

[Shri A.K.M. Ishaque]

The West Bengal Government do require food to feed these people but the demand made by the West Bengal Government has not been met so far. We, the Members of Parliament, belonging to the Congress Party saw the Food Minister the other day to make a demand for food but only an increased amount of 12,000 tonnes of foodgrains per month was given. Sir, as a result of this food shortage the political party, to which a proper burial was given in the sacred soil over there, is again trying to come up taking advantage of this food shortage. Only yesterday they wanted to reintroduce the politics of violence in the State and set Court houses on fire. So, I am making an appeal to the Central Government to have a look at West Bengal and supply foodgrains on an emergency basis so that the political party which believes in politics of violence does not come up and create troubles.

13.09 hrs.

DEMANDS FOR GRANTS, 1974-75—  
*contd.*

MINISTRY OF LAW, JUSTICE AND COMPANY  
AFFAIRS—*Conted.*

MR. SPEAKER: Now, we resume the discussion on the Demands for Grants under the control of the Ministry of Law, Justice and Company Affairs. The time taken already is 3 hours 40 minutes. The balance of time is 1 hour 20 minutes. What time does the hon. Minister require?

THE MINISTER OF LAW, JUSTICE  
AND COMPANY AFFAIRS (SHRI H.  
R. GOKHALE): About 40 minutes.

MR. SPEAKER: So, about an hour is available for other Members. Shri Chandrika Prasad.

PROF. MADHU DANDAVATE (Rajapur): Would you give me some other time?

MR. SPEAKER: Let him please not do it like this every time. These things come to me in my Chamber and I decide them there; I do not commit myself here. So, he should not ask 'Will you do it or not?' The hon. Member is a very learned gentleman.

SHRI JYOTIRMOY BOSU : (Diamond Harbour): It should not be our idea to come and worry you every day in the morning.

MR. SPEAKER: These things should come to me duly in writing.

SHRI JYOTIRMOY BOSU: I agree that requests should be in writing. I always prefer to write to you; unless it is a very important matter on which I must come and see you, which may be once in two months. But my request to your good self, Sir, would be that when we write to you, you should consider it on merits...

MR. SPEAKER: I shall ask him to sit in my Chair one day and ask him to reply to the Members. I shall try that.

SHRI JYOTIRMOY BOSU: Why do you want to inflict such punishment on me?

MR. SPEAKER: I shall ask him to reply to Members. I shall ask him to occupy my Chair and then ask the Members to enquire from him 'why not this? Why not this?'

SHRI JYOTIRMOY BOSU: Only during inter-session period I can sit on the Chair.

13.13 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

श्री चन्द्रिका प्रसाद (बलिया) : उपाध्यक्ष महोदय इस मंत्रालय की अनुदानों की मांगों का समयन करते हुए कुछ बातें आप के सामने रखना चाहता हूँ। इस मंत्रालय के द्वारा उपेक्षित और पिछड़े प्रांचल, हिन्दी भाषा और गरीबों के साथ जितना न्याय होना चाहिए था, वह नहीं हुआ। आप इलेक्शन कमीशन की बात को लें। उत्तर प्रदेश की पूर्वी भाग नदियों से घिरा हुआ है। जब उस क्षेत्र का परिसीमन ही रहा था,

हम ने इलैक्शन कमीशन से कहा कि उस क्षेत्र की घाबादी 18 लाख है, जिस में 10 लाख की घाबादी से मैं चुनकर घाना हूँ, बाकी आठ लाख की घाबादी को दो हिस्सों में बाँट दिया गया है। हमारे क्षेत्र में 8 एम०एल० ए० क्षेत्र हैं, जिनमें से पांच मेरे नीचे आते हैं और बाकी तीन में से दो को देवरिया के साथ और एक को भाजमगढ़ के साथ जोड़ दिया गया है। मेरा कहना था कि इन क्षेत्रों को या तो गाजीपुर के साथ मिलाये या देवरिया के साथ मिलाये, इन को दो भागों में न बाँटें। इस तरह बाँटने से इन क्षेत्रों की उपेक्षा होती है तथा गंगा और घाघरा के कटान को देखते हुए जनता के साथ ठीक प्रकार से सम्पर्क नहीं रह पाता है। लेकिन हमारे मुद्दाव पर ध्यान नहीं दिया गया। इस लिए मैं चाहूँगा कि परिसीमन के समय कम से कम पिछड़े और उपेक्षित इलाकों की तरफ विशेष ध्यान दिया जायें, यत्न करे कहने पर ही निर्भर नहीं रहना चाहिए।

हमारे बहुत से विरोधी साथी कहते हैं कि पिछला चुनाव ठीक से नहीं हुआ। चुनाव ठीक क्यों नहीं हुआ, इसका कारण यह है कि हमारे विरोधियों में जो प्रतिक्रियावादी शक्तियाँ हैं, उन्होंने जनता को मत डालने में बाधा डालने की कोशिश की। मैंने इस सम्बन्ध में इलैक्शन कमीशन को टेलीग्राम भी दिया था—जिममें मैंने उन को सूचित किया था कि इन शक्तियों द्वारा हमारे क्षेत्र की जनता को वोट नहीं डालने दिया जायेगा। मैंने कुछ इस्टैन्सेज भी दिये थे, उन जगहों और पोलिंग स्टेशनों के नाम भी दिये थे जहाँ के सामन्तवादी और प्रतिक्रियावादी लोग वोट नहीं डालने देंगे। लेकिन उसके बाद भी इलैक्शन कमीशन ने कोई व्यवस्था नहीं की। स्टेट गवर्नमेंट भी गरीबों के वोट डलवाने में सफल नहीं हो सकी, उन्होंने इसमें कुछ नहीं किया। इसलिए मैं चाहता हूँ कि इलैक्शन कमीशन को इतना शक्तिवान बनाया जाये कि इलैक्शन के समय इलैक्शन कमीशन स्टेट गवर्नमेंट की मशीनरी को न मांगे, बल्कि चुनाव के वक्त जो अधिकारी काम करते हैं, उनकी सारी जवाबदेही इलैक्शन कमीशन के हाथ में रहे, उन के करेक्टर रोस लिखना, उन के काम को देखना, नीचे से ऊपर तक सारा काम इलैक्शन कमीशन के हाथ में हो।

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बोर्ड्स की जो वोटर लिस्ट बनाई जाती है उस में गरीबों के नाम छोड़ दिये जाते हैं। और एक परिवार में दस सदस्य हैं तो केवल एक का ही नाम वोटर लिस्ट में लिख लिया जाता है, बाकियों को छोड़ दिया जाता है। जब कि सामन्तों लोगों के परिवार में यदि दस प्रादमी हैं तो 100 प्रादमियों के नाम दे दिये जाते हैं। उनमें नाबालिग लड़कों के नाम, फर्जी नाम भर दिये जाते हैं—इस तरह की धाधली होती है। जहाँ पर लोग कम पड़े लिखे हैं, ज्यादा गरीब हैं, वहाँ इलैक्शन कमीशन सही चुनाव कराने में असफल रहा है। चुनाव के दौरान भी ऐसी घटनाएँ हुईं—15-20 पोलिंग बूथ्स पर उन सामन्ती लोगों ने कब्जा कर लिया। हमारे पोलिंग एजेंटों को मार कर निकाल दिया, हमारे वक्ताओं को पीट कर भगा दिया, उस के बाद खुद वहाँ बैठ कर अपने उम्मीदवार के पक्ष में वोट डलवाये। अफसरों को बिल्कुल बेकाबू कर दिया, वे लोग कुछ नहीं कर सके। मैंने अपने टेलीग्राम में इन सब बातों का जिक्र किया था। मैं चाहता हूँ कि इस तरह की गुण्डागर्दी के खिलाफ जांच बैठाई जाये और जिन उम्मीदवारों ने इस तरह की बदमाशी की है, उन को डिबार किया जाय। जिन गरीब हरिजनों को पीटा गया है, वोट नहीं डालने दिया गया है उन को ऐसे लोगों से मुआवजा दिलाया जाये या सरकार खुद मुआवजा दे। ऐसे उम्मीदवारों को 6 वर्ष के लिए डिबार किया जाय। मैं चाहता हूँ कि इलैक्शन कमीशन इन घटनाओं के बारे में जांच कराए और हमें उस जांच से अवगत कराये।

कम्पनी ला बोर्ड में भी हमारे गरीबों के साथ उपेक्षा की गई है; ऐसी व्यवस्था होनी चाहिए कि जो भी कम्पनी बने उस में मजदूरों और कर्मचारियों के प्रतिनिधियों को डायरेक्टर बनाया जाये, उन को भी उन कम्पनियों का शेयर-होल्डर बनाया जाये, उन की तमाम सुविधाओं, उन के रहन-सहन के लिए मकान, दवा-दारु, बच्चों की शिक्षा का प्रबन्ध किया जाये। जो भी कम्पनी रजिस्टर हो, वह पहले इन सुविधाओं की व्यवस्था करे तब उस को रजिस्टर किया जाये।

पिछले चुनावों में आप ने देखा कि कांग्रेस सत्ताह्व दल होते हुए भी अपने वोटों से वोट नहीं डलवा सकी—इस काम में हमारा कमीशन विफल रहा है। उन लोगों

### [श्री अग्रिका प्रसाद मंडल]

में जहाँ विरोधी डल के एम०एल०ए० होते हैं, वहाँ पार्लियमेंट के मेम्बरों की मीटिंग में नहीं बुलाया जाता। जब वहाँ चुनाव के सम्बन्ध में कोई कार्यक्रम बनाया जाता है, पोलिंग स्टेशन बनाने के बारे में, बोटस लिस्ट बनाने के बारे में स्टेट की मशीनरी एम०एल०ए० से इनकी प्रभावित होती है कि वह संसद सदस्यों की उपेक्षा करती है। यह काम इलैक्शन कमीशन के मातहत होना चाहिए, उन पर नहीं छोड़ना चाहिए। इस का नतीजा यह होता है कि जहाँ विरोधी एम०एल०ए० यह समझता है कि उस गांव से उस को बोट नहीं मिलेगा तो उस का पोलिंग बूथ चार मील की दूरी पर बनवाता है, जिस से कि बोटर वहाँ पहुंच ही न सके और जहाँ उसे उम्मीद होती है, वहाँ का पोलिंग बूथ उसी गांव में बना दिया जाता है। मैं चाहता हूँ कि हरिजनों के लिए उन के गांव में ही पोलिंग बूथ बनाया जाना चाहिए, ताकि उन को बोट डालने में मारा-नीटा या डराया न जा सके।

आज हमारे यहाँ जो नये लड़के वकील बन कर आते हैं उन की रिश्तियाँ बहुत खराब हैं। उन की पढ़ाई-लिखाई पर जितना समय और धन लगता है, उस के साहब से उन की आमदनी 50 रुपये महावार भी नहीं हो पाती। लेकिन जो सीनियर वकील हैं, वे महीने में इतना अधिक कमाते हैं कि उन के पास समय ही नहीं रहता। हमारे कुछ साथियों ने कहा कि जूनियर वकीलों को स्ट्राइक दिया जाये, प्राप स्ट्राइक दें या न दें, लेकिन जिस तरह से अन्य स्थानों पर प्राप सीलिंग लगा रहे हैं, इसी तरह से सीनियर वकीलों पर भी कुछ सीलिंग लगना चाहिए। यह भी कहा गया है कि इन का एप्रेंटिसशिप पीरियड बढ़ा दिया जाये—लेकिन जो पिछले क्षेत्रों में लड़के वकील बन कर आते हैं, इससे उन के लिए समय बढ़ जायेगा और उन पर बहुत ज्यादा आर्थिक बोझ पड़ेगा। मैं चाहता हूँ कि या तो सरकार उन को स्ट्राइक दे या उन को सीनियर वकीलों के साथ लगा दिया जाये, ताकि सीनियर वकीलों की आमदनी का कुछ हिस्सा उन को भी मिल सके। दो-तीन वर्ष तक उन के साथ काम करने से उन का खर्चा भी निकल सकेगा और उन को अनुभव हो जाने के बाद अपने पैरों पर खड़े होने का अवसर मिलेगा।

पूर्वी जिलों में, जो गरीबों का इलाका है, वहाँ जुडीसियल मैजिस्ट्रेट या दूसरे मैजिस्ट्रेट समय पर नहीं बैठते हैं। गरीब आदमी अपने गांव से पैदल चल कर या बस का किराया खर्च कर के कचहरी में आता है, लेकिन हर रोज वहाँ तारीख पड़ जाती है। तारीख पड़ने की भी कोई सीमा होनी चाहिए। इसके बारे में सीमा तय किये जाने के बाद उस पर सख्ती से अमल किया जाये। अगर यही न्याय का तरीका रहा तो उनको न्याय नहीं मिल सकेगा और न्याय महंगा पड़ेगा। इसका मुख्य कारण यह है कि देहातों से उनको आना पड़ता है, दस बीस बार उनकी तारीखें बढ़ती हैं जिससे उनको वकीलों को फीस ज्यादा देनी पड़ती है, उनको खर्चा ज्यादा करना पड़ता है और इसमें उनका समय भी बर्बाद होता है, वह अपनी खेती भी नहीं कर सकते हैं। इसलिए मेरा निवेदन है कि यह निश्चित किया जाये कि कितनी परिधियों में मुकदमा तय हो जायगा। इस बात पर जरूर ध्यान दिया जाये।

उपाध्यक्ष महोदय, हमारा राज भाषा आयोग जो बना उसमें हिन्दी की बहुत उपेक्षा की गई। हिन्दी प्रदेशों में अंग्रेजी की कानूनी किताबों का ट्रांसलेशन करके देने की बात कही गई थी लेकिन राजभाषा इस काम को नहीं कर पाया। राजभाषा आयोग में एक समन्वय समिति है जिसका चैयरमैन वही होता है जोकि आयोग का चैयरमन है। मेम्बरों में से एक मेम्बर सेक्रेटरी होता है। उस समिति के कार्यों में अनुवाद के अलावा हिन्दी की विधि शब्दावली में एकरूपता बनाये रखना और प्रभावकारी समन्वय सुनिश्चित करना भी शामिल है। प्रासूषण में प्रशिक्षण देने की स्कीम के अंतगत 1972 के दौरान राजस्थान सरकार ने एक अधिकारी दिया, 1973 में मध्य प्रदेश सरकार ने दिया लेकिन यूपी० और बिहार का नम्बर कब आयेगा, यह समझ में नहीं आता।

इसी प्रकार से संविधान का हर भाषा में अनुवाद कराने की बात कही गई थी। और भाषाओं में तो अनुवाद हो गया है लेकिन भोजपुरी भाषा, जिसको 8 करोड़ लोग बोलते हैं उसकी उपेक्षा की गई है। हमारे देहात की भाषाओं में रामायण की पुस्तक रहती है और वहाँ पर चौपाइयों का जैसा अर्थ वे लोग लगाते हैं वैसा बड़े बड़े विद्वान भी नहीं लगा सकते हैं।

सी प्रकार यदि संविधान का भोजपुरी भाषा में अनुवाद भी मिल जाये तो वह लोग भी संविधान के प्रति अपनी जबाबदेही को पूरी तरह से समझ सकेंगे।

इसी के साथ राज भाषा आयोग में सभी भाषाओं के प्रतिनिधि रखे गये हैं लेकिन भोजपुरी भाषा का कोई प्रतिनिधि नहीं रखा गया है उसमें हिन्दी के 5 प्रतिनिधि रखे गये हैं। भोजपुरी को प्राप आफिशियल स्टैटस मानें या न मानें, इस पर मैं झगडा नहीं करना चाहता लेकिन हिन्दी के 5 प्रतिनिधियों में से एक भोजपुरी भाषा का प्रतिनिधि रख दें तो भोजपुरी भाषा के प्रति जो उपेक्षा बरती गयी है उसका निराकरण हो सकेगा। इन शब्दों के साथ मैं इन मांगों का समर्थन करता हूँ।

PROF. MADHU DANDAVATE (Rajpur): Sir, are you considering my notice under rule 377?

Mr. Deputy-Speaker, Sir, I have carefully gone through the report of the Ministry of Law, Justice and Company Affairs, and I would like to pinpoint the attention of the House to some specific aspects of the functioning of the Ministry. At the very outset, I would like to say something regarding the functioning of the Monopolies and Restrictive Trade Practices Commission and the responsibilities that are cast on the Government by the Monopolies and Restrictive Trade Practices Act, 1962. You may recall that in this very House, I had moved a privilege motion against the Minister of Law, Justice and Company Affairs on the ground that though section 62 of the MRTP Act makes it incumbent on the Government that all the MRTP Commission reports which are submitted to the Government, whether they are administration reports or whether they are reports regarding individual cases referred to the MRTP Houses of Parliament. Sir, on that occasion, the Minister concerned had owned the mistake, expressed regret and assured this House that all the reports, administrative reports as well as the individual reports, will be placed before both Houses of Parliament.

I am constrained to find that even on the basis of the report that has been presented to us, only the administrative report from 1st January, 1972 up to 31st December, 1972 has been submitted. As far as the individual reports are concerned, there are a large number of reports which have still not been submitted in spite of the specific assurances given by the hon. Minister on the floor of this House. If the individual reports do not come before the House, the House does not get the opportunity to discuss some of the basic aspects in relation to the policy of destroying or curbing the monopolies in the country. As a result of that some of the policies are just neglected by lapse. Therefore when the Minister replies to the debate he should try to give information to the House: how many individual cases are there on which reports are still awaited?

The Hindustan Lever case was referred to the MRTP Commission. They wanted a licence to be given to Hindustan Lever for the manufacture of sodium tripoliphosphate for the production of non soapy detergents. Many of us pointed out that giving such exclusive privileged position to Hindustan Lever negates the general policy of the Government who professedly say that they do not want to encourage monopolies, particularly foreign monopolies. It is not clear whether a decision has been taken but news appeared in the Press that the MRTP commission had recommended certain restrictions in this matter and that subject to certain conditions the Hindustan Lever might be given licence for manufacturing this product. When the question was raised here we were told that they have taken into account all the applications and certain restrictions were being put on Hindustan Lever. I have a list of entrepreneurs who had applied for manufacturing this product Ballapur Strawboards, DCM Chemicals, Hindustan Copper Corporation, Bharat Commercial Industries, Ltd., Tata Mills Ltd, etc. While all these persons applied, they picked up one particular entrepreneur and offered him the

[Prof. Madhu Dandavate] monopoly. I concede that the Minister is going to insist upon certain restrictions. In spite of that the fact remains that Hindustan Lever had been given a privileged position. The employees of Hindustan Lever had already given strike notice. The behaviour of Hindustan Lever management towards the working class is not cordial at all. Therefore, I demand that the hon. Minister should come forward with necessary clarifications.

It is interesting to find that almost all the recommendations of the MRTP Commission are majority recommendations. There is a majority; there is a minority. The majority in almost every case is the same two members; the minority is the same one member. They must examine why it is so.

I shall now refer to the failure of the Government to set up a separate labour bench in the Supreme Court. It is true it is not the direct responsibility of the Government. It is the Chief Justice who has to take a decision. A number of vacancies have not been filled up. As a result of that the Chief Justice of the Supreme Court has found it difficult to constitute a separate labour bench of the Supreme Court. The hon. Minister was once a trade unionist and he will realise how many cases of labour relating to bonus, retrenchment and other things are pending. It has been a consistent complaint of almost all the central trade union organisations in the country that because a separate labour bench has not been constituted in the Supreme Court, a large number of labour cases are pending. Therefore, I hope the Minister will make the necessary statement in this connection.

I would like to say a word about the electoral reforms and the manner in which elections are conducted in our country. I would like to make a constructive proposal and I hope the Ministry will examine that in depth and give its proper attention to this. It is not because the results have gone against the opposition parties that I am putting forward this view. We

have been putting forward this view even when we have gained a large number of seats in different Legislatures. Unfortunately, our electoral system is so devised that the seats that are gained by various political parties do not reflect the relative strength of the political parties in terms of the votes. The party even when it has 32 per cent of the votes, continues to rule and head the Government, and therefore, most of the Governments in effect are minority Governments in terms of the sanction and the mandate of the people. I am not one among those irresponsible people who feel that the single-member constituency system must be scrapped because historically the single-member constituency concept has been evolved to provide stability to the political system in the country. My party has been one among those who have always stood for single-member constituencies because we do not want political instability in the country. If there is cumulative vote system and if it is mere proportional representation, very often, the situation that existed in France may be created in our country, and probably, every month, there will be different coalition Governments that will be cropping up. I do not want political instability in the country. I would like the single-member constituency system to continue. But, at the same time, as in Austria and as in Germany, we might devise a new pattern of elections and new electoral system, in which there will be one set of candidates that will be directly elected by direct vote in single-member constituencies and in addition to that, by taking the entire vote of the political parties, some proportional representation may be given in addition to those who are directly elected. In Austria and Germany, what happens? There are a number of candidates who are directly elected to the legislature and in addition to that, based on the votes polled by the various parties, some representation is given.

The Social Democratic Party of Germany is told 'You have polled so much votes and in addition to the candidates

who are directly elected to the Parliament, on the basis of the votes polled, you can send 25 or 30 or 40 representatives to Parliament. There are two advantages. Firstly, the votes polled by the party will be adequately reflected and in addition to that, when the representation is given only on the basis of the votes polled, it is left to the free choice of the political parties to choose the best of talented men from their parties and send them to Parliament. If that happens, not only there will be a more democratic pattern in the Parliament and State Legislatures, but even the quality of debates and the quality of work in Parliament and the State Legislatures might improve. There are experts in various political parties, but because they are not connected with mass movements and field work, and probably they are not at all backed up by certain caste and communal equations, it is not possible for them to get elected to Parliament and State Legislatures. But if they come from the quota allotted to the political parties, some of the experts in various political parties, whether they belong to the ruling party or to the opposition parties, can be nominated to the State Legislatures and Parliament, and through them, the quality of the debates and the Committee work can improve. This is a constructive suggestion that I would like to make in this debate.

MR. DEPUTY-SPEAKER : This is a good suggestion to end with. It is such a good suggestion that you will only be diluting it by going further.

PROF. MADHU DANDAVATE : I would make other suggestions.

MR. DEPUTY-SEPEAKER : You cannot make a better one.

PROF MADHU DANDAVATE : I am not one among those who attribute the entire electoral victory of the ruling party merely to some of the unfair practices that have taken place. They are marginal aspects, but even then, they are very important. For instance, in West Bengal, there were attacks on the booths with

guns and hand-grenades, and therefore, our party candidate had to withdraw from the Gaigate constituency and well lodged a complaint with the Election Commission. These matters must be taken up urgently.

Within one minute, I will make a cursory reference to two points. One aspect is, I would just like to quote, without going into the details, a High Court judgement in a petition filed by certain shareholders of the National Rayon Corporation Limited. Sir, a number of times, myself and my colleague Mr. Madhu Limaye have raised this issue of National Rayon Corporation Limited and the manipulations made by certain groups of this Corporation and we wanted the Company Law Board to take a very firm decision. I will conclude with this point because this is the best point, and as per your advice, one should end with the best point. Here are the strictures that have been passed by the High Court on the functioning of the Company Law Board

Mr. Justice Ray said:

"However, before passing orders on the question, I must mention that during the hearing of the interim application for injunction before my brother Judge Mukhi, the learned Judge had by his order dated 8th October 1973 directed the Company Law Board to deal with and disposed of the petition of the company under section 408(5) of the Companies Act for the confirmation of the newly elected Directors. I was told at the hearing that although the hearing of the said petition started before me, the Company Law Board, for the reasons best known to it, had failed to carry out the said directions. If the Company Law Board had carried out the said directions of this Court and given its decision on the said petition before the hearing of this petition started, a great deal of arguments advanced

[Prof. Madhu Dandavate]

at the hearing of this petition and consequently public time and money would have been saved. This Court is distressed to find a high-powered and responsible body like the Company Law Board should not have cared to carry out the said directions of this court till this day. The net result, therefore, is that the petition is dismissed."

I do not want to comment on it. The quotation I have read is the best criticism of the Company Law Board.

**SARDAR SWARAN SINGH SOKHI** (Jamshedpur) : Sir, I rise to support the Demands for Grants under the control of the Ministry of Law, Justice and Company Affairs. I have gone through this report and have a few suggestions to make. Firstly, about the legal aid which is under consideration of the Law Ministry since long, it should be given the shape of an Act without further delay. It should be a foolproof Act so that it actually goes to the needy in real sense and not in the pockets of lawyers or court clerks.

It is good that reservations for scheduled castes and scheduled tribes have been made, but for the backward classes and Vishwakarmas, the reservations should also be made. The visit of the USSR Delegation led by its Minister of Justice and the Chief Justice of German Democratic Republic appears to be very significant. We should make laws in line with these countries which would help us in future.

I am of the opinion that the post of Solicitor General and Additional Solicitor General should be abolished, since we have got an Attorney General, Advocate General, Government Advocates, etc., who are quite capable of tackling any legal matter. The posts of Solicitor General and Additional Solicitor General are just a show. We can save lakhs of rupees by abolishing these posts which may be spent on giving legal aid to the poor.

The Indian Contract Act, 1872 should be amended. It has become very old and is not in line with the present changing circumstances of the country. Government public sector plants lose almost all the cases either in arbitration or in civil courts, though they have their own agreement with the contractors. The law should be so amended that the Government could recover all losses and damage done by the high officials of public sector plants due to their negligence or ill-advice of their subordinates or rescinding contracts illegally and losing the cases in the High Court and Supreme Court, though on duty. The main cause is their high-headedness. In such cases, I suggest that their movable and immovable properties should be confiscated. Then alone they would come to their senses and check such huge losses to the public sector plants. Some officers, while in office, do some wrong things and the Government is put to heavy losses due to such wrongful acts. But when the officers go away or retire, the Government cannot do anything about it at a later stage. Though there are so many cases within my knowledge, I will cite only one. The Chief Engineer of Bhilai Steel Plant illegally rescinded a contract in the year 1963 and the contractor was paid a huge amount of lakhs of rupees as compensation in the year 1968, through Calcutta High Court. Yet, the same Chief Engineer was promoted as the Managing Director of the Hindustan Construction Company, a public sector company having its Head office in Calcutta.

I have only one point to make regarding the elections. The election law should be amended that the elections to the Legislative Assembly and the Lok Sabha would be held simultaneously, either by advancing the dates of the Assembly elections or postponing the date of the Lok Sabha elections.

Coming to the production of books in different languages, all the law books, including the Constitution of India, should be translated in all the Indian languages mentioned in the Eighth Schedule so that

the ordinary persons can understand the Gurudwara elections should be held immediately. by the professional lawyers.

The Notary Public in Bihar are very few number and they are generally big practising lawyers from the time of the British Raj. They are generally not available even at their residences at any time. During the day time, of course, they have no time for this type of work. There are also no Oath Commissioners in the courts, and the Magistrates have no time generally for this because they have to attend to their other important assignments. So, I would suggest that every court, block office and panchayat office should have one Notary. Incidentally, this would also give opportunity to lakhs of educated youth in the country who now indulge in unlawful acts.

Coming to the Indian Railways Act, which was amended only last year, I would like to say that the Security Officers are not acting according to the law. They are interpreting it in different ways. In one of the meetings in the South Eastern Railway at Kharagpur I asked the Security Officer, who is of the rank of Superintendent of Police, the number of cases in which fish-plates were removed and the punishment meted out to such people. The interpretation of the Security Officer was that since the removal of the fish plates was with the intention of stealing, it does not amount to sabotage. This shows that they are not strictly adhering to the laws which we make here. These things should be looked into and further amendments should be made to the Indian Penal Code at the earliest to maintain law and order in the country.

I now come to the Delhi Gurudwara Act. The Delhi Gurudwara Act was passed by this House some time in December 1971. But till today no elections have been held, and communal parties like Akali Dal are making it a political issue against the Government by creating feeling amongst the innocent Sikhs. The

The Akalis are creating trouble in Nanded also—Gurudwara Board Takhat Sachkhand Hazur Saheb Abchal Nagar, Nanded, Maharashtra, of which I am the only elected Sikh member from Parliament. Such Acts should immediately be introduced in the Lok Sabha during this Session and passed relating to Gurudwara Board Takhat Sachkhand Hazur Saheb Abchal Nagar, Nanded, Maharashtra, here innocent Sikhs are provoked by the Akali party and there are repeated clashes between the local Sikhs and the Gurudwara Board controlled by Akali party from Amritsar, which is a communal party.

I remember, on 6-10-1973, on Dusserah day when I was to attend the Nanded Gurudwara Board's meeting as the only Sikh elected member from Parliament. firing took place and the special officer was shot at, injuring him seriously, in the Gurudwara premises.

MR. DEPUTY-SPEAKER : I do not know how relevant it is here. You are going too far into the details, about administration of a particular Act. The only relevancy here is that the Act should be Amended. What this group did or that group did is not relevant here.

SARDAR SWARAN SINGH SOKHI : I suggest, Sir, that such Act should be passed in respect of Patna Harimander Saheb also.

I now come to the Administrator Generals' Act. This Act came into force some time in 1913 just to take of properties of the deceased and hand them over when the legal heir comes and claims them. But, Sir, in Bihar this Act is abused. I know about this. The Administrator General takes the letter of administration from the High Court; then takes over the property and instead of returning to the legal heirs, sells away the property, and even the legal heirs does not get even a single



[Sardar Swaran Singh Sokhi]

paisa. I know about it. Therefore, the Administrator Generals' Act should also be amended, and they should be warned about all these malpractices.

With these words, I support the Demands for Grants in respect of the Ministry of Law, Justice and Company Affairs.

**SHRI RANABHADUR SINGH (Sidhi)**: While taking part in the debate on the Demands for Grants in respect of the Ministry of Law, Justice and Company Affairs, I would like to place a few points before the Government for their consideration.

I feel that law, in order to be meaningful, has to be based on the needs of the nation; in other words, the needs of the nation force the growth of the law. And in this context I would like to point out that, during the last year, this nation witnessed a strange situation where our law failed to have a provision fitting enough for that. I am referring to the matter where more than 400 dacoits in Madhya Pradesh surrendered willingly before the authorities; in that case I feel that our law failed merely because our law does not, at the present moment, contain within itself one of the precepts that were given to this country by Manu, the ancient giver of law. In this, the Great Manu says that the judge and the seeker of justice are both under an equal obligation to seek the truth and provide justice and in case, any of these two fail in this, the onus of not providing justice sits equally on both, not only the seeker of justice but also the dispenser of justice.

We have a very anomalous situation today wherein wherever a person is brought before a Judge, he takes recourse to twisting of truth, doctoring of evidence because that is the only way-out wherein he can escape the harshness of the law.

Manu's another ancient precept is *Prayaschit* and *Paschatap* both of which, unfortunately, have no place at all in our present system of law. So, in order that

these ancient precepts be included in our present legal system, and also because, if this was done, there would be the following things which would happen, I make the following suggestions.

If a legal base is laid for the *Paschatap* and *Prayaschit* elements in human nature without any hindrance by authorities having contradictory interests, firstly, it will do away with the legal objections as identification, etc and giving undue preference to such accused against the ordinary provisions of law and thus become guilty of discrimination. It would also provide an alternative machinery for investigation making for better recovery and doing away with the prejudice against the Police so vehemently expressed by Justice Mulla, and felt rightly and wrongly by the general public.

It will also encourage love for truth in criminal trials and provide an incentive to conscientious lawyers to encourage truth in the accused person, who is after all the best witness about himself.

These provisions, if included in our legal system, are more in keeping with love for truth which is a basic concept of the Indian society and happens to be subdued at the present for want of State patronage and which is rather warped under the encouragement of falsehood of a foreign system of law adopted in this country.

These provisions will encourage good behaviour not only during trial but after conviction also and shall provide the basis for an order under Sections 401 and 402 of the Criminal Procedure Code which is rather arbitrary.

It will also give recognition to the growing belief in criminal psychology that most of the criminals are overpowered by an irresistible impulse at the time of committing an offence which may in some cases be a sort of a disease.

It will also encourage criminals to improve morally and have recourse to truth in trial and tend to remove the atmosphere of falsehood which happens to plague our courts. In order to achieve this, I suggest that in Section 4, another section may be added in the Cr. P.C. by providing for a definition of a 'repentant accused' as one, who, out of remorse or any motive, confesses to his guilt and is prepared to face the consequences. After Section 251A Cr. P.C. another Section, 251B, be added so that in case of repentant accused is charged with an offence punishable with life imprisonment or death or a sentence of more than seven years, wants to make a confession of his guilt, he may go to any Judicial Magistrate of First Class and make a confession. In that case, the accused shall be sent to the jail lock-up. The Magistrate shall then proceed to make an investigation of the case and shall follow all the procedure prescribed for police investigation. After that investigation, the same Magistrate shall hold an inquiry of the case and if he is satisfied that the accused is repentant, he shall send the accused with the report to the Sessions Judge. If in his opinion the accused is not a repentant accused, the Magistrate shall commit him to his trial.

The Sessions Judge, after examining the accused, shall pass such sentence according to the law if he finds the accused to be repentant, but, in no case, shall he pass a sentence of death. Except that, he can pass any sentence according to law considering the circumstances of the whole case. While passing the sentence he will also recommend the concession to the Government which the Government may adopt under Section 402 Cr. P.C.

In Sections 401 and 402 Cr. P.C. a proviso may be added that in passing such orders, the Government shall also take into account the conduct of the accused during trial and his subsequent conduct in the jail and outside it. The same proviso may be added in Section 562 Cr. P.C., Probation of First Offenders Act. So far, under the

present law, the accused can get this benefit in spite of his attitude to truth during the trial.

All that I seek in placing these points before the Government is that they should consider these points in view of what has happened last year in the country and also in view of the fact that it is time that our law which has been a foreign graft should start to take on the aspects of our national culture.

MR. DEPUTY SPEAKER: Shri Maya Thevar—not here.

SHRI JYOTIRMOY BOSU (Diamond Harbour): All that I wanted to say is—I am the second speaker and I should not lose sight of that fact—that the Election Commission headed by one man who is a super-annuated civil servant behaves in a manner as if it is the spokesman of the Government. I have written a letter about, if I remember, two months ago about the Prime Minister's tour and travels, the cost of which are entirely borne by the State Exchequer—whether that should be taken into account while the election expenses details are furnished. I sent him a reminder. I spoke to him over the telephone and ultimately I spoke to Mr. Gokhale and finally I got a reply which is next to nothing. I got that reply only day before yesterday.

Now, he refers to what Mr. Mirdha had said, may be two years ago, in a Consultative Committee meeting. What was the reply from the Deputy Secretary in regard to the Blue Book? Now I want to ask. Is this Election Commissioner a subordinate to the Home Ministry? Is he guided by the Government? Is a Member of Parliament not entitled to get a clear and categorical reply from the Election Commissioner? If I had the powers, I would have removed him forthwith because he is absolutely a Government spokesman and his job is to see to the interests of the Prime Minister and the ruling Party people. This is a very shameful thing. I want the hon. Minister to place it on record.

[Shri Jyotirmoy Bosu]

Then, secondly, this Monopolies Commission Chairman and other Members had passed adverse comments as to the fact that the Government refer such cases to them which are not too inconvenient for the Government but in cases where they feel they will be embarrassed, in cases which will be inconvenient to them, the Government always bypass the Commission. Here, I would like to ask Mr. Gokhale as to why then he should maintain this expensive gadget, namely, the Monopolies and Restrictive Trade Practices Commission. We have seen the results of its last year's functioning, that Shri Gokhale's party and his leader, the Prime Minister, Shrimati Indira Gandhi had been for the monopolists all the time and that is why their growth has been so much during the last few years. Imagine when your industrial production, the annual growth rate is next to nothing—it may be 1 or 2 per cent—how is it that the Monopoly houses have been able to add to their assets and wealth even to the extent of 20 per cent? Take for example, Mafatlals.

14 hrs.

Sir, they don't bother to study all these things. I want the hon. Minister to give us a categorical reply to all the points raised by me. I want to know as to what he is doing with regard to the publicised comments of the Chairman of the Monopolies Commission and also with regard to the comments made by certain Members. I want him to tell us how long this sort of superannuated, subservient, Election Commissioner is going to remain like this. They are there, with the avowed appearance of an impartial or quasi-judicial body. If you ask me it is nothing better than \*\*

MR. DEPUTY-SPEAKER : The word is unparliamentary that will not go on record.

SHRI JYOTIRMOY BOSU : He is doing everything to further the cause of the ruling party and the Prime Minister, who

have given him his job. Another carrot is perhaps dangling before him after that; therefore he is doing this. This is a disgusting affair.

Sir, kindly reserve your ruling about that . . .

MR. DEPUTY-SPEAKER : The word by itself is not unparliamentary, but in the context in which it was used, it is unparliamentary. Therefore it will not go on record. The hon. Minister

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) : Mr. Deputy Speaker, Sir, I am grateful to the hon. Members for having participated in the Debate and for having made some very useful suggestions and also for having made some criticisms which are very useful.

Sir, the Debate concerns four Departments which are under the control of this Ministry. They are : The Department of Company Affairs, the Department of Legal Affairs, the Legislative Department and the Department of Justice.

The Debate has covered a wide range of topics and there has been certain amount of overlapping in the points by different hon. Members. I thought that it would be more appropriate if I dealt with those topics without referring to which Member made which point so that all the points could be covered as far as possible.

I would first go to the subject of Company Affairs. The other day a reference was made to the existing Companies Act. Now, as hon. Members are aware, wide-ranging and if I may say so, even drastic amendments to the Companies Act were proposed and these have been referred to a Joint Committee. That Committee has made certain changes. And a Bill framed on the basis of the recommendations of the Joint Committee has already been accepted by the Government. Sir, I have already given notice that it should be taken up in this House as soon as possible. In

\*\*Expunged as ordered by the Chair.

fact, I have suggested that it should be taken into consideration in this session itself, time permitting. The amendments cover a very large field. I would like to indicate that the amendments which are now recommended by the Joint Committee have their impact in some very vital matters bearing on the functioning of the Monopolies and Restrictive Trade Practices Act also. Particularly in the matter of what would be the concept of same management because in the new amended or proposed Bill the term, same management, is redefined and the definition of what is known as groups, or same management, has now been, after the Act is passed, brought within the ambit of the Companies Act and a very large number of companies would be regarded as inter-connected, which are not supposed to be interconnected under the existing Monopolies Law.

I will not dilate on this Bill because that will come in due course of time when it will be fully discussed by this House. I only hope that it will make major changes. One major change—probably Prof. Madhu Dandavate might be interested in it—because he made a reference to National Rayon, of course, in a different context to which I will come later—is with regard to the old provisions for preference shareholders. That is the situation obtaining in the National Rayon. The preference shareholders who held shares prior to a certain date were allowed, under the Articles and Memorandum of Association as existed at that time, to vote on par with the equity shareholders. That amendment has now been proposed with the result that after the Bill is passed, even those shareholders will have no right to vote.

I mention only two or three major aspects covered by the Companies Act but there are many more that have been dealt with including the strains placed on dividends which accumulated and remained in the hands of the companies. There was a very legitimate complaint made that a

very large amount of dividends remained in the hands of the companies. I would put that very roughly about Rs. 10 crores as remaining unclaimed in the hands of the companies. The complaint was that that company used this amount for its own business whereas that amount really belonged to a shareholder whose dividend it was and who, for one reason or another, had not been able to claim it. Now, this specific aspect has been dealt with in the new Companies Bill. The existing law says that within forty-two days, the dividend warrants must be despatched. And, if a claim is not made within that period, then it remains with the company.

Now a provision is made that it will not remain with the company for its use after forty-two days of statutory limitation is over. It would be transferred to a special account and then to fund in the hands of the Government. The Government will take the responsibility to meet the liabilities of shareholders whose dividend it is. Under the law—rightly so after the shareholders, who have not got their dividends, the creditors of the company are entitled to payment. And this money should not be used for any other purpose. These are some of the changes which have been proposed in the Companies Law. I do hope that when the Bill becomes an Act, some of the defects in the Companies Act will get removed.

A complaint was made that the Monopolies and Restrictive Trade Practices Act is inadequate; it has not fulfilled fully the purpose for which it was enacted. I myself am in general agreement with this criticism. I do think that the M.R.T.P. Act requires modification. Under the Companies Act and under the M.R.T.P. Act the existing same management, inter-connections, group concept etc., etc. are being covered. Even after doing this, I do concede that the M.R.T.P. Act does require major changes. We are contemplating major changes. As a result, we are considering re-casting the M.R.T.P. Act so that the functioning of the Monopolies Commission can become more effective

[Shri H. R. Gokhale]  
 than what it is today. As the Act stands today, it is not obligatory. May I put it this way? It is obligatory on the part of Government to form an opinion before a reference is made to the Monopolies Commission. There is a statutory duty on the Government that before a reference is made to the Monopolies Commission, it has to determine itself whether a certain case should go to the Monopolies Commission or not. There were guidelines also in the Act so to what should really be the consideration which should weigh with the Government, particularly in deciding whether a case should go to the Monopolies Commission or not.

If the facts are clear, no further investigation is required and if the idea about inter-connections is fairly clear enough so that Government can come to its own conclusion, I would like to inform the hon. Member that there are many a case where such rejections have taken place. But these things are not known. When a project is recommended by the MRTP Commission naturally it is known. But the other side of the picture is that in quite a good number of cases where facts do indicate that no further enquiry from the Commission is necessary such rejections have taken place without any reference being made to MRTP Commission. I would humbly submit that the criticism that only those cases which are convenient to refer are referred and which are not convenient to refer are not referred is no fair. As far as I have been able to see, the decision is not based on convenience. Particularly, in the case of larger houses the tendency is more to refer a case to MRTP Commission than not to refer it. Constraints with regard to immediate necessity of production in certain fields and the possibility that the Government can come to a conclusion without any further enquiry as to whether a particular licence should be granted or not are all considerations which weigh with the Government before deciding whether a matter should go before the MRTP Commission or not. I would repudiate the suggestion that considerations

of convenience or inconvenience have weighed with the Government in either making a reference or not making a reference,

It was also said the other day by one hon. Member that the Government withdraws cases referred to MRTP Commission. Government has never withdrawn nor can it withdraw a single case which is referred by the Government to MRTP Commission. But when a matter had been referred to Monopolies Commission and the Commission is seized of that matter the party is forced to go to MRTP Commission because Government is not willing to give that sanction or licence unless MRTP Commission has gone into the various aspects of the project and has recommended the grant of licence. The party itself which had applied for a licence and as a result of which reference had been made to MRTP Commission goes to the Commission and says that I do not want the licence applied for and, therefore, I do not want my case be investigated. In such cases Government cannot say you wanted a licence so you must have that. These are cases in which some withdrawals have taken place. I do agree that a lot of time and money of the Commission is spent and then the party comes and say I do not want a decision because I do not want the licence. Unfortunately, all this labour, money and time gets wasted. But as hon. Members know that happens in any court. The Monopolies Commission in dealing with concentration of economic power, is an advisory body and acts semi-judicially. As in a court a party which comes for relief when it says "I do not want relief", the court cannot say, "we will thrust the same on you." The court at the most can say, "you have taken so much time, we will saddle you with costs." Therefore, all that I can think of, and it is legitimate to do, is that even in the Monopolies Act, if cases are withdrawn after some length of time without justification some provision should be made. I am not committing myself but I will give an anxious consideration, whether in such cases the parties guilty of taking so much time of the Commission and

asking for withdrawal should be saddled with costs or not.

Sir, some specific cases were referred to. Today a reference was made to the Hindustan Lever's case. It was made the other day also by one hon. Member. As is known to hon. Members, this case was referred to the Monopolies Commission, because it is a foreign majority concern. It is also known that when an application goes before the Monopolies Commission or a matter goes before that commission, the commission does not hear only that party but also hears other parties who are interested in similar projects. Reference was made to Ballarpurs and also to DCM. As far as I remember, these are the only two cases which are pending with respect to which MRTP applications were made. A third reference was made to Albert Morarji. This was a case where they had not come forward for a licence but they were objecting to the grant of licence to Hindustan Levers and others for understandable reasons from their point of view. They virtually hold a monopoly today, and they know that if new capacities are created and more production of STPP as it is briefly called is there and it is used for manufacture of synthetic detergents...

PROF. MADHU DANDAVATE: Let the hon. Minister correct his information. They had applied for increasing the capacity from 25,000 to 50,000.

SHRI S. M. BANERJEE (Kanpur). They wanted to expand.

SHRI H. R. GOKHALE: They did not have any MRTP proposal to expand. They went before the commission and objected that others should not be given permission. I think that even they were heard by the commission. I think DCMs and Ballarpurs were also heard. All the arguments advanced by DCMs and Ballarpurs were examined in the same report about Hindustan Levers. In the case of Ballarpurs and DCMs we think that all the facts have already been collected, and the commission has already gone into the matter although in a reference made in respect of

Hindustan Levers. As far as I remember, both these projects have already been cleared; So far as Ballarpur is concerned, I think it has already been cleared, and so far as the DCM is concerned, I have given approval to it, although it is pending higher sanction at a higher level. But I have no doubt that these projects also will go through.

So, the suggestion that there was any idea of favouring or giving a favourable position to Hindustan Levers is, I respectfully submit, not correct at all.

SHRI S. M. BANERJEE: There were complaints of gross irregularities which were pointed out. Look at what is happening at Ghaziabad today.

SHRI H. R. GOKHALE: The hon. Member did not say that.

SHRI S. M. BANERJEE: They were pointed out through letters and by deputations; gross irregularities were pointed out.

SHRI H. R. GOKHALE: I have not yet touched that matter. I was only dealing with a certain statement made by some other hon. Member that we wanted to prefer the Hindustan Levers as against others. I was dealing only with that point just now.

Even after this, the capacity of Hindustan Levers which is about 43 per cent will certainly diminish progressively, because the other two are coming into the picture when projects are sanctioned.

SHRI JYOTIRMOY BOSU: How many items of production are in the priority sector? Has he ever cared to know these things? He has only dwelt on the legal aspect of the matter. But how many items of production are in the priority sector for which foreign technical know-how is absolutely essential?

SHRI H. R. GOKHALE: Here, I am not dealing with the legal aspect, but I am dealing with the factual aspect. Hon.

[Shri Jyotirmoy Bosu]

Members wanted the matter to be referred to the Monopolies Commission, and rightly it was referred to that commission. I also find it very difficult because in quite a number of cases, the reports of the commission are not unanimous, and as has been rightly said, there are two views.

**PROF. MADHU DANDAVATE:** Always the same two against one.

**SHRI H. R. GOKHALE:** What can I do? If there is a judicial tribunal and if people in their conscience feel, sitting in a quasi-judicial body that they do not agree on certain matters, certainly they have the freedom to differ.

When we accept the majority report it is said that in this case the minority report ought to have been accepted. When we accept the minority report, it is said that the majority report should have been accepted. After all, the commission consists of three persons, and, therefore, it is said that the majority report should have been accepted and not the minority report. Even then, as I had occasion to say earlier, the minority reports had been given full weight before a final decision had been taken. But that is not the same thing as to say that a majority report ought not to be considered. In the case of Hindustan Levers, what was done was that the majority report, subject, of course, to all the restrictions and conditions which they had recommended, had been accepted by Government. There can be a different view in either case and in case we accept the minority report it may be said that we had preferred to accept the minority report and not go by the majority report. The Government's normal inclination would be—I would say not in all cases but in some cases—that through the majority report will give such overwhelming reasons, in spite of the fact that it is a minority report, Government must in public interest accept the minority report. But normally the inclination in the case of the recommendations of such tribunals and commissions which are quasi-judicial would be to go by the majority report and not by the minority report.

References were also made to other irregularities. I have even received letters. The hon. member met me. We have already started in section under the Companies Act. This has nothing to do with the STPP project, but about the lowering of the weight of soap, pricing policy and various other things.

**SHRI S. M. BANERJEE:** Not only that. They are not producing dalda to the extent required. I would request you to depute somebody to go to Ghaziabad and see what is happening with his own eyes.

**SHRI H. R. GOKHALE:** That is what I am saying. An Inspection has been ordered in respect of these matters.

**PROF. MADHU DANDAVATE:** If you investigate, you will find that the increase of the price of soap directly proportional to the shrinkage of the size.

**SHRI H. R. GOKHALE:** I do not know what I am going to find. If we find that, we will look into that. I hope the hon. member will concede this point that these are being looked into and action has been taken in respect of these things also.

There were one or two other matters. For example, some reference was made to the Metro Cinema, not today but the other day, the first day. So far as the company law is concerned, I can state that there has not been any case of controvention or violation. Even then that is not to say that the matter should not be looked into. I know that the Minister of Information & Broadcasting was also asked the same question which was put to me the other day. He has made the position clear that so far as they were concerned, they were trying to do their best and are continuing their effort to take over this concern that negotiations were under way and that they were doing their best to see that if there was any malpractice, as was alleged, it was countered.

Reference was also made, I think to the Great Eastern Hotels of Calcutta

Somebody said that there are two government directors. There are two government directors on this company. It was said that they do not see eye to eye. We are also aware of this. We are looking into it and we are trying to see that they either see eye to eye and behave themselves or we shall see that they are replaced or something else is done. It is not as if when things are brought to our notice, we will not give our attention to it and will not do the needful in the matter.

Then another thing was appointed out—this is also one of the loopholes in the MRTP Act and which needs revision; before anything else is done which might take time, there is something else which must be immediately done. I agree there. This is with regard to the inadequacy of the existing sec. 27 of the MRTP Act with regard to delinking an undertaking from big houses. I can take the House into confidence and say that I am proposing to add a new section, 27A, which will make the position abundantly clear, with the result that the Monopolies Commission will be enabled as a result of that Bill to give a scheme to effect delinking, which is a very necessary thing to do.

Reference was made also to action taken in respect of some of the Morarka companies. Now I am aware, and I am glad to tell the House that in respect of each of these companies action has been taken. For example, as a result of inspection of books of account of these companies, directors have been appointed by Government under sec. 408 of the Companies Act in respect of the following companies which are already Morarka companies: Belapur Sugar and Allied Industries, Nasik Deolali Electricity Supply company, Poona Electrical Industries, Chande Sugar Mills, W.H. Brady & Co. etc. Besides, in the case of the Belapur Sugar and Allied Industries, the Company Law Board have ordered an investigation under section 237B. A CBI investigation is also proposed into certain aspects arising out of the inspection of these companies.

That is why I say that criticism made is also useful, not only criticism made during the course of the debate but earlier. I am very happy to say that we have not slept over this criticism and whenever occasion arose, some action has been initiated. Action has been taken as far as it was possible under the Companies Act.

In regard to section 408, what was generally said was that the powers under the Companies Act have not been fully utilised and not given effect to.

Now, section 408, the section under which the powers to appoint Government directors is there, has been used in a number of cases, and the Government directors have been appointed under the new Companies Act. I should have referred to it at that time. When the new Bill will come, power is further taken to appoint not only two but many more directors. It will be more effective than only having two Government directors on companies. In the case of National Rayon, I am aware of the judgment to which reference was made. The position is this. The Kapadias have a shareholding which is largely preference shareholding. I have dealt with the legal position and I do not want to repeat it. Now, if the Government directors are appointed in a company,—as they are in the case of National Rayon—no new directors can be added without the previous sanction of the Company Law Board. Even before the Company Law Board took any decision in the matter, the Kapadias, went to the High Court of Bombay, challenging the very validity and the vires of the provision of the Companies Act which enables the Government to appoint the directors in the company. Now, we fought,—of course, the hon. Members know that in the end we have succeeded—and the validity of the order under the provision has been upheld by the high court. If for example, the validity had not been upheld, then the proceedings of Kapadias, in respect of allowing four directors whom they were seeking to add, would have become infructuous. The Company Law Board was waiting for the high court's



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decision on the validity of this appointment. Now that the validity of the appointment has been upheld, I have no doubt that the Company Law Board will dispose of this matter very expeditiously. I cannot speak for the Company Law Board because we do not give directions to the Company Law Board to decide cases this way or that way. But the very fact that the Company Law Board had earlier taken a decision to appoint two directors would lead me to think that the Company Law Board would not frustrate its earlier decision by allowing four new directors of Kapadias to come into the Board of Directors with the result that the appointment of two directors becomes useless. Ultimately we are reduced to a hopeless minority. But I would not anticipate, and this is a matter which the Company Law Board has to decide.

PROF. MADHU DANDAVATE : What about the strictures to which I have made reference ?

SHRI H. R. GOKHALE : There were no strictures. The court said that the Company Law Board should dispose of the matter as early as possible. There was no written direction made. I am confident about it. Some remarks fell from the court that they should dispose of it. They were not aware of the fact about enquiries to be made ; naturally we do not take matters to the court which do not relate to judicial matters or deal with the vires. They were not aware that the Company Law Board was in this dilemma; when sections of the Act are struck down we are nowhere. We cannot do anything. So, I do not think that there was anything wrong in the Company Law Board saying that they will see whether the result of the petition which was pending in the court was in favour of the Government and if it was in favour of the Government, they would decide the matter. As I said, I do hope that the matter will be very expeditiously decided.

PROF. MADHU DANDAVATE : In the judgment there is a clear wording that they were surprised at the scant respect

with which they were treated and all that. Everything has been said there. If these are not considered strictures, I do not know what is the meaning of strictures.

SHRI H. R. GOKHALE : They have said that we should dispose of it. I have the utmost respect for the high court—or for the matter of that, any other high court also. The position was that all these things are not always known to them because they are not always judicial matters. They said we try our best to dispose of them. Now that the judgment has come, I would again repeat that a decision in this matter will be taken very quickly and without any delay.

May I then refer to some other aspects to which reference was made in the debate earlier. I think a large part of the debate was with reference to the Department of Justice. It was said that there has been a lot of arrears of cases in the courts, the high courts and the Supreme Court. I agree that we are also equally if not more concerned than the hon. Members with regard to the pendency of these cases, particularly in the superior courts like the high courts and the Supreme Court.

We have been trying to analyse the reasons and find out ways how those arrears can be reduced. We have written to the State Governments that they should review the judge strength in the light of the pending cases and should recommend for additional judges being appointed. Whenever such recommendations came, the strength had been increased. To put it briefly the judge strength of all the High Courts on 1-1-1967 was 245 and it has been raised to 335 on 1-1-1974. Many of the proposals are still being processed. The Government had appointed a Committee presided over by former Chief Justice of the Supreme Court Mr. J. C. Shah and that Committee had given the Report. Many of the matters which are dealt with were administrative matters for which no legislation was necessary. Members know that administration of justice is a State subject. We have brought this matter to the notice of the State Governments. In respect of

matters which require legislation, we are taking steps to see that we bring in legislation.

The other season for delay is procedural. The procedure which has been obtaining in Courts has been such outmoded procedure and there are hierarchy of appeals. You do not know where finality can be reached. On the advice of the Law Commission, the Civil Procedure Code has been amended and subject to my colleague Mr. Raghu Ramaiah's permitting me to do so, I shall try to introduce the amending Bill in this Session. The Bill is ready. The Bill makes drastic changes in the matter of procedure, in the matter of appeals and regulation of proceedings. It is often said, rightly that a person who gets a decree and who is entitled to get a decree, does not get the fruits of his decree during his life time, and it takes one or two generations to get the fruits. To avoid this, steps are being taken and provisions are being made to the extent possible in the Civil Procedure Code. It will make adequate provisions for legal aid to indigent litigant or pauper. The 1908 Act defines "pauper" as a person who has property worth less than Rs. 100. The worth of Rs. 100 has now changed now, and taking that into account many more persons are allowed to get relief as indigent or paupers, in the matter of court case etc.

The Criminal Procedure Code has recently been amended. Many changes have been made. Particularly, there is the abolition of the committal proceedings. It was responsible for delay in the completion of trials and that has been done away with. Even in that Code provision has been made to a certain extent for legal aid to poor persons in prosecutions against them. Reference was made to the appointment of judges after their retirement. There are two aspects of the matter. Some of the laws themselves provided that in tribunals which function in a judicial or quasi-judicial manner you must have either a sitting judge or a retired judge. Taking into account the large pendency of cases in the High Courts and the Supreme Courts, it

is not always easy to secure the services of a sitting judge to sit on Commissions which sometimes take one year or even more. Even then our recent policy has been as far as possible to have sitting judges for the disposal of cases referred to Commissions under the Commission of Enquiries Act or other enquiries arising under different Acts which are of a judicial or quasi-judicial character.

**SHRI SHYAMNANDAN MISHRA :** Our suggestion was not that. The retired judges do not submit reports.

**SHRI H. R. GOKHALE :** That was not the criticism of your other colleagues. Their other colleagues said 'do not appoint retired Judges at all'. In other words, what they said was, they were given lucrative positions after their retirement. This was the substance of their criticism. I do not know what the word 'lucrative' means. A Judge, even when he is appointed to some position after retirement, gets the same salary, including pension. Nothing more is given. But, it is not possible for us to make a general statement that we will not make use of their services at all. In any case, we may have to make use of the services of retired Judges, wherever we need expert judicial talent. But, it is our effort and endeavour, as I said earlier, as far as possible, not to do so. Hon. Members must have noticed that in regard to enquiries into the recent air crashes which have taken place, we chose sittings Judges of the High Court and the result was good, because the disposal was quick. But, I cannot give an assurance generally that I will never requisition the services of retired Judges for any other purpose.

**PROF. MADHU DANDAVATE :** Some times, a retired Judge is better than a tired Judge.

**SHRI H. R. GOKHALE :** All I can say is, I cannot see to it, whether a Judge is sitting or retired. But, I can see to it that he is not tired.

[Shri H. R. Gokhale]

A reference was made by many Members this time to the conditions of service of High Court Judges and Supreme Court Judges. The salary of Judges was fixed under the Constitution, when the Constitution came into force. Since then, they have not undergone any change. There is a widespread feeling that a second look at the conditions of service of these Judges, ought to be had. There is, therefore, the suggestion from many quarters that this should be looked into and I am in general agreement with these suggestions. In fact, I may take the House into confidence and say that at the moment, we are considering a change in the conditions of service of High Court and Supreme Court Judges. But, we are not proposing to amend the Constitution to increase their salaries, because we know that if we increase the salaries, most of it will come back again by way of tax. So, if you want to give something, some real relief, to those who dispense justice, we must try to do it as far as possible in such a way that something, in real terms, goes into their pockets.

SHRI S. M. BANERJEE : Give them cheap grain.

SHRI H. R. GOKHALE : I will note that suggestion. But, that is not in my mind, at the present moment. I am considering various other things. I can assure you that these matters are being expeditiously dealt with. The question of providing housing and transport is under consideration. These are two of the matters, which are under consideration. Apart from that, we are also considering the question of revision of pension. No final decision has been taken. We are seized of the matter. We are sympathetically considering this. We hope that we will be able to do something very soon.

A reference was made to a matter, which was somewhat controversial—about the Bench at Jaipur. Members clashed between themselves on this point. Some of them said that there should be a Bench and

some others said that there should not be. I have been told this morning that the Legislative Assembly of Rajasthan has passed a resolution. But, unfortunately, they have not recommended anything. They have only said 'We leave it to the Centre'. I wish we have had some positive views from the Rajasthan Government, so that we would have been assisted in coming to a conclusion whether the Bench should be there or should not be there. All I can say is, for the time being . . .

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : The Setalvad Committee has said about these Benches . . .

SHRI H. R. GOKHALE : The point is, the Setalvad Committee, the Law Commission and the Shah Committee have all dealt with the question of arrears. Many other bodies have recommended that creation of new Benches should be discouraged. I am aware of that. It is not a matter where we can lay down a general rule.

PROF. MADHU DANAVATE : Does it apply to Labour Benches also?

SHRI H. R. GOKHALE : I will come to that later on. But, a general rule cannot be laid down. In a particular case, creation of a Bench may be justified. In a big State, where distances are long, convenience of litigation may be a relevant factor. Therefore, we cannot rule out the possibility of creation of new Benches, although generally we should see that there is one High Court and we do not have too many Benches.

In regard to the creation of a Bench at Jaipur, all I can say is, we are looking into it carefully.

Reference was made to reduction of court fees. This matter is relatable to Entry 3 of the State List. The matter was considered many years back and court fees were not reduced. I do feel in some cases the burden of court fees is heavy. We will take up this matter with the State Governments again.

Today morning a reference was made to the Labour Bench by an hon. Member. He also referred to the answer given to an earlier question. As he himself rightly said, Government does not tell the Supreme Court in what way they should constitute these Benches. Government cannot and should not do that. The Chief Justice, looking at the pendency, expediency and exigency of the circumstances, constitutes the Benches. I have reason to give this assurance that the Supreme Court judges are quite aware that labour matters need expeditious disposal. Supreme Court is the highest court dealing with constitutional matters, which are sometimes referred to a Bench of 7 or 9 or even 13 judges and all other work is blocked. That also becomes in some cases inevitable. They have decide *habeas corpus* petitions. Some times there are matters which are more peremptory and urgent than labour matters. This is a matter of comparison

PROF. MADHU DANDAVATE : Mr. Palkhivala is getting more time than labour.

SHRI H. R. GOKHALE : I do not know that, but the courts are aware that preference should be given to certain matters and they should be dealt with expeditiously. This is a matter in which Government cannot give directions. This is a matter which can be brought to their notice which we have done and which we will do. I have dealt with most of the points about the Department of Justice.

SHRI D. N. TIWARY (Gopalganj) : You have dealt with delays in High Courts and Supreme Court. In lower courts, it takes 7 to 10 years for a civil suit and 2 to 3 years for a criminal suit to be decided.

SHRI H. R. GOKHALE : The delays in procedure etc. to which I referred apply more to subordinate courts than to higher courts. The amendments of the various Acts I referred to will reduce the time taken in the subordinate courts apart from reducing the cost. The delay is always not on account of the judges. The lawyers

also are to a certain extent responsible for the delay.

SHRI VIKRAM MAHAJAN : (Kangra): Clients also.

SHRI H. R. GOKHALE : Lawyers speak only on behalf of their clients; they have no identify of their own; I am not castigating the profession. There are various causes for the delays. At any rate, the statutory reason, i.e. the in-built procedure which is consuming so much time has been taken care of. The C.P.C. and Cr. P.C. will apply more in the case of lower courts than higher courts. I am grateful to the hon. member for drawing attention to it.

PROF MADHU DANDAVATE : What about non-submission of MRTP reports?

SHRI H. R. GOKHALE : When this was brought to our notice, I had expressed regret. Although the reports were placed in the library, they were not placed on the Table of the House. After this was brought to our notices, we immediately expedited the placing of the reports. Quite a large number of them were placed on the Table including administrative reports. My information is that only six reports now remain to be placed and as soon as they are printed, they will be placed on the Table of the House.

Coming to the Election Commission, to which the hon. Member today referred, and there was reference on an earlier occasion also, I am very sorry to say that aspersions are cast on the Election Commission. I must say that the task of the Election Commission in a country where the electorate is so large, where the country itself is geographically so big is a difficult one.

SHRI JYOTIRMOY BOSU : As long as it does not feather the nest of the Prime Minister and the ruling party, because super-annuated civil servant who too the line are appointed . . .

**SHRI H. R. GOKHALE :** The hon. Member brought to our notice some letter which he wrote to the Election Commissioner. I brought it to the notice of the Commission that whatever complaints are received should be enquired into. I did not issue any instructions to the Election Commission. I should not. I do not think it is expected that the Government should issue any instructions to the Election Commission, because it is a body created under the Constitution, which is an independent body.

I know that in a vast country like ours when the elections take place, particularly when the general elections take place all over the country, things go wrong here and there. For example, in some places the ballot boxes are tampered with. I am not saying that everything is perfect and no tampering has been done even in a small degree. The real position is substantially the elections have been fair and wherever it has been found that boxes have been tampered with, necessary action has been taken. There was a complaint about 11 booths in the elections Gaighata in Bengal and so the poll in that area had to be postponed. But the election was held peacefully. As to what was the cause of this disturbance is now being investigated by the Election Commission.

In the UP elections, which have taken place recently, whatever complaints were received by the Election Commission are under investigation. The Election Commission is also thinking of instituting an enquiry into what has happened, what were the causes, whether the allegations are correct or incorrect.

**SHRI JYOTIRMOY BOSU :** If a Member of Parliament wants some information, either as an individual or as a representative of a million and half, he can write a letter to the Election Commissioner. Because he is somebody who is independent, even though we pay for him, if he chooses not to reply because it is inconvenient to the ruling party or the Prime Minister, if he insists over the letter for months, it is not fair.

**SHRI VIKRAM MAHAJAN :** This is a very unfair remark about the Election Commission.

**SHRI H. R. GOKHALE :** The Election Commission has been free and independent, irrespective of whether it concerns the Prime Minister or anybody else. If the hon. Member has any letter in his possession, he can show it to me; I will certainly look into it. I am very sorry to say that by this criticism we are really bringing down the independence and stature of the Election Commission. If particular cases are brought to our notice, we can refer them to the Election Commission. Even then, the Election Commission is not answerable to the Government because it is an independent constitutional authority. If there is any thing basically wrong anywhere, it can be looked into and the attention of the Election Commission can be invited to it. But I repudiate in the strongest terms the suggestion that the Election Commission is not independent. It is an independent body. It was so and it will continue to be so.

Something has been said, unfortunately without giving any details or instances, about the rigging of the elections in U.P. and Orissa. I have been hearing the word 'rigging' every day for quite some time. Probably, it means that some corrupt practice has been found out as far as I know no complaint which has been brought to the notice of the Election Commission has remained uninvestigated. There is judicial forum where corrupt practices can be investigated by challenging the election. There are other methods of looking into it. What is the use of saying only here that elections have been rigged. I would not accept this position at all. On the contrary, I would say with some kind of pride that the elections in this country have not been rigged, they are fair. Being a large democracy, probably the biggest democracy in the world, we should be proud that the elections have been fair and impartial.

**SHRI JYOTIRMOY BOSU :** 'Indira imported thugs'—that was the caption in the London paper.

**PROF. MADHU DANDAVATE :** While answering a question you have said that, as far as foundation-stone laying ceremonies and other ceremonies are concerned, after the 17th January notification on U.P. elections, no such foundation-stone laying ceremony and other ceremonies were undertaken by the Prime Minister. We have checked up and we find that, after 17th January, after the issue of the notification on U.P. elections, the Prime Minister has inaugurated a number of projects.

**SHRI H. R. GOKHALE :** All that I can say is that I have also checked up and I find that it has not been done. Even then the hon. Member has not written to me. If he writes to me, I will not hesitate to correct myself if I am wrong. But I do not think I am wrong. Particularly while making a statement in this House on foundation-stones laid by the Prime Minister, I do not think we make a cavalier or cursory statement; we make proper enquiry before making a statement. If you point out as to where it has been done, we will look into it.

**SHRI S. M. BANERJEE :** May I request you not to take him seriously and take away the foundation-stones?

**SHRI H. R. GOKHALE :** You have been elected from U.P. If many projects are coming up in U.P., you should be happy about it.

**SHRI S. M. BANERJEE :** What I say is that those foundation stones should not be removed now, because you have said that you would make an enquiry and all that.

**SHRI H. R. GOKHALE :** I think I should take you less seriously than him.

Another problem is with regard to electoral reforms. With regard to electoral reforms, there was a Joint Committee for amendment of the electoral law. That Committee has made its recommendations, and

a Bill based on those recommendations has already been introduced in this House, and I am willing to take it up. Time permitting, I am prepared to take it up for consideration at any time. And this aspect of electoral reforms can be considered in this House when this matter is brought before the House.

**SHRI D. K. PANDA (Bhanjanagar) :** The reduction of the voting age is not there.

**SHRI H. R. GOKHALE :** That is a different topic. I will come to that. This is not electoral reform. Changing the voting age requires an amendment of the Constitution; it cannot be made by amending the Representation of the People's Act. I was referring to electoral reforms and that can be done by ordinary law. The Bill on that subject has been introduced.

So far as voting age is concerned, there are pros and cons. This question has come up several times in this House. There are pros and cons. There are strong reasons for taking the view that we should not bring down the age of voting to 18. In spite of the fact that majority ordinarily applies at 18, the other laws do not allow a man to assume legal responsibility until he is 21 or in some cases 23. Nor is it correct to say that in other democratic countries the age of voting is 18. It has been reduced, that too comparatively recently, in England and in America. But in many other European countries it still continues to be 22 and in some cases even 23. I am not rejecting this suggestion. What I am saying is that it is not as if one can take a dogmatic view of the matter; it is not that because it has not been brought down, Government does not want to give them the right of voting. I am not giving the practical reasons. There are practical reasons also. But I would not put them ahead of more fundamental and important reasons. The practical reasons, for example, are the great increase in the electorate and a large amount of money involved, etc. But I am not giving those

**[Shri H. R. Gokhale]**  
 reasons. There are more basic and fundamental reason which go against it and there are also reasons which go in favour of it. That is why, I have said, pros and cons. That is why I have been saying that the matter must be given that importance which it deserves, and Government is considering it carefully.

**SHRI D. K. PANDA :** The right to recall and reduction of voting age should be there.

**SHRI H. R. GOKHALE :** The right to recall is a matter which you can talk about when the amendment to the Representation of the People Act comes before the House.

**SHRI D. N. TIWARY :** I want to draw your attention to one point. When the voting age is 21, even the young men of 19 or 18 are enrolled. If you bring down to 18, even young men of 14 or 12 will be brought in.

**SHRI H. R. GOKHALE :** This is one of the Cons out of the Pros and Cons of it. Of course, I do not go into it just now. So, these are all various aspects of the matter which are under consideration. There cannot be one uniform set of solutions because conditions are different and problems are different and you cannot apply the same yardstick in every legislation. Of course, I am not rejecting the proposal; there are various pros and cons and it is not an easy matter to decide.

I now come to the question of legal aid. I think there is going to be a Half-an-hour discussion on Monday. A committee has been appointed and it has given a report. It is already being printed. But our examination has not waited for printing to be over. I am in a position to say that on the basis of the report we are formulating and drafting the legislation which we will bring up at the earliest possible opportunity.

It has been said that it was done in Gujarat, why not here. There is no question of comparison and all that. First of

all, Administration of Justice is a State subject. Many aspects of administration of justice overlap in the matter of legal aid. I do not say it is an insurmountable difficulty. It is a surmountable difficulty but it is something where we have to go to the States. There are certain matters which we can do ourselves. But this is a matter which was wit in the legislative competence as far as that State was concerned. And as far as I know, Bhagwati report has been there and they have introduced it is one taluk in each district. The whole hog application of that report has not been made in Gujarat. I will say that at the earliest possible opportunity we will bring legislation now that the report has been examined.

Two Acts have already been passed about which I have mentioned already regarding Civil Procedure Code and Criminal Procedure Code. Labour codes and revenue codes are there. Groups, sub-groups and different sub-groups of tribals are there. Sir, I am grateful to hon. Members.

**SHRI CHAPALENDU BHATTACHARYYA (Giridih) :** There is difficulty in that the Kols have been left out from the list of scheduled tribes and that is creating lot of confusion and difficulty, in our area.

**SHRI H. R. GOKHALE :** That is a different problem.

Sir, I am grateful to hon. Members for having listened to me patiently.

**SHRI D. K. PANDA :** I have brought one example. How do you deal with such cases which are arising out of the implementation of land reforms, in respect of tribals, adivasis, harijans, etc. Why should there not be an assurance? Guidelines should be sent to the State.

15.00 hrs.

**SHRI H. R. GOKHALE :** I specifically referred to the tribals and adivasis who were also to be covered under the legal

aid scheme. We have taken note of the comments which you made the other day. We are looking into them.

PROF. MADHU DANDAVATE: In the course of the reply, he has put in some interpretation of the legal document. To put the record straight. From you,— I am not referring to the hon-Minister—I want a clarification and your decision. I am reading one sentence out of what he said

MR. DEPUTY-SPEAKER: It is out of context.

PROF. MADHU DANDAVATE: He said that no strictures are passed on the Company Law Board. Here is one sentence, I quote:

"The court is distressed to find that a high-powered and responsible body like the Company Law Board should not have erred to carry out such directions of this court till to-day."

I want to know from you whether these remarks of the court mean the strictures against the Company Law Board or they mean congratulating them on their performance.

MR. DEPUTY-SPEAKER: Well, it sounds like that ultimately. There are a number of cut motions moved by Shri Bade, Shri Panda, Shri S. N. Singh and by Shri Ramavatar Shastri. Does any Member want any particular motion to be put separately? I may put all of them together.

I shall now put all the cut motions to the vote of the House.

*All the Cut Motions were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That the respective sums not exceeding the amounts on Revenue Account shown in the fourth column of the Order paper be granted to the President to complete the sums necessary to defray

the charges that will come in course of payment during the year ending the 31st day of March, 1975, in respect of the heads of demands entered in the second column thereof against Demands Nos. 68 and 69 relating to the Ministry of Law, Justice and Company Affairs."

*The motion was adopted.*

*[The motions for Demands for Grants, which were adopted by the Lok Sabha, are reproduced below :—Ed.]*

DEMAND NO. 68 :—MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS...

"That a sum not exceeding Rs. 6,04,32,000 on Revenue Account be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975, in respect of 'Ministry of Law, Justice and Company Affairs'."

DEMAND NO. 69.—ADMINISTRATION OF JUSTICE.

"That a sum not exceeding Rs. 19,04,000 on Revenue Account be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975, in respect of 'Administration of Justice'."

MINISTRY OF COMMERCE

MR. DEPUTY-SPEAKER: The House will now take up discussion and voting on Demands Nos. 11 and 12 relating to the Ministry of Commerce for which 7 hours have been allotted.

Hon. Members present in the House who desire to move their cut motions may send slips to the Table within 15/ minutes indicating the serial numbers of the cut motions they would like to move. They will be treated as moved.



[Mr. Deputy Speaker]

**DEMAND NO. 11—MINISTRY OF COMMERCE**  
**MR. DEPUTY SPEAKER : Motion moved :**

"That a sum not exceeding Rs. 89,99,000 on Revenue Account be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975 in respect of 'Ministry of Commerce'."

**DEMAND NO. 12.—FOREIGN TRADE AND EXPORT PROMOTION.**

Mr. Deputy-Speaker Motion moved :

"That a sum not exceeding Rs. 140,18,81,000 on Revenue Account and not exceeding Rs. 162,52,91,000 on Capital Account be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1975 in respect of 'Foreign Trade and Export Promotion'."

**SHRI RAMAVATAR SHASTRI (Patna):**  
 I beg to move :

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Failure to nationalise foreign trade (86)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Failure to nationalise cotton textile Mills (87)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Failure to eradicate corruption prevalent in State Trading Corporation of India (88)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Failure to nationalise foreign tea and rubber plantations (89)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Failure to nationalise jute trade (90)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Anti-people policy of helping the monopolists and hurting the poor people by increasing the prices of coarse cloth (91)].

"That the demand under the head 'Ministry of Commerce' be reduced to Re. 1."

[Need to strengthen further trade relations with socialist countries (92)].

"That the demand under the head 'Ministry of Commerce' be reduced to Rs. 100."

[Failure to overcome the crisis in handloom industry (93)].

"That the demand under the head 'Ministry of Commerce' be reduced to Rs. 100."

[Failure to ensure regular supply of yarn to weavers (94)].

"That the demand under the head 'Ministry of Commerce' be reduced by Rs. 100."

[Failure to remove large scale unemployment among weavers (95)].

"That the demand under the head 'Ministry of Commerce' be reduced by Rs. 100."

[Failure to eradicate rampant corruption and favouritism in distribution of yarn to weavers (96)]

"That the demand under the head 'Ministry of Commerce' be reduced by Rs. 100."

[Failure to check increase in prices of yarn (97)]

MR. DEPUTY SPEAKER : The Demands for Grants and the Cut Motions are now before the House.

SHRI JYOTIRMOY BOSU : Mr. Deputy Speaker, Sir, they have wanted Rs. 303 crores for reopening a colonial pattern of trade. I am not too harshsounding that way over the deception motto in figures. Look at the gap between one and the other which is that of an ocean. If you have a look at the figures given by the Reserve Bank of India (Commerce Intelligence) with their comments and also the DGCIS, you would be really perplexed and confused. If you look at the Annual Report what does it say : It says :

"During the first nine months of 1973-74, exports according to the provisional estimates were 21.6 per cent higher than the level reached in the corresponding period of the previous year. Even if this rate of growth is not maintained during the remaining three months of the year. It is expected that during the remaining three months of the year, it is expected that the growth during 1973-74, the year of the Fourth Plan, would be considerably in excess of the average rate achieved during the first four years of the Fourth Plan".

Then, Sir, if you have a look at what they have stated in the Economic Survey, you will find the following :—

"Further, the facts that higher prices of some of our traditional exports have made a significant contribution to export growth since 1972-73 is indicative of the potential weakness of our export effort. As the international commodity been ends, some of our exports are

bound to be affected. A significant shortfall in exports of engineering goods in relation to the Fourth Plan targets is another indication of the weakness of our export base."

Then, Sir, the Annual Report in another place supports this :

"Although exports of engineering goods at Rs. 138.7 crores during 1972-73 were 13 per cent higher than in the preceding year, the performance was much below expectations. Commodities which showed a decline in exports in 1972-73 over the level reached in 1971-72 were : tea, jute manufactures, sugar, iron and steel, manganese ore and spices."

So, even in the traditional field you have not been able to retain the market that was there. There is an interesting news with regard to Directorate-General of Commerce Intelligence and Statistics :

"However, even the corrected figures will give a misleading impression if compared with April-August exports last year. In 1972 the DGCIS omitted something like Rs. 80 crores worth of exports to Bangladesh. If this is taken into account, it means that there has been a decline of five per cent in exports this year."

Sir, here let us see what is the performance like in spite of all this drum-beating. I will be comparing the figures for 1964 and 1971. In 1964 it was 1.7 percent of the world total and the value was 1.1 billion U.S. dollars. In 1971 it has come down to 0.7 per cent. Now, for Asia it is growing but for India it is coming down. As regards Asia and annual growth rate for 1971 is 7.6 per cent; for Middle East it is 8.3 per cent and Other Asia it is 7.3 per cent. But with all the drum-beating we are nowhere near the mark.

These photostats that I have been able to bring will show how figures have been cooked and I would like, with your permission, to lay\* them on the Table of the House. This is with regard to the T.D.A.

\*The hon. Member later informed that the documents need not be treated as laid on the Table.

[Shri Jyotirmoy Bosu]

These photostats will show that the figures were tampered by a Director of Research and Analysis. The figures which have been handled in his handwriting to show a better performance will reveal how honestly they function within their own department. I would like to give these figures. This T.D.A. is under the joint patronage of Tatas and the Ford Foundation. Tatas get Rs. 5 lakhs as fees. It was formed in theory to help middle and small exporters. T.D.A. claims 100 per cent credit for the orders booked but may not be by virtue of their own efforts. It may be that the clientele had their own orders and the TDA has included them in their claims. I would like this to be verified because these documents have really caused anxiety in me, and if this goes on in a big authority like this which deals with foreign business it is a very bad day for us.

For 1972-73 the target was Rs. 35 crores worth of exports the achievement was Rs. 25 crores but the actual shipment was Rs. 20 crores. This is how I can give one instance of how they bring out the figures. The whole thing needs a thorough and careful look by an authority unconnected with the Ministry. Otherwise, they will come and try and cover up the whole thing.

Then, let us take the example of performance in the field of mica export. On the basis of the Mineral Year book and also the research conducted by the Nehru University, the production of mica on average over the past 15 years is 22,000 tonnes per year; the export per year is 25,000 to 26,000 tonnes per year and the internal consumption is 4000 to 5000 tonnes per year. Prof. Chattopadhyaya and his regiment must be a band of magicians because when the production on an average does not exceed 22,000 tonnes per year, I do not know how they have been exporting and consuming a total of 29,000 to 31,000 tonnes per year.

SHRI CHAPALENDU BHATTACHARYYA: They carry large stocks.

\* SHRI JYOTIRMOY BOSU: Let him not identify himself and let him not show his ignorance.

SHRI CHAPALENDU BHATTACHARYYA: I know it. This is a prominent feature of the mica industry. They carry large stocks for the last fifty years.

SHRI JYOTIRMOY BOSU: I am glad. There are also other items which are being exported. Is it not a fact that other items are also being exported under the garb of mica?

Now, let us take another item, because they have a big emprise, all colonies, in fact. Take, for example, textiles. The production has increased but the price also has increased. I shall show you how. Take, for example, mill-made cotton fabrics, medium B. In 1971, the production was 1038 million metres, in 1972 it was 1192 million metres, and in 1973 it was 1168 million metres. In the case of production of cotton fabrics, it is the same position. It is almost the same position in the case of man-made fibres also. The variation in prices of non-controlled cotton cloth and man-made fibre products which are being produced continuously and for which data are available are as follows. The percentage of variation in price in February, 1972 over February 1971, in one year's time, in the case of coarse variety was 1.27; the variation percentage for 1973 over February, 1972 was 6.33, and when we come to 1974, the variation over February 1973 has jumped to 23.80 plus 33.33. In three years' time, what is the total rise? What a terrific fleecing of the common man. In three years, the total rise exceeds 60 per cent or even more than that. Similarly in the case of medium and other grades also it is a terrible fleecing which is going on, and these people are hand in gloves with the looters. Then, look at the profits. A study of the balance-sheets shows the following position. Of course, this is only profit in black and white; they have a lot more money; maybe 300 or 400 per cent more tucked in here and there. A study of the balance-

sheets of 288 cotton mills/companies in the private sector for 1972-73 reveals that the gross profit after depreciation worked out before interest, development rebate and taxation was Rs. 8664.73 lakhs in 1972-73 and one year earlier, namely in 1971-72 the profit was Rs. 5171.33 lakhs. So, in one year, the rise is more than 60 per cent. Prof. Chattopadhyaya, if I am right, professor of philosophy, is in fact very nicely serving the cause of his leader, the author of *Garibi Hatao* in this country. What is fantastic about cotton textiles is that Bilaspur Spinning Mills made an appreciation in the price of 427.40 per cent in one year. I may tell Mr. Naik if he wants that this is from the *Economic Times* dated the 25th November, 1973, which says 'Appreciation in the price of equity to the tune of 427.1 per cent'. This textile profiteering is really a very disturbing thing. This is the index of ordinary share prices (1969-70 as the base year 100) : Cotton textiles, in 1972 (December) 108.1; in 1973 it is 152.7, a rise of 50 per cent in one year. Jute textile: It was 84.6 a year ago; a year after in 1973 (Dec.) it is 123.9 So whose *garibi is hatao-ed*, we cannot understand.

It has been very nicely described:

"At a time when consumers are under great pressure because of rising prices and widening area of shortages, it is significant that the industrial profits and dividends are up. A study by the *Economic Times* of profits and dividends revealed that more than 100 companies had retained a pre-tax profit of more than one crore. . . ."

All the textile companies have reaped the richest harvest. I know the Centuries and New Sherrocks, so many companies who are their great patrons and godfathers sitting in Bombay and filling their coffers. Their equities have even appreciated to the tune of 150 per cent in one year. So you could understand which category of persons this hon. Minister belongs to.

On 29th March 1974, another enormous price rise was allowed. I hear that in America they have started streaking. I suppose that is an encouragement; it has started in Kerala. You want the youth of the country to go about naked. Certainly your policy adoption will take them a long way in this.

How nicely they have damaged the handloom industry! They have called themselves *Gandhiwadi*; they say that the handloom belongs to the cottage industry section. There is a ban in theory, that coloured saris will not be produced by powerloom units. But have you ever implemented that? You have not. You have a policy decision in theory. You may have brought about an enactment in theory, but you never implement it.

SHRI DHAMANKAR (Bhiwandi): It is implemented.

SHRI JYOTIRMOY BOSU: It is not. I have got definite evidence in my hands.

Coming to yarn, Shri Chattopadhyaya is very much in it. Through his hands, the yarn tycoons prospered. When you keep water in a pitcher, it starts sweating. Those who handle it also get wet.

MR. DEPUTY-SPEAKER: Are you sure you are not spinning yarn?

SHRI JYOTIRMOY BOSU: I have to in this case.

As for his following in West Bengal, he has been kind enough to keep his party intact in West Bengal by giving quotas to MLAs. They have all got bogged down in blackmarketing in the quota of yarn. You can verify it. I say it on my own responsibility.

SHRI B. K. DASCHOWDHURY (Cooch-Bihar): Why does he bring in the MLAs here?

SHRI JYOTIRMOY BOSU: A hundred crores of rupees have been fleeced by mill-owners. I want to ask through you,

[Shri Jyotirmoy Bosu]

Mr. Deputy-Speaker, how much share came to Delhi to individuals and to groups?

As for details of prices, again it is alarming. Regarding average cotton yarn rates, inclusive of all charges, for 34 counts in May 1971 it was Rs. 56 (5 kg. bundle); for 44 counts in May 1971 it was Rs. 71 and in October 1973 it was Rs. 120. These are the things that they are doing.

Somebody in the know of things has said that there has been creation of Rs. 100 crores of black money in the textile industry during the last one year through black-marketing in yarn. As for the Textile Corporation—I know it is no longer in his pigeon hole—it is another scandal. Is it not a fact that the former Managing Director was found to indulge in, or there were allegations that he had been adopting, corrupt practices? Is it not also a fact that a CBI inquiry was instituted against him? I am talking of Shri K.K. Dhar. I do not quite understand what is meant by this word: 'It has been ascertained from the CBI that no open inquiry was made at any time against Shri Dhar'. How many types of CBI inquiry you have? Open, close, reserved, registered and unregistered? What is it? Is it also a fact that this man had acquired property disproportionate to his income including, I am told—if it is correct, please find out—an apple orchard in the Kulu area.

The Indian Cotton Mills Federation was another body. You gave them enough to loot the country. The textile exporters are alleging that the Indian Cotton Mills Federation are holding them to ransom by not clearing the incentives due to them since January. What is it they are doing? While the estimated collection from premier foreign cotton has been about Rs. 150 crores to Rs. 160 crores, the actual disbursement by way of incentive has not been more than Rs. 125 crores. We would like this to be clarified clearly and frankly.

Then about nylon spinners. It is an interesting article which says. "The crisis

facing the nylon weavers—the ruling Congress party has once again used the machinery of Government for political purposes and squeezed the nylon spinners who have been made to pay about Rs. 8 crores this time for the forthcoming UP elections. As in the past, it is reliably learnt—"

AN HON. MEMBER: What is the source?

SHRI JYOTIRMOY BOSU: This paper is owned by Shri Uma Shankar Dikshit. "Current."

"that the fund is deducted and the cut is believed to be half at source."

Mr. Chattopadhyaya should enlighten us on this. (*Interruptions*) Mr. Uma Shankar Dikshit is the real owner, and Mr. Salvo is a dummy in between.

Take the jute industry. It is a scandal for any country. You talk about democracy; you talk about socialism. Jute is an industry where a handful of people are given the opportunity to fleece the workers as well as the growers, and the profit is skyhigh. It is now accepted that they make a profit of about Rs. 1 crore a day. Even the *Economic and Political Weekly* of Bombay in the recent past has confirmed this. There are jute strikes, as you know, for a long enough time. Some INTUC leaders—I can hear them complaining—and leaders of the Congress party were very critical of the Minister who did not lift his little finger because he was so very anxious to lend support to the IJMA led by the same old Goenka whom he has been trying to protect in the Asian Cables scandal. It is a disgraceful thing.

The wholesale index for jute on the 8th December, 1972 was 236.1. The base year is 1960:100.

In November, 1963, it was 190.4. It came down; jute-growers must get less money. In December of the same year—in one month, from 190.4 it came down

to 184.2. In one year, I can tell you that the jute-growers have been cheated to the tune of Rs. 200 crores.

MR. DEPUTY-SPEAKER: The hon. Member's time is up.

SHRI JYOTIRMOY BOSU: What is the time I get, Sir?

MR. DEPUTY-SPEAKER: 19 minutes.

SHRI JYOTIRMOY BOSU: I will require a little more time. Thank you.

SHRI B. V. NAIK (Kanara): The figures of cheating that you mention will be greater than the gross national product of India.

SHRI JYOTIRMOY BOSU: You have no idea. The gross national product as recorded by you is only a fraction of the real money-making outside the books of account.

SHRI B. V. NAIK: We expect you to publish new statistics.

SHRI JYOTIRMOY BOSU: We do. This Jute Corporation of India is another sham body and a show-piece. We have invested enough money in that, but it has given no service at all. They could have saved the poor jute grower. I again blame this Minister, Prof. Chattopadhyaya; he is preventing them from coming into the market in a big way, because he had to collect funds for his party to the tune of Rs. 200 crores. So, the jute growers, the poor growers, had to pay for them through their flesh and blood.

How the Minister obtained concession for these people is very clear from the reply that he has given. "With a view to increasing the competition of Indian Jute Manufacturers, etc. . ."—"Reduction in duty to the tune of Rs. 400 had been given." Only recently you have removed it, I know. But do you now how much they have earned? They have, on the one pretext that we want to be more competitive in the foreign market, and also because of the competition in synthetics, forced the Government to reduce the duty.

You force the Government to abolish the duty and that resulted in a loss of Rs. 72 crores to the Central revenue in a few months. In foreign markets of course the prices soared and the tycoons devoured all the money and all the black money in foreign exchange is being accumulated there. You are allowing this under-invoicing plus this under-sale plus all the manipulations that they do under your very nose. You allow them to accumulate wealth in foreign countries.

MR. DEPUTY SPEAKER: Please try to conclude now.

SHRI JYOTIRMOY BOSU: I will take a little time. The gross in 1969-70 in crores of rupees was Rs. 12.66; in 1970-71, it was Rs. 19.76 crores and in 1971-72, Rs. 30.66 crores. How they cheat the Exchequer and fleece the people and the workers will be told by these figures. Virtually a big concessional loan was granted and it has been charged to the Government. You could see from the Performance Budget of the Ministry and you know it very well that it is another indirect operation. If I come to packaged tea no advance has been made whatever. We are financing schemes through the TEA Board. The SRC is only carrying coal to New Castle. Duncan Brothers have benefited the most. The maximum number of loans have been taken through Mr. Goenka. The small growers, people who find it hard to survive, the sick gardeners could not get money.

Another feather in your cap is the TTCL. It took five years of hammering from us to make you agree to this but it was a still born baby. 2-1/2 years have passed. The godfathers, Brooke Bonds and Liptons, do not approve of your exporting package tea and they have been successful in scuttling the measure and you have joined hands with them. Can you tell us why an organisation which is about 2-1/2 years old has not been able, to my knowledge, to export tea at all? I want to know who is the Chairman and who is the managing director.

[Shri Jyotirmoy Bosu]

15.29 hrs.

Now you are talking about the TTCI taking over sick tea gardens. Is that the reason why TTCI was constituted? Or do you want to divert them so that they do not pose a danger to Brooke Bonds and Liptons? I know they are very powerful. They maintain a lobby in your ministry and among politicians. I know that they pay money liberally to many people.

SHRI S. M. BANERJEE: Give tea also.

MR. DEPUTY SPEAKER: Will you take some time?

SHRI JYOTIRMOY BOSU: I would need some more time.

MR. DEPUTY-SPEAKER: We shall take up private business now.

SHRI JYOTIRMOY BOSU: Then, I remain on my legs.

CONSTITUTION (AMENDMENT)  
BILL\*

[AMENDMENT OF EIGHTH SCHEDULE]

SHRI N. TOMBI SINGH (Inner Manipur): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India"

*The motion was adopted.*

SHRI N. TOMBI SINGH: Sir, I introduce the Bill.

15.28 hrs.

REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL\*

[INSERTION OF NEW SECTION 101A]

SHRI MURASOLI MARAN (Madras South): Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951."

*The motion was adopted.*

SHRI MURASOLI MARAN: Sir, I introduce the Bill.

15.30 hrs.

PARLIAMENTARY INTEGRITY  
COMMISSION BILL\*

SHRI B. K. DASCHOWDHURY (Cooch-Bihar): Sir, I beg to move for leave to introduce a Bill to provide for the constitution of a Parliamentary Integrity Commission and matters incidental thereto.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the constitution of a Parliamentary Integrity Commission and matters incidental thereto."

*The motion was adopted.*

SHRI B. K. DASCHOWDHURY: Sir, I introduce the Bill.

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 5-4-74.