefore, Sir, don't say this. Only I remind you that we are 'equally divided. Your side and our side are evenly divided in the country as far as the voters are concerned. He said, "No."

SHRI J. S. BISHT: Independence has got . .

MR. DEPUTY CHAIRMAN: Order, order. Let him go on.

SHRI BHUPESH GUPTA: Anyway, we are evenly'divided. The electoral

results have shown that; not the Communists, but the Opposition has got a greater percentage—56 per cent, or so—of the votes as compared to your 44 per cent.

SHRI B. B. SHARMA (Uttar Pradesh) : You are going to meet the same fate as the French Communists have met.

SHRI BHUPESH GUPTA: This is precisely why I was pressing this. He is provoking me. Am I to understand that out of your rungs will soon come a de Gaulle? Now, Sir, the harbinger of de Gaulles sits there. I say, if you take money from them, you will begin to like de Gaulle. You, of all people, support it! de Gaulle's dictatorship is something which is indirectly supported by your interjection now. Sir, you are a very lovable person and I would not place you in de Gaulle's hands because I want to rescue you by abolishing such a provision. Such laws build up de Gaulle. Should you understand democracy in terms of de Gaulle and rejoice and take pride in the fact that the Communist Party there having received 20 per cent, of the poll has got only ten seats? Well, the ideology of the Congress Party must be in a very diseased condition to have developed such a most absurd love for de Gaulle. I hope Shastriji will look after the party members and see that there is none at the door steps who has love for de Gaulle. That way lies grave danger which we must take note of.

#### 4 P.M.

Sir, I have done. I hope never we shall hear about de Gaulle here. De Gaulle you should not eulogise (*Interruption*) . Let the hon. Member come to me and I will show . . .

(*Interruption.*)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Anyway, if you ask your Prime Minister Nehru, leader of your Party, he will tell you that de Gaulle is not to be emulated and not to be cited in your favour against the Communist Party.

Well, Sir, you are happy the Communist Party there has not got even ten seats although they polled 20% of the votes, but it is that party that was righting for the *de jure* transfer of Pondicherry to India systematically, which you have not yet got. That party today has been attacked and has been unjustly attacked, by electoral manipulation, by subversion, by dictatorial methods.

MR. DEPUTY CHAIRMAN: We are not concerned with that here.

SHRI BHUPESH GUPTA: You are quite right, Sir,—we are not concerned. If he had not raised the point I would not have mentioned de Gaulle at all. I have done and I hope Shastriji will accept my amendment.

AN HON. MEMBER: No, no.

SHRI BHUPESH GUPTA: Why do you say, "No, no."? I hope Shastriji will accept my amendment, and if he does not accept my amendment, if he tells me that in this manner he is thinking of amending section 293 and if that appeals to us, our voice shall not have been heard in vain and the Bill can be withdrawn. If he does not give satisfaction to us, at least a "voice of democracy and truth has been uttered in this House -so that it rings in your ears and touches your heart in the days to come.

MR. DEPUTY CHAIRMAN: What do you do with your Bill? It is for you to say.

SHRI BHUPESH GUPTA: Will Shastriji say something, Sir? Will the hon. Minister say something?

MR. DEPUTY CHAIRMAN: Whatever he had got to say, he has already said. Let me know what do you want to do.

SHRI BHUPESH GUPTA: In that case I will press my motion . . .

SHRI LAL BAHADUR: May I just say a word, Sir? In fact I cannot say on everything Shri Bhupesh Gupta has spoken. Now as regards this particular amendment I still would like to tell him that this particular section, section 293, will be considered in connection with the amending Bill which we propose to introduce in the House. It will not take much time; as I said, at the latest it will be in the next session of Parliament. So the hon. Member will have enough time to consider our proposals. Suppose our amendment is somewhat different from what the hon. Member wants to suggest, suppose it so happens, he will have ample opportunity to move his amendments, and if the Bill is referred to a Select Committee, there will be further chance and opportunity for examining that matter and for considering the suggestions put forward by the party opposite or by any other Member of any other party.

SHRI BHUPESH GUPTA: Well, Sir, in view of what he has said I would like to make my position clear. Sir, I take people at their best and I take the hon. Minister for Commerce and Industry at his best. I think he has heard our arguments, has also heard others speaking, and he will bear in mind what we have said, and since he is going to give us an opportunity of returning to the subject at a later stage, not in the very distant future, I think that I should in all fairness to him and also to the House not press this thing, because I would not like the House to be divided and committed over the matter which is under consideration. Let us reflect over it. Conflicting arguments have been given. Let us try to solve it to the satisfaction of the entire country. Therefore, Sir, I would ask the House through you . . .

(Interruption.)

MR. DEPUTY CHAIRMAN: Order.  
:>rder.

SHRI BHUPESH GUPTA: They are not interested in giving me the leave, it seems. Therefore, Sir, I would ask the House that leave be given me to withdraw this Bill and leave it in the hands of the hon. Minister for Commerce and Industry who, I think, will take counsel with the Members opposite before evolving a final solution.

Sir, I beg leave of the House to withdraw my Bill.

The Bill was, by leave, withdrawn.

SHRI T. R. DEOGIRIKAR (Bombay) : So many insinuations made against the Congress Party may also be allowed to be withdrawn.

#### **THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 1958**

MR. DEPUTY CHAIRMAN: Let us take up the next Bill. That is also yours, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

Sir, here again I am on controversial terrain. Now, Sir, I think I should just point out as to what is my case, and I would like to hear many of our friends opposite, legal friends especially, on the subject.

Now, Sir, this again is a , simple amending Bill. The only virtue the Bill does not have is that it is not moved from the other side of the House; this is the thing that is lacking; all other attributes and merits it possesses.

Now, Sir, I seek in this Bill to amend certain provisions of the Criminal Procedure Code, section 107, 129, 131 and 144, mostly by adding certain provisos where necessary.

[THE VICE-CHAIRMAN (SHRI P. N. SAPRU) in the Chair.].

Now as you see, Sir, these are very important sections. Section 107 deals with the question of breach of peace, where people are to be bound for good conduct, for keeping the peace, and all that. Sections 129 and 131 deal with the situations where military is called out in aid of the civil authority. Section 144 imposes certain restrictions on the freedom of movement, freedom of person, freedom of assembly and so on.

Now Mr. Vice-Chairman, since an eminent jurist and lawyer like you is in the Chair, I would like to begin by saying that my amendments are nothing strange. If you go back to the Karachi Resolution of the Congress Party you will find that in those days they were speaking in terms which went against these particular provisions, and there was no doubt that the Congress Party demanded that these should be modified if not completely abandoned or eliminated from the statute book. Here again, Sir. I am going to recall some of the pa^t things, and if I recall the Karachi Congress I do so because that gives us a common approach. . I am not adding something which is ideologically alien to you and ideolo-eicslly only familiar to me. I have brought =nme<hing which you shared at *one* time but may not l'ke today for some other extraneous reasons.

Now, Sir, democratic institutions cannot be maintained without guaranteeing personal freedom, without guaranteeing freedom of assembly, without guaranteeing freedom of legitimate democratic agitation and without guaranteeing freedom to work lawfully and freely in order even to change a Government. That is the position. Now all these particular provisions of the measure impinge upon these fundamental rights of the citizen. This is the point that I want <sup>1</sup> to make. Now, Sir, this is something