

**RESERVE BANK OF INDIA (AM-
ENDMENT) BILL,**

AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL: Sir, I lay on the Table of the House the Reserve Bank of India (Amendment) Bill, 1974, as passed by Rajya Sabha.

12.02 hrs.

STATEMENT BY MEMBER RE. ANSWER TO S.Q. NO. 591 DATED 21-2-73 ON ASIAN CABLES CORPORATION

SHRI JYOTIRMOY BOSU (Diamond Harbour): On 21-12-1973 while replying to my supplementaries against S.Q. No. 591, the following was stated:—

“SHRI JYOTIRMOY BOSU: With regard to a leading very criminal firm of Bombay in this matter, the Asian Cables Corporation—which has given employment to many high-ups’ relations, friends and children, to which I will come one day next session—will the hon. Minister kindly tell us if it is or is not a fact that 2500 tonnes of polythylene were imported at the rate of Rs. 3.50 per kg.—landed cost and sold in the black market at Rs. 7.50 per kg. making a profit of Rs. 88 lakhs? Will the hon. Minister also tell us the quantities stamped on the reverse of the licence and what is the figure according to the Customs daily and weekly list, value of utilised licences, value of imports made by Union Carbide, another competitor? Secondly, in the list of the firm’s director, I see the names of Shri Girdharilal, ex-Chairman, Messrs. Asian Cables Corporation, Shri Popatlal etc. But we do not see the name of the real culprit who is R. P. Goenka of Duncan Bros. Is it because he was so close to the ruling party? Why is it that the name of R. P. Goenka who is so much involved in this is not

there? He has managed to keep out of it by tampering with documents of the C.B.I. It is in the list.

PROF. D. P. CHATTOPADHYAYA: There were charges against Asian Cables involving Rs. 80,56,500. Two cases have already been filed against them in the court. The third charge has also been referred to the CBI and the CBI is in touch with the Solicitors General. They are discussing the matter between themselves. So far as we are concerned, we have referred to the CBI for investigation and if necessary to institute a case against them. The name of Mr. Goenka is not there simply because Goenkas were not the owners of Asian Cables at that time. They perhaps owned it later. That explains the absence.”

Sir, I have referred to the under-mentioned documents and what I have found in them, I am narrating here-below:—

Report of the Industrial Licensing Policies Enquiry Committee Appendices Volume II—July, 89, for the year 1966-67 (II-20) Under Goenka—Item No 3 reads:—“Asian Cables Corpn. Ltd.”

Directors’ report and statement of Accounts for the year 67-68 of Asian Cable Corpn. Ltd.; Under Directors.

Mr. K. P. Goenka, (father of Sh. R. P. Goenka) Chairman, (2) Mr. R. P. Goenka. Director (son of Sh. K. P. Goenka). In the Directors’ report and statement of accounts for 68-69 for the Asian Cable Corpn. the same Chairman and director remained. Again directors’ report and statement of accounts for 70—the same name is seen on the list as Chairman and as director. In 1971 Sh. R. P. Goenka, son of Shri K. P. Goenka becomes the Chairman of Board of Directors. Therefore, S/Shri K. P. Goenka and R. P. Goenka according to the documents quoted, above have been controlling this company at least from 1966 and

[Shri Jyotirmoy Bosu]

to my information these offences took place within the above mentioned periods of operation.

On top of this I have written that they were the owners even before 1966 according to the reply of Mr. Gokhale in which the holdings of Mr. K. P. Goenka in Duncan Brothers and in another two companies where, I am told, they have some interest totals to about 49 per cent. Therefore, before they became the absolute owners in 1966, they were also owning the company and they had sufficient controlling interest. Therefore, they cannot be absolved.

I trust I have been able to give sufficient evidence to establish that the Minister had misled the House and the Government have deliberately allowed the actual owners to remain outside the punitive action that they are proposed to take.

This is a fit case for being sent to the Privileges Committee. The question is that this man whom we all know is involved in the poster scandal. Mr. R. P. Goenka and Mr. K. P. Goenka of Balmer Lawrie are one of the biggest financiers of the ruling party. You remember the posters scandal.... (Interruptions). Because, I am telling you that they have given employment to so many Ministers' sons and brothers and they have gone to the Rashtrapati Bhavan also. They have cast their net very wide....

MR. SPEAKER: You should not go beyond the scope.

श्री गकर इयाल सिंह (चतरा) : अध्यक्ष महोदय, कलिंग पार्टी को बीच में घसीट कर नहीं लाया चाहिये। माननीय सदस्य को जो कहना हो कहें, लेकिन हर बात में कलिंग पार्टी को घसीट कर न लायें।

MR. SPEAKER: There is not going to be any debate on this. You sent me a copy and you read it. You are going out of the scope.

SHRI JYOTIRMOY BOSU: No. Sir. I am not going at all.

My submission is that when a Minister misleads the House, if he comes forward *suo motu* and makes a statement, he can do it under Direction 115. If he does not do so and if he is detected in the matter that he has misled the House, it is a fit case to be sent to the Privileges Committee and you should do so. If you do not do it, we shall consider that the Chair is trying to protect the ruling party.

MR. SPEAKER: The hon. Member should not try to coerce the Chair like that. I am not going to be coerced.

श्री मधु लिमये : (बांका) अध्यक्ष महोदय, क्या आप ने इस के बारे में कोई कसौटी बनाई है कि कौन से मामले डायरेक्शन 115 के तहत आयेंगे और कौन से मामले 224 के तहत आयेंगे। जहां तक एशियन केबिल का मामला है, मैं आप को याद दिलाना चाहता हूँ—यह चौथी लोक सभा की बात है, आप उस समय स्पीकर बन चुके थे—एशियन केबिल का मामला यहाँ पर उठा था, फखरुद्दीन अली अहमद साहब उस समय उद्योग मंत्री थे, मैंने उस की तमाम बैलेसर्जट बगैरह उन के पास भेजी थी—इस लिये यह कहना अनुचित होगा कि इन की दलील में कोई तथ्य नहीं है। जब इन के पास सारी जानकारी थी, मिनिस्टर साहब को पत्र लिखे गये थे, पार्लियामेन्ट में सवाल उठा था, उस के बाद श्री जान-बूझ कर धलत-बयानी करते हैं, जो इन को चन्दा देने वाले लोग हैं, उन को झूठ बोल कर प्रोटेक्शन देते हैं, तो क्या अध्यक्षजी द्वारा इन के विरुद्ध कड़ी कार्यवाही होगी या नहीं? आप पहले हम को इस की कसौटी बतलाइये।

अध्यक्ष महोदय : जो बात उन्होंने उठाई है, उस में मिनिस्टर को भी हक है कि जवाब जवाब दे ।

श्री अटल बिहारी वाजपेयी : (म्वालिगर) अध्यक्ष जी, इस में दो चीजें हैं ।

अध्यक्ष महोदय : वे इस का जवाब देंगे । इन को कहा गया है ।

श्री अटल बिहारी वाजपेयी : क्या आप का आफिस भी पोस्ट-ऑफिस बन गया है । जो वहां से जाता है इन को पहुंचा देने हैं ।

MR. SPEAKER: These Rules make it virtually a post office. After all I have to go by the Rules.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, धनजाने में गलत जवाब देना गलती हो सकती है, हमारे मिनिस्टर कोई देवता नहीं हैं, इन्मान गलती कर सकता है लेकिन गलती करना और जानबूझ कर तथ्यों को दबाना क्या आप इन दोनों में फर्क करेंगे कि या नहीं ?

अध्यक्ष महोदय : आप मिनिस्टर साहब को जवाब तो देने दीजिए ।

श्री अटल बिहारी वाजपेयी : अगर उन से गलती हो गई, तो वह स्वयं करेक्शन के लिए हाउस के सामने आ सकते थे । श्री ज्योतिर्मय बसु को यह मामला क्यों उठाना पड़ा ?

अध्यक्ष महोदय : मिनिस्टर साहब को जवाब देने का राइट है ।

SHRI SHYAMNANDAN MISHRA (Begusarai): I rise on a point of order. It is this. This matter has been before the House for a long time and this has been pursued by Members very vigorously. They have smelt a serious corruption in the matter particularly in league with the ruling party. That being so, the question was put to the hon. Minister. The hon. Minister had said that since they

did not seem to be the owner of the firm, the cases were not instituted against them. Now it has been conclusively proved that they had been the owners of the firm. The hon. Minister knew it, that they had been the owners of the firm. It is a case of wilful misrepresentation. The Chair knows that this matter was very vigorously pursued by Members in this House. And yet the hon. Minister tried to misled the House by saying that they were not owners of the firm. The hon. Member Mr. Jyotirmoy Bosu has conclusively proved that they have been owners of the firm. So the Minister had misled the House.

अध्यक्ष महोदय : मिनिस्टर साहब को रेप्लाय देने के राइट है । आप उन को जवाब तो देने दीजिए । आप उन की बात सुनना ही नहीं चाहते हैं । आप उन को सुने बगैर ही फंसला बे रहे हैं ।

SHRI SHYAMNANDAN MISHRA: We will hear him, but the Chair is presumed to have heard him earlier. That is to say, you must have seen and gone through that statement...

MR. SPEAKER: I am giving chance under Rule 115. I have got to listen to the Minister. How can it be that I can't listen to the Minister? I have to listen to the other side and this is provided in the rules. He has a right to reply.

PROF. CHATTOPADHYAYA

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): Sir, I have carefully heard the statement made by Hon'ble Member, Shri Jyotirmoy Bosu. The factual position is as follow:

There are three cases pertaining to the misuse of imported raw materials by Messrs. Asian Cables. These three cases are:

(i) Misuse of copper where licences were obtained during the period November 1962 to October 1964, and the offence was committed during

[Prof. D. P. Chattopadhyaya]

the period April 1963 to March 1966 when the management of the firm was in the hands of the Kotak Group and Goenkas were not on the Board of Directors.

(ii) Misuse of aluminium where licences were obtained during the period January 1962 to April 1963 and the offence was committed during the period February 1964 to January 1965, when again the management was in the hands of Kotak Group and Goenkas were not on the Board of Directors. In fact the last resolution of 14th March, 1966, regularising the sale of aluminium was passed when the Kotaks were on the management of the firm

(iii) Misuse of low density polythelene powder where licences were obtained in 1967 and the imports and misuse were made thereafter

The management of Asian Cables passed hands from the Kotak Group to the Duncan Brothers in April 1966, and therefore Goenkas, including Shri R P Goenka, were on the Board of Directors of Asian Cables in respect of the period during which the misuse of low density polythelene powder was made.

There seems to be some confusion in the reply to the supplementaries from Shri Jyotirmoy Bosu, where I had said that the name of Shri Goenka is not there because Goenkas were not the owners of Asian Cables at that time. When I said this, I was referring to the role of Goenkas in respect of the aluminium and copper transactions, on which complaints had been filed.

In fact, in reply to the Starred Question No 591 on 21st December, 1973 at Sl No. 9 of the statement enclosed with the answer, I had referred to the names of the Directors of the Asian Cables Corporation,

Bombay, "in respect of the sale of imported aluminium in contravention of the conditions of the import licence. I further reiterated this in reply to the Supplementaries of Shri Jyotirmoy Bosu in the following words:

"There were charges against Asian Cables involving Rs. 80,56,500. Two cases have already been filed against them in the Court. The third charge has also been referred to the CBI and the CBI is in touch with the Solicitor General. They are discussing the matter between themselves. So far as we are concerned, we have referred to the CBI for investigation and if necessary to institute a case against them. The name of Mr Goenka is not there simply because Goenkas were not the owners of Asian Cables at that time. They perhaps owned it later. That explains the absence of the name of Mr Goenka"

It will, therefore, be very clear that I was referring both in reply to the original question and in reply to the Supplementaries to the role of the Goenkas in respect of aluminium and copper transactions. In so far as the supplementary of Shri Jyotirmoy Bosu related to the low density polythelene powder, the misuse does relate to the period when the management was in the hands of the Goenkas and Shri R P Goenka was on the Board of Directors. I might also mention here that in continuation of the supplementaries relating to the same Starred Question I had stated:

"I only said that these names of the accused are there. I was not aware of the dates from which Mr Goenka took over. I said only that."

Therefore, Sir, as I have explained, it is not correct to say that I have misled this House. As regards punitive action in respect of copper and aluminium cases, complaints have already been filed in the Court of

Law. In respect of the low density polythelene moulding powder case, the CBI is explaining the opinion of the Ministry of Law, and we are awaiting the advice of the CBI. No final decision has been taken in regard to the alleged misuse of polythelene moulding powder and the involvement of Shri R. P. Goenka in the alleged misuse. I can assure this House that it is not at all our intention to protect of shield firms or individuals found responsible for violating the law of the land, nor have I the slightest intention to mislead this august House in any way whatsoever.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, क्या प्रश्नों की सफाई हुई है ? क्या आप इस स्पष्टीकरण को मानेंगे ? यह तो सदन को गुमराह करने का एक और प्रयत्न हो रहा है—बिस्कुल आप की आंखों के सामने हो रहा है ।

SHRI H. M. PATEL (Dhandhuka): He makes it very clear that in the supplementaries quoted there were three charges. He said that the first two charges related to copper and aluminium in respect of which Messrs. Goenka were not the directors at that time. But the third charge was referred to the CBI. That is mentioned in the reply. In the sentence that follows, that is, in the sentence subsequent to the one where he says that the third charge was referred to the CBI, he goes on to say that the Goenkas were not directors at that time. That is the point. The significant point is what follows which sentence. I may quote for you the exact sentence, which is as follows:

"The third charge has also been referred to the CBI and the CBI is in touch with the Solicitor-General. They are discussing the matter between themselves. So far as we are concerned, we have referred to the CBI for investigation and if necessary to institute a case

against them. The name of Mr. Goenka is not there simply because Goenkas were not the owners of Asian Cables at that time."

The sequence makes it quite clear that at the time the third charge was referred,—and the third charge was with regard to polythelene—the name of Mr. Goenka was not there. Then, further, he has said "They perhaps owned it later". What is it which made him say that they perhaps owned it later, that is, later than the date in respect of which the third charge was involved. It may be that there was a certain misunderstanding, and the Minister may have been confused at that time. But I think that there ought to be a fair admission.

MR. SPEAKER: I shall look into it very closely. I shall see both the statements, and let me be clear about it.

SHRI SHYAMNANDAN MISHRA: I would make just one submission. As has been pointed out by the hon. Member Shri H. M. Patel, Government did not refer the name of the two Goenkas in the third case. It also seems from the statement made by the hon. Minister that the Government did not refer to the CBI for investigation the case against Mr. Goenka. That being so, it is a deliberate attempt at not only not referring the case to the CBI but also at misleading the House about the matter. There is a double attempt on the part of Government in not referring the case for investigation against Mr. Goenka and in not informing the House that they happened to be the owners of the firm at that time. There is a double attempt....

MR. SPEAKER: I shall look into the previous statement and also this statement. I cannot give any off hand ruling.

SHRI JYOTIRMOY BOSU: I want to draw your attention to one thing.

MR. SPEAKER: There can be no debate on this now.

SHRI JYOTIRMOY BOSU: Kindly see what my question was. It was 'With regard to a leading....

money has been given by him for the UP elections.

श्री सच्चिदानन्द : सभी आपने पहले कहा कि मैं दोनों के बयानों को देखना तो उसके बाद ही करियेगा ।

SHRI SHYAMNANDAN MISHRA: The offence of privilege is compounded by the element of corruption involved.

MR. SPEAKER: I have to see both the statements, the previous one as well as this.

SHRI JYOTIRMOY BOSU: I would say that Shri R. P. Goenka stays with Shri Uma Shankar Dikshit who collects funds for the party. And you are the presiding officer of Lok Sabha and you are making a mince-meat for yourself. It is a clear case of breach of privilege.

श्री श्यामनन्दन मिश्र : दो बार मिनिस्टर ने कोशिश की है—एक तो केसेज इन्वेस्टिगेशन के लिए नहीं भेजे और दूसरे हम लोगों से कहा वे मोनर नहीं हैं ।

MR. SPEAKER: If he thinks that he can do like this, it is very unfortunate

SHRI JYOTIRMOY BOSU: I would just draw your attention to one very pertinent thing. I had asked:

"Will the hon. Minister kindly tell us if it is or it is not a fact that 2500 tonnes of polythelene were imported at the rate of Rs. 3.50 per k.g. (landed cost) and sold out on the blackmarket at Rs. 7.50 per k.g.?"

श्री शंकर बयाल सिंह (चनरा) : अध्यक्ष महोदय, मैं भी उठने के लिए मजबूर हो गया हूँ । उनकी बात को ही मैं सुनता रहूँ या मैं भी कुछ कहूँ ? यह पब्लिक मीटिंग नहीं हो गई है, यहाँ सदन की कायदाही चल रही है आपकी अध्यक्षता में ।

I have made a very specific charge, but in reply he says 'No' and he gets away, because he belongs to the ruling party. A privilege motion against me was admitted in half an hour, and you, Sir, were pleased to admit it within a half an hour because it was Jyotirmoy Bosu. From this, one will know who is running the Parliament, this ruling party and your good self. . . .

MR. SPEAKER: Matter under 377—Shri Ramavatar Shastri.

श्री शंकर बयाल सिंह : ऐसी बात नहीं है कि जो उनके मन में आये कह दें और हम सुन लें । आप इजाजत दें तो मैं भी जवाब दे दूँ ।

MR. SPEAKER: I will have to satisfy myself.

MR. SPEAKER: It is not a question of privilege.

SHRI JYOTIRMOY BOSU: It is a question of privilege.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta South): Mr. Bosu said that one of the Minister. . . .

SHRI SHYAMNANDAN MISHRA: It is a clear case of breach of privilege.

MR. SPEAKER: No, no. I am not allowing it; I am now passing on to the next item. Shri Ramavatar Shastri. May I request all of you to sit down?

SHRI SAMAR MUKERJEE (Howrah): He is the chairman of the Indian Jute Mills Association and

SHRI JYOTIRMOY BASU: I want to make a submission.

MR. SPEAKER: You have made the submission already. The statements are before me. I will have to go through them. I will do so. I cannot give a ruling offhand at once.

SHRI JYOTIRMOY BOSU: What was my supplementary? It was about a chemical powder. The charge was very clear that its landed cost was Rs. 3.50 and it was sold in the black market at Rs. 7.50. The Minister talks about copper and aluminium. Are we jackasses sitting here?

MR. SPEAKER: Please sit down. There is no question of blackmarket or anything. The question is whether the Minister, knowing certain facts, suppressed them. I will have to see. I will see that.

SHRI JYOTIRMOY BOSU: You had my statement. You had the reply from the Minister, You had these before you for a considerable length of time. I brought this motion in December, if I remember aright, 24th December. You cannot take the edge of the issue like this. You had my statement. You had the Minister's statement. You had them for a long time.

MR. SPEAKER: There is no question of long time. It has come today.

SHRI JYOTIRMOY BOSU: What has come today? — All right.

श्री अटल बिहारी वाजपेयी : इसके साथ इस मामले पर भी आपका निर्णय हो जाये कि 115 कहां खत्म होता है और 224 कहां शुरू होता है। यह त्रिविलेज का मामला है।

अध्यक्ष महोदय : इस हाउस में यह कई बार आ चुका है कि जहां मिनिस्टर का स्टेटेमेंट इनकरेफ्ट है उसके बारे में 115 है। जहां मेम्बर उसके बारे में स्टेटेमेंट देता है वहां मिनिस्टर भी दे सकता है।

श्री अटल बिहारी वाजपेयी : भ्रमर जानबूझ कर तथ्यों को छिपाया जाये, सदन

को घुमराह किया जाये तो क्या वह त्रिविलेज नहीं होता है ?

अध्यक्ष महोदय : वह तो देखना पड़ेगा।

श्री मधु सिन्घे : सन 1966 की बैरर की रूलिंग है जिसकी तरफ मैं आपकी तबज्जह दिलाना चाहता हूँ। मैं ने श्री सुब्रह्मण्यम के बारे में मामला उठाया था और उस पर बैरर की रूलिंग है कि भ्रमर डेलीवरेटली ऐसा स्टेटेमेंट है तो वह त्रिविलेज का मामला है।

श्री जांबुवत शेट्टे (नागपुर) : अध्यक्ष महोदय, 115 को क्या आप मिनिस्टर की प्रोटेक्शन के लिए इस्तेमाल करना चाहते हैं, यह सवाल है। आपने 115 को बार बार इस्तेमाल किया और मिनिस्टर को संरक्षण दिया।

अध्यक्ष महोदय : वह तो जैसा प्राविजन होगा वैसा करना पड़ेगा।

श्री रामवतार शास्त्री।

12.29 hrs.

MATTER UNDER RULE 377

ALLEGED NON-AVAILABILITY OF WHEAT AT RATION SHOPS OF PATNA AND DANAPUR (BIHAR)

श्री रामवतार शास्त्री (पटना) : महोदय, मैं अभी दो दिनों तक पटना के विभिन्न इलाकों और दानापुर के इलाकों में घूम कर आ रहा हूँ। मैं ने देखा कि वहां तमाम जगहों पर राशन की दूकानों में बेंह बिल्कुल नहीं मिल रहा है। पहले 15 दिन में एक यूनिट पर 1300 ग्राम गल्ला दिया जाता था लेकिन अब 15 दिन में 450 ग्राम कर दिया गया है और वह भी मिलता नहीं है। इससे लोगों में बहुत परेशानी है। आज आपने भ्रष्टाचारों से पढ़ा होगा कि पटना यूनिवर्सिटी के स्टूडेंट्स ने यह फंसला किया है कि राशन की दिक्कत के सवाल को लेकर, मंहगाई के सवाल को लेकर वे