

SOME HON. MEMBERS : Yes.

MR. SPEAKER : The members will be informed accordingly.

ESTIMATES COMMITTEE

(i) Fifty-First Report

SHRI P. VENKATASUBBAIAH (Nandyal) : Sir, I beg to present the Fifty-first Report of the Estimates Committee on the Ministry of Petroleum and Chemicals—Oil India Limited.

(ii) Minutes

SHRI P. VENKATASUBBAIAH : Sir I beg to lay on the Table, Minutes of sittings relating to Fifty-first Report of Estimates Committee on the Ministry of Petroleum and Chemicals—Oil India Limited.

13.09 hrs.

PERSONAL EXPLANATION UNDER
RULE 357

SHRI A. K. SEN (Calcutta-North-West) : Mr. Speaker, Sir, I was surprised when I was informed that Shri Umanath, a Member of Lok Sabha, had made the following allegations against me in course of his speech in connection with the debate on the Demands for Grants relating to the Ministry of Industrial Development and Company Affairs on the 25th April, 1968:

“They approached the Maharashtra Chief Minister. Through whom did they approach? They approached him through Shri A. K. Sen, who is a lawyer appearing to defend the company's fraud and to defend the company's misappropriation. Shri A. K. Sen and one Commander Ghate, who is an employee of the Mafatlal group, these two people approached the Chief Minister and a deal was struck by which they were arrested and released on the same day. You will be surprised to know who this Commander Ghate is who is an employee of the Mafatlal group, who has such powers over the Chief Minister. Commander Ghate is

no other person than the brother-in-law of Shri V. P. Naik, the Chief Minister of Maharashtra.”

The aforesaid allegations against me are absolutely untrue and unfounded. It is no doubt correct that I have defended one out of four accused in what is known as the Fedco case, namely, Shri Balwantrao K. Parekh in his appeal to the Supreme Court. Shri Chari, a senior Advocate of the Supreme Court, had appeared for one of the accused, Shri B.N. Khakhar. Other Advocates appeared for the other accused. As far as I remember, I concluded my arguments by the first week of February, 1967, just before the General Elections. I left for my constituency immediately after I concluded my arguments in connection with my own election. The Supreme Court delivered judgment in the appeals preferred by the several accused some time in March, 1967, whereby it was pleased to dismiss all the appeals. I have never seen accused Y. E. Rangawalla. I do not know B. M. Khakhar at all. I do not know the other accused. I have never known Commander Ghate, referred to by Shri Umanath, in his speech and I have never seen him. It is absolutely untrue and is a malicious libel against me that myself and the said Commander Ghate had approached the Chief Minister of Maharashtra and struck a deal by which the accused persons were arrested and released on the same day. In fact, I have now found out from the answers given by the Chief Minister of Maharashtra on the release of the accused persons in the Fedco case on the floor of the Maharashtra Legislative Assembly on the 29th February 1968 and the 5th of March, 1968, that only one of the accused, B. M. Khakhar, who was defended by Shri Chari... (*Interruption*).

SHRI P. VENKATASUBBAIAH (Nandyal) : Who is Chari? Is he a Communist?

SHRI A. K. SEN : He is a senior advocate of the Supreme Court.

SHRI P. VENKATASUBBAIAH : Shri Umanath will take reasonable pride,

SHRI UMANATH (Pudukkottai) : If you start interrupting, I can also do it.

MR. SPEAKER : Please do not do that and in the process let not Shri A. K. Sen suffer.

SHRI UMANATH : The Congress Party Secretary is giving the lead.

MR. SPEAKER : I request both of you.

SHRI DHIRESWAR KALITA (Gauhati) : An allegation has been made against Shri A. K. Sen. Why is he bringing unnecessarily Shri Chari ? (*Interruption*).

MR. SPEAKER : I request all of you. He is only stating the whole case. Let him have his chance. He is not making any allegation against anybody.

SHRI A. K. SEN : ...only one of the accused, B. M. Khakhar, who was defended by Shri Chari and not by myself and whom I have never known, was arrested on 3rd May, 1967, and was immediately admitted in Hospital prison, Bombay, and released on parole for 15 days by the Commissioner, Bombay Division, in view of his critical physical condition. So, far as accused Parekh was concerned, for whom I had appeared in the Supreme Court, he surrendered sometime in April, 1967, and was released from jail on 23rd August, 1967. It does not appear that any of the accused excepting B. N. Khakhar was arrested and released on the same day. It is, therefore, factually incorrect that the accused were arrested and released on the same day. It may be mentioned that the only accused, who was released on parole from hospital on the same day when he was arrested was B. M. Khakhar, who, as far as I know from the records of the Appeal, was not connected with Fedco company at all and I have not appeared for him.

From the aforesaid facts it will appear that the allegations made by Shri Umanath against me as having struck a deal along with Commander Ghate with the Chief Minister of Maharashtra for the arrest and release of the accused in the Fedco case are absolutely untrue. It is also untrue that the accused approached the Maharashtra Chief Minister through me. These allegations have been made without

any enquiry from me. Shri Umanath is apparently taking advantage of the immunity enjoyed by him against action in courts for such libellous statements made on the floor of the House....

SHRI UMANATH : There I object. He can make his personal explanation. If he goes beyond that and alleges certain things, then you must give an opportunity to me. The rule says that no debatable point should be allowed. If he goes beyond that and starts saying about me, that should not be allowed.

MR. SPEAKER : Because of the immunity he may have said.

SHRI UMANATH : Why should he say that? I am prepared to face it. That is not the point. The rule clearly lays down that no debatable point should be allowed. If he says about me, it is a debatable point. Let him say about himself and satisfy the House. I am prepared to face it. I have no fear at all. Rule means Rule. Keep to the Rule. If you go beyond the Rule, I also can go beyond the Rule.

SHRI A. K. SEN : ...and has thus misused his position and privilege.

MR. SPEAKER : That is all. Bills to be introduced. Shri Raghunatha Reddy.

SHRI NATH PAI (Rajapur) : Sir, this being the last day, may I request you to please allow me to put a question to the hon. Minister? Luckily, he is present here.

SHRI K. M. ABRAHAM (Kottayam) : Sir, I want to know the fate of my notice of a motion given under Rule 115 about the statement made by Shri Jagjivan Ram on the floor of this House.

MR. SPEAKER : I do not know. I may have received hundred notices. I do not remember all of them. I do not answer such question at all. I am not a Minister-in-charge to answer questions.

SHRI UMANATH : It is given to you. It is a motion under Rule 115,

MR. SPEAKER : I do not remember off-hand, if you ask me.

SHRI UMANATH : Because today is the last day. Otherwise, we never ask that.

MR. SPEAKER : Shri Raghunatha Reddy.

SHRI NATH PAI : Please permit to ask a question.

MR. SPEAKER : All right.

13.12 hrs.

COMPANIES (AMENDMENT) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS (SHRI RAGHUNATH REDDI) : I beg to move for leave to introduce a Bill further to amend the Companies Act, 1956.

SHRI NATH PAI (Rajapur) : May I know from the Minister of Industrial Development whether the Maharashtra Government, before proceeding to do something unprecedented in the annals of judiciary of this country, namely, releasing people who were convicted for perjury and forgery, in nullifying the judgment of the highest judiciary of the country, that is, the Supreme Court had consulted the Government of India, particularly, the Minister of Industrial Development and, if so, what were the extenuating circumstances which the Government thought would justify such an interference with judicial process which means reversing the judgment of the Supreme Court and releasing people who were convicted for perjury ?

SHRI RAGHUNATH REDDI : I have only moved this motion.

MR. SPEAKER : It does not arise out of this. I agree it is a very relevant point. I entirely agree and it should come. But not at this stage.

The question is :

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956."

The motion was adopted

SHRI RAGHUNATH REDDI : I introduce the Bill.

13.13½ hrs.

OBITUARY REFERENCE

(Shri Hareshwar Goswami, Speaker Assam Legislature)

SHRI HEM BARUA (Mangaldai) : Sir, may I make a submission ? I wrote to you a letter about the passing away of Shri Hareshwar Goswami, the Speaker of the Assam Assembly. I think, this House should make an obituary reference to this great son of India.

MR. SPEAKER : I was shocked to hear that. It was only recently that I met him in the Speaker's Conference. He was such a valued colleague of ours and was so useful to me and to the other members. He was a highly qualified and a very fine gentleman. When I heard about it before entering the Chamber, I was very unhappy, and I immediately sent our condolences on behalf of myself and all of you. It is very unfortunate. He was not an elderly person, he was only middle-aged. He was such a fine gentleman. It was really a shocking and bad news.

13.14½ hrs.

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL*

THE MINISTER OF WORKS, HOUSING AND SUPPLY (SHRI JAGANATH RAO) : I beg to move for leave to introduce a Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 10.5.68.