

is a matter to be decided. Information is not about opinion. No opinion about any legal position need be asked on the floor of the House. The Minister is not bound to give any opinion on the legal matter. All that can be asked was answered by the Deputy Minister of Planning. He said he has read the report and no such proposal has come to them. There is an end of this matter. Whether it is open to him to say or not, it is not within our province.

The Question hour is over. We shall now take Short Notice Questions.

#### SHORT NOTICE QUESTIONS

##### Kalinga Industries Limited

**S.N.Q. 3. Shri Surendranath Dwivedy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India's attention has been drawn to the reply given by the Chief Minister of Orissa to a Question in the State Legislative Assembly on the 22nd August, 1961 to the effect that the contribution of Rupees One lakh made by the Kalinga Industries Limited, Cuttack, to the All-India Congress Committee last year was an "authorised expenditure";

(b) whether it is a fact that the matter in regard to the objection was brought to the notice of the Company Law Administration by the previous Ministry and also by the Governor during the Rule of the President to the fact that this was an irregular expenditure;

(c) whether any enquiries were made by the Company Law Administration and what were their findings; and

(d) whether it is a fact that the new Ministry in Orissa withdrew this reference to the Company Law Administration after taking oath in June last?

**The Minister of Commerce (Shri Kanungo):** I am sorry to say that the authentic version of the Question and

replies in the Orissa Assembly on the 22nd August, 1961, has not been received yet, presumably as communications with Bhubaneswar have been cut off.

**Shri Surendranath Dwivedy:** Communications were cut off only yesterday. This question was put long before on the 24th of last month. The replies were given in the Orissa Assembly on the 22nd. I am surprised that he says that reply has not been received.

**Shri Kanungo:** I beg to submit that I accepted the answer to be given on the 5th of September. On that day, I had not received any communication. Between the 5th and 7th, I understand that postal communications have broken down.

**Several hon. Members rose—**

**Mr. Speaker:** Order, order; it is no good pursuing the matter. It is open to an honourable Minister to accept a Short Notice Question or not to accept. The other day I was informed that till that day he did not receive a regular verbatim report of what happened there in the Orissa Assembly. He wanted to wait and asked for time till the 8th. If even today he does not get it, how is he to answer? He is responsible to this House for what he states or what he does. If some questions are asked to clarify certain matters relating to what happened elsewhere and if the Minister agrees subject to his getting authentic information and he does not get it, what has he to do? Next question.

**Shri Surendranath Dwivedy:** To the letter part of the question, he need not wait for answer from there.

**Mr. Speaker:** Which portion?

**Shri Surendranath Dwivedy:** Whether the Company Law Administration knew of this or not; what is the answer—whether they made any enquiry about this that it was an unauthorised expenditure.

**Shri Sadhan Gupta:** Except part (a), everything can be answered.

**Shri Tyagi:** I want to know whether Government are in a position to announce whether any contribution made by any public sector organisation to a political party is deemed by Government to be regular or irregular, as a policy. I want to know what their policy is, and I think that that will set the controversy at rest.

**Shri Kanungo:** It has been made clear on the floor of the House that no public sector company can make any contribution to political funds.

**Shri Surendranath Dwivedy:** What about the reply to my question?

**Shri Ranga:** There was a supplementary question put by the hon. Member which has not been answered.

**Mr. Speaker:** The hon. Minister will kindly answer parts (b), (c) and (d) of the question.

Part (b) of the question reads thus:

"whether it is a fact that the matter in regard to the objection was brought to the notice of the Company Law Administration by the previous Ministry and also by the Governor during the Rule of the President to the fact that this was an irregular expenditure;"

This must be within the knowledge of the hon. Minister.

**Shri Kanungo:** If you choose, that this question will be put as a separate question, then, I can certainly give the information. (*Interruptions*).

**Mr. Speaker:** Order, order. Why should hon. Members take it that the hon. Minister will not answer the very thing which they want? I am also asking him the same thing. And he is answering. Why should they be in a hurry?

**Shri Kanungo:** The whole thing is one single question, and it is hanging upon part (a) relating to the statement that was made in the Orissa Legislative Assembly. If you choose that it will be treated as a separate question, then certainly I can give whatever information I have.

**Mr. Speaker:** I do not know why all of them should be clubbed together. There are distinct parts of the question also. The hon. Minister can see if he can answer the other parts separately. If he is not able to answer part (a) of the question, why should he not answer parts (b), (c) and (d)? What is within his knowledge does not depend upon what happens elsewhere.

**Shri Kanungo:** The context might be different. Otherwise, I can answer it.

So far as part (b) of the question is concerned, I may tell you that a communication was received from the Government of Orissa in May, 1961, and there was no separate communication from the Governor of Orissa.

Regarding part (c) of the question . . .

**Mr. Speaker:** That is, whether any enquiries were made.

**Shri Kanungo:** . . . We came to the conclusion that no offence had been committed.

**Mr. Speaker:** Were any enquiries made?

**Shri Kanungo:** *Prima facie*, no offence was committed.

**Mr. Speaker:** Was no enquiry made?

**Shri Kanungo:** No enquiry was necessary.

**Mr. Speaker:** Very well. Now, next question.

**Shri Surendranath Dwivedy:** Can I not ask one supplementary question on this?

**Mr. Speaker:** Yes, he may ask.

**Shri Surendranath Dwivedy:** Is it not a fact that the Director of Industries, Orissa, wrote to the company saying that according to the terms of the agreement, they could not incur an expenditure of more than Rs. 5,000 without taking the permission of the Government? Was it done in that case? Was any *prima facie* enquiry made into that?

**Shri Kanungo:** That is a question of an agreement between the State Government and a company. We are not concerned with it.

**Mr. Speaker:** Next question.

**Some Hon. Members** rose—

**Mr. Speaker:** Order, order. There is a Government in Orissa, and this is a matter between the Orissa Government and some company there, and it is governed by the terms of the agreement. We have no right to enforce them, and, therefore, it is no good asking that question here.

**Shri Surendranath Dwivedy:** The Company Law Administration is there to look into the irregular expenditure. That was why this matter was referred to them.

**Mr. Speaker:** I want to understand one thing. I would advise hon. Members to consider the scope and jurisdiction of the Company Law Administration. So far as the Company Law Administration is concerned, it looks into matters relating to every company and then gives advice. In a matter where the company has entered into an arrangement or an agreement with the State Government, that advice has to be taken by the State Government and they should try to enforce it. That does not mean that whatever the Company Law Administration says with respect to an agreement between the State Government and that company can be enforced here. Of course, it is open to the hon. Member's counterpart in the State Legislature to take up the matter there. Nothing can be done here.

**Shri Tyagi:** It must be made clear that the company concerned is in the private sector and is not in the public sector, and, therefore, it is free to contribute.

**Shri Surendranath Dwivedy:** If you would give me just one minute, I shall explain it. Here, the position is different. The Chairman of the Kalinga Industries Limited is also the Chief Minister of Orissa. He has made the donation. The Orissa Government's interest is there. On that very day, when the donation of Rs. 1

lakh was made, he was a defaulter to the Orissa Government to the extent of Rs. 4 lakhs. The accounts of the company show that the arrears were to the tune of Rs. 4 lakhs . . .

**Mr. Speaker:** If we cannot do anything, it is no good pursuing it.

**Shri Surendranath Dwivedy:** There seems to be something like a conspiracy . . .

**Mr. Speaker:** Order, order. I am not going to allow this House to convert itself into the Orissa Legislative Assembly.

**Shri Surendranath Dwivedy:** The Central Government's intervention was necessary.

**Shri Ranga:** The Chief Minister of Orissa was the managing director of this company.

**Mr. Speaker:** The Central Government cannot interfere. Even if it should be the Chief Minister of Orissa, what can be done?

**Shri Asoka Mehta:** If I have understood the problem correctly, the position is somewhat different. Here is a company in which the Orissa Government has also made some investment, with which we are not concerned; that is a matter between the Orissa Government and that company.

The second point is that this particular company contributed a lakh of rupees to the AICC. That again is a matter between that company and the AICC.

But, now, we are told that this contribution was made in a year when the company had made a loss of Rs. 4 or 6 lakhs. The question, therefore, narrows down to this, namely whether the company Law Administration has looked into this matter that a company which is making a loss—whether it is the shareholders' money or the Orissa Government's money is a different matter—should have contributed a lakh of rupees to a political party. If the Company Law Administration has not looked into it, then the question is this. Is this not a matter which the Company Law Administration should look into?

**Shri Surendranath Dwivedy:** They have given no dividends also.

**Shri Kanungo:** I have already replied to the question which has been posed by Shri Asoka Mehta. I have replied specifically that it was no offence under the Companies Act, *Prima facie*.

**Shri Asoka Mehta:** Does it mean that in future any company that is making a loss will be free to make any contribution it likes to any political party, and the Company Law Administration will not interfere?

**Shri Kanungo:** No, the fact is that the company did not make any losses at that time.

**Shri Surendranath Dwivedy:** Is it not a fact that the Chief Minister of Orissa stated that a loss was shown in order to avoid taxes? Is that not a fact? If not, let the hon. Minister contradict it.

**Shri Kanungo:** I have not got the statement which my hon. friend is quoting.

**Shri Mahanty:** I want to know whether there is any substantive law in this country to prohibit a private company from making contribution to political funds. Secondly, I would like to know whether the Director of Industries, Orissa Government, . . . (*Interruptions*). This kind of bamboozling is not proper. I am not going to yield to this kind of bamboozling. I seek your protection, Sir, (*Interruptions*).

**Shri Kanungo:** The law is stated in the Companies Act.

**Shri Mahanty:** I would like to know. It is no good misleading the House. (*Interruptions*) I am not going to yield to this kind of bamboozling.

**Mr. Speaker:** Will the hon. Member resume his seat or not? I shall now proceed to the next question.

I am really sorry. I have been very indulgent to the Opposition. This is not the way in which they should be-

have. When they say something they want that others must keep quiet, but when some other Member rises, they start interrupting. I find that a kind of impatience is exhibited in this House. I do not know how they behave in this manner. They must be parliamentarians first and then anything else. It is very wrong to interrupt in this manner. Why should they lose their patience in this manner as if the whole thing is going to depend only on Rs. 1 lakh or Rs. 2 lakhs? I do not want the hon. Minister to answer a hypothetical question whether it is open to a company to make contribution or not.

At the fag end of the session, I am afraid that hon. Members are a little impatient to go home.

Now, next question.

#### Trial of Lt. Col. Bhattacharya in Pakistan

**S.N.Q. 4. Shri N. E. Muniswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that after commencing the trial in Dacca against Lt. Col. G. L. Bhattacharya, an Indian Army Officer standing charge of espionage, the public prosecutor's suggestion was upheld by the Presiding Officer of the Special Military Court to hold the proceedings in camera;

(b) whether all documents and necessary facilities have been given to the accused by the Pakistan Government; and

(c) whether Government of India *suo moto* propose to send an Indian lawyer or any barrister to defend Lt. Col. Bhattacharya?

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** (a) Yse, Sir.

(b) We have seen newspaper reports to the effect that the Defence Counsel provided by Pakistan, submitted to the Special Military Court in Dacca on 31st August, 1961, that he, the Defence Counsel, had taken charge of the case on August 25th, and had not been able to prepare the defence.