any intention of not being gracious What the Finance Minister said was that this request would be viewed most sympathetically, and we shall consider it.

Shri Daji: The question is of release.

Shrimati Indira Gandhi: I am talking about release.

Shri Daji: But he says they cannot be released unless we persuade them to give up the hunger strike.

Mr. Speaker: Order, order.

13.38 hrs.

DELHI SALES TAX BILL—*contd.*

The Minister of Finance (Shri Sachindra Chaudhuri): I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the levy of tax on sale of goods in Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the levy of tax on sale of goods in Delhi."

The motion was adopted.

Shri Sachindra Chaudhuri: I introduce† the Bill.

13.39 hrs.

APPROPRIATION (No. 3) BILL,* 1966

The Minister of Finance (Shri Sachindra Chaudhuri): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1966-67.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated fund of India for the services of the financial year 1966-67."

The motion was adopted.

Shri Sachindra Chaudhuri: I introduce† the Bill.

13.40 hrs.

JAYANTI SHIPPING COMPANY (TAKING OVER OF MANAGEMENT) BILL—*contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri C. M. Poonacha on the 16th August, 1966, namely:—

"That the Bill to provide for the taking over of the management of the undertaking of the Jayanti Shipping Company Limited for a limited period in order to secure the proper management of the same, be taken into consideration."

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of order. There are two points of order on this. One is under rule 76. You will be pleased to see that the Minister in charge of this Bill in terms of this rule is Mr. C. M. Poonacha. Today fortunately, we have in the House the senior Minister, Mr. Sanjiva Reddy but unfortunately rules are inexorable. Not that I am a stickler for rules; I am only a respecter of rules as they help preserve order in the House; otherwise conditions will become chaotic, if we do not observe the rules. The rule says:

"No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the

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*Published in Gazette of India Extraordinary, Part II, section 2, dated 24. 8. 66.

†Introduced with the recommendation of the President.

[Shri Hari Vishnu Kamath]

House, or a Joint Committee of the Houses with the concurrence of the Council, or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge:"

Then there is the proviso which is very important for you, Sir, and for the House:

"Provided that if the member in charge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move the particular motion with the approval of the Speaker."

That is to say, Mr. Poonacha should authorise Mr. Sanjiva Reddy to move that particular motion, with the approval of the Speaker; Firstly, the reasons should be adequate; secondly, there should be authorisation; and then your approval.

Next you will be pleased to recall that when I raised this point of order the other day, on Tuesday, with regard to the financial memorandum, the Deputy Speaker upheld that point of order and directed them to come before the House with a revised memorandum. It is getting a bit more complicated and difficult, and I will appeal to you and to my friends to listen closely. The Bill has been re-brought before the House with a revised memorandum. The Bill becomes a new Bill and so the Minister in charge has got to make a fresh motion for consideration of this Bill with the revised memorandum. I will reinforce the point I have raised with what has happened this morning very coincidentally, luckily and fortunately. I refer to what my hon. friend Shri Sachindra Chaudhuri did this morning; he has observed rightly the norms and rules and standards and procedure. Objection was raised, you will be pleased to recollect, with regard to the State of Punjab, which is very dear to all of us.

Bill

Mr. Speaker: Would he kindly tell me what his point is so that I might be able to follow closely.

Shri Hari Vishnu Kamath: The first point is about rule 76. I am sorry, Sir, that you had not followed.

Mr. Speaker: I have followed his first point. What is his point about the revised memorandum?

Shri Hari Vishnu Kamath: Here is the revised memorandum. I am sorry to say how perfunctorily they perform these things.

Shri Sham Lal Saraf (Jammu and Kashmir): Come to the point.

Mr. Speaker: What is the objection raised?

Shri Hari Vishnu Kamath: My point is three-fold. One is under rule 76. Secondly, the motion for consideration of the Bill which was made by Shri Poonacha on the 16th has got to be made afresh by the Minister because the Bill is accompanied by a new financial memorandum. Under articles 110 and 117 of the Constitution, the President comes into the picture and he must know what he is being asked to sanction, about the money or whatever it is. Earlier there was no reference to money at all. There are two revised memoranda and this is also rather funny. The very next day they brought one revised memorandum. There they say—Rs. Ten lakhs. Have you got a copy of that? Please have a look.

Mr. Speaker: If he wants to say that President's sanction for the revised memorandum is necessary...

Shri Hari Vishnu Kamath: I am developing the point. The first revis-

ed memorandum says that whatever expenses that are initially incurred from the Consolidated fund of India on the salaries and allowances and other remuneration of the chairman, members of the board of control and the management shall ultimately be recouped from the funds of the Jayanti Shipping Company. Such expenditure was not expected to exceed ten lakhs—T, E, N, not in figures but TEN and it says that the amount would be recovered from Jayanti Shipping Company within one year of the date of such withdrawal.

Two days later we get another revised memorandum; I do not know why the inefficiency is so much; it is deteriorating day by day; you must arrest this, Sir; otherwise you cannot stop the rot that is setting in. Again two days later, we get a corrigendum "for Rs. ten lakhs, read Rs. one lakh." Had it been in figures Rs. 10 lakhs, I could have understood the mistake. But no; it was in letters T, E, N, TEN and now they say O, N, E, ONE. I do not want to say more but it is most astounding, to say the least. Suppose you condone this, I do not know whether you would condone it; you may in your wisdom condone it and deem it condonable because my wisdom is no match for the mine of wisdom that you have.

But may I now refer to articles 110 and 117? The money, Rs. 10 lakhs or one lakh is going to be appropriated out of the Consolidated Fund of India. Article 110(1)(c) comes into operation because initially it will be drawn from the Consolidated Fund of India. But this is not a Money Bill; it does not deal only with money. It is a financial Bill, therefore article 117(3) comes into operation: A Bill which if enacted and brought into operation would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President recommended to that House the consideration of that Bill.

So, the first point is whether it is in order for the Minister without the authorisation of Mr. Poonacha to move the Bill, whether reasons for absence are given, whether you are satisfied with the reasons given.

Secondly, the Bill has a new financial memorandum and being a new Bill, the formal motion for reconsideration of the Bill must be made by the Minister, Mr. Sanjiva Reddy, in case you approve of his moving the motion in place of Shri Poonacha. The Finance Minister today has reintroduced the Bill. He was careful; I congratulate him on that. The Minister has appended a letter to the Secretary:

> "The President having been apprised of the revised Financial Memorandum...."

Mr. Speaker: That is all right.

Shri Hari Vishnu Kamath: ....has been pleased to recommend under article 117(1)....

Mr. Speaker: He has asked for that recommendation. That is all right.

Shri Hari Vishnu Kamath: I submit that when the earlier motion was made on Tuesday last, the President had no knowledge of the expenditure involved in this Bill. Now that the expenditure involved in the Bill is known, it should have gone back to the President for sanction for reconsideration of the Bill in the House. So, these points—first of all, the authorisation of Shri Sanjiva Reddy. . . .

Mr. Speaker: Rule 76 has been quoted first.

Shri Hari Vishnu Kamath: ....and the reasons to be given to you.

Mr. Speaker: Order, order. First of all, rule 76 has been quoted in respect of the Member in charge of the Bill. That has been defined and interpreted in the definitions of the rules. "Member in charge of the Bill means the Member who has introduced the Bill and any Minister in the case of a Government Bill."

Shri Hari Vishnu Kamath: Which rule, Sir?

Mr. Speaker: This is definition of a Member. Therefore, there is no authorisation, or no new introduction is necessary. So far as the recommendation is concerned, I am told that the Minister has got it. He might read it.

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): "The President has given consent to the revised financial memorandum as placed below..... The revised financial memorandum containing the figure of Rs. 1 lakh may kindly be seen and approved by the President." It is approved by the President.

Shri Hari Vishnu Kamath: The President's sanction for consideration is not there.

Shri Sanjiva Reddy: It is there.

Shri Hari Vishnu Kamath: Please read the new sanction.

Shri Raghunath Singh (Varanasi): The new financial memorandum as approved by the President.

Mr. Speaker: After it has been sent with the revised memorandum. Is it there?

Shri Sanjiva Reddy: Yes, Sir, Rs. 1 lakh.

Shri Hari Vishnu Kamath: We have not heard the answer.

Mr. Speaker: They have got the recommendation under article 117.

Shri Hari Vishnu Kamath: What is the date?

Shri Sanjiva Reddy: 17th.

Shri Hari Vishnu Kamath: It is the President's sanction as required by the rules to be communicated by the Minister to the Secretary. That is missing. How can we then hold this Bill in order, Sir?

Mr. Speaker: He can write to the Secretary or just announce it in the House.

Shri Hari Vishnu Kamath: The President has not recommended the consideration of the Bill. Those words are not there. How can we pass over the rule? I would appeal to you not to by pass the rule. The Minister must be taken to ask; they are very careless.

Shri Sanjiva Reddy: All salaries, allowances and other remunerations paid to the Chairman and other members of the Board of Control shall be paid out of the funds of the company. Therefore, whatever expenses are initially incurred from the Consolidated Fund of India to meet the salaries, allowances and other remunerations of the Chairman and members shall be ultimately recouped from the funds of the shipping company and such expenditure will not exceed Rs. 1 lakh in all. And the amount shall be recovered from the Jayanti Shipping Company.

Shri Hari Vishnu Kamath: He is reading the financial memorandum.

Shri Sanjiva Reddy: It has been signed by the President.

Mr. Speaker: Is the President's signature there?

Shri Sanjiva Reddy: It is there.

Mr. Speaker: Yes. "Sanctioned and approved for necessary recommendation to Parliament", and the President has approved it. This was the note, and the President has signed that he has agreed. So, that recommendation is there.

Shri Hari Vishnu Kamath: That is not in order.

Mr. Speaker: That recommendation is there.

Shri Hari Vishnu Kamath: I hope you will relax the rules, also when it comes to our side.

Shri Sinhasan Singh (Gorakhpur): I want to raise another point of order. Nowhere does this Bill provide for any withdrawal of money from the Consolidated Fund of India. A financial memorandum is required only in such cases where they provide for any withdrawal of money from the Consolidated Fund of India. Rule 69 says that when such a Bill provides for any withdrawal, that particular clause will be mentioned in the financial memorandum. In this financial memorandum, they have referred to clause 17. Let us read clause 17 and see if it makes any mention of any withdrawal of any money from the Consolidated Fund of India. If it does make such a mention, then it will be covered by rule 69. If it does not make, my submission would be that it requires no financial memorandum and the Bill can pass as it is. But, as it has been treated by the Government as a Bill containing provision for withdrawal of some money from the Consolidated Fund of India, then the Bill as it is, is not properly framed. Clause 17 of the Bill reads as under:

> "All salaries, allowances and other remuneration paid to the Chairman and other members of the Board of Control, the managing agent or any other person who may be appointed or employed in connection with the affairs of the management of the company and all other expenses duly incurred in connection with such management shall be paid out of the funds of the company."

Nowhere does it say that it will be required to be paid at any stage from the Consolidated Fund of India. Normally, when the money is paid by the company itself, it has nothing to do with the Consolidated Fund of India. So, the Bill as it is requires no financial memorandum. If, however, it is appended, then it is not covered by rule 69 of the Rules of Procedure of the House.

Article 117 also does not apply in this case. This article and rule 69, both together, cannot apply to this Bill. Therefore, my submission is that the Bill, as framed, is not properly framed.

Mr. Speaker: I will look into it. I have not followed him very closely.

Shri Hari Vishnu Kamath: He has raised a very important point.

Shri Shinkre (Marmagoa): It is very important. What is the use in rushing with the Bill?

Shri Hari Vishnu Kamath: May be it is not in order, but—

Mr. Speaker: That would be considered when the Appropriation Bill comes before us and the money is to be withdrawn. At that time we shall consider those things. It is not that the Bill is not properly framed. If the Bill is not properly framed, how could those amendments also be made?

Shri Sinhasan Singh: The Appropriation Bill comes only in respect of article 114, and every Bill is not a financial Bill. There is no question of Appropriation Bill accompanying the passing of this Bill. The Bill itself must provide for it. Rule 69 clearly says that all Bills "involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure..

Mr. Speaker: That has already been raised.

Shri Sinhasan Singh: .... and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

Mr. Speaker: That has been done.

Shri Sinhasan Singh: That has been given, but the clause 17 does not mention that any money is required from the Consolidated Fund of India. If it mentions anywhere, in anyway,

[Shri Sinhasan Singh]

that any money will ultimately be drawn from the Consolidated Fund of India, then—

Mr. Speaker: Then you say it was superfluous; that no financial memorandum was required.

Shri Sinhasan Singh: According to the framers of the Bill, it is a Bill to be covered under article 117 and rule 69. So, it is not a properly framed Bill. It is out of order. If the Bill does not contain any provision for withdrawal, when both the article and the rule are said to be applicable, the Bill is out of order.

Shri Hari Vishnu Kamath: Sir, my point arises out of the very important issue raised by my hon. friend. It is this, in my humble judgment. The Financial Memorandum, revised and re-revised, is wholly inconsistent with and even contradictory to the provisions of the Bill. The Financial Memorandum must have some semblance of consonance with the provisions of the Bill. The Bill does not provide, as you will be pleased to see, for any money to be drawn—not a single paisa—in any clause of the Bill.

14 hrs.

Mr. Speaker: The other day he was referring to the clauses that required money to be drawn.

Shri Hari Vishnu Kamath: You were not in the Chair then. My submission was different. I said, the Financial Memorandum did not contain the recurring and non-recurring expenses to be incurred. Now again there is remissness or perfunctoriness, whatever you may call it. Just blindly the Minister has signed whatever was put up to him. They revised the memorandum, but forgot to revise the relevant clause. Clause 17 is left as it is without a change of a comma or a colon or a single word. The Memorandum was revised twice; that we will criticise later on, how 10 become 1 by a sort of sleight of hand. I want to know whether you can permit a Bill to be considered by this House, whose Financial Memorandum is wholly inconsistent with and even contradictory to the provisions of the Bill. The Bill does not anywhere provide for any drawal of money from the Consolidated Fund.

Shri Sanjiva Reddy: Because the lacuna was pointed out last time, it was amended. It is not intended to draw money from the Consolidated Fund.

Shri Hari Vishnu Kamath: The Memorandum refers to drawal of money.

Mr. Speaker: The difficulty is, the whole thing is not being taken together. They have stated first in the Statement of Objects and Reasons that first the payments shall be made out of the exchequer and then it shall be reimbursed from the funds of the company. That is their difficulty and therefore, they have provided for that. If there is something wrong in clause 17, the House would set it right.

Shri Hari Vishnu Kamath: The Deputy-Speaker held that day that the expenditure, initially and later, must be taken into consideration.

Mr. Speaker: I do not think that can hold good in that sense.

Shri Jaipal Singh (Ranchi West): I am sorry I have to intervene in this. Look at the Financial Memorandum. We are only concerned with whether this Bill will draw from the Consolidated Fund of India. It may not draw or it may draw and Government may not be able to recoup it. The whole point is, does this Bill authorise the Government to withdraw from the Consolidated Fund; it is not a question of how it is going to be recouped.

Mr. Speaker: The whole point is, it involves expenditure and he has

explained that it would be first met out of the exchequer and then reimbursed by the company.

Shri Shinkre: That is not mentioned in the section, but only in the memorandum.

Mr. Speaker: The House will decide that when we take up c'ause by clause consideration. That is no objection that would bar the Bill from being proceeded with.

Shri U. M. Trivedi (Mandsaur): Sir, to my mind, this Bill appears to be a colourable legislation to bring into focus and put on the statute-book a public corporation by the backdoor. It would have been much better if this Jayanti Shipping had been taken into liquidation and the whole of it could have been taken over by the Shipping Corporation. The point for consideration is whether Jayanti Shipping has to be made a perpetual body and has to be helped by the backdoor with moneys to be obtained from the public exchequer to tide over its difficulties.

14.05 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

For that purpose, a very unusual procedure has been adopted. Those of us who know how this Jayanti Shipping came into being would feel that this Bill must have struck the conscience of the Government very much. The man who owns this company has got a very long name—Dr. Jayanti Dharma Teja. With a capital of Rs. 200, how was he allowed to establish a firm which could obtain a loan of Rs. 20 crores from the Government of India? What was this mirage?

Shri Raghunath Singh: That was a guarantee to purchase ships; actual money was not given.

Shri U. M. Trivedi: He is talking without trying to understand things. Rs. 20 crores in kind instead of in cash were given to this man. Times without number, alarm bells were rung that we will not be able to get a farthing from this gentleman. Yet, we went on advancing loan after loan and he went on advancing his business and lived like a prince; he enjoyed even what the Nizam did not. He enjoyed all that money could buy for him.

The trouble began in February, 66. It was said that this company is no longer in a position to carry on. When this was brought to the notice of the Government, the Government did not move in the matter. It went on procrastinating this, hoping against hope that probably things will smoothen down. But just in the month of April, Mr. Teja decided—now I will read from this paper.

Shri D. C. Sharma (Gurdaspur): Which is that paper?

Shri U. M. Trivedi: All papers—Statesman, Organiser etc. I quote:

> "In the midst of many other problems of national and international importance which have kept Parliamentarians preoccupied, the Teja request for a further loan of three crore rupees has been one major topic of discussion. The general reaction, as was expected, has been one of surprise and even annoyance, at the impertinence of this request. At the Shipping Ministry's level, though no definite or formal reply has yet gone to Teja, the first reaction has been equally adverse. Government is in no mood to oblige Teja, having already risked a twenty crore loan, under pressure from late Shri Jawaharlal Nehru, but for whose patronage, Teja could never have got anywhere with his grandiose and fantastic schemes."

Now, Sir, what was this man doing? When he was scarce of funds he got so many people to borrow and take loans for and on his behalf with a

[Shri U. M. Trivedi]

two per cent commission to be paid to those who could secure loans from the poor people. About 3,500 creditors advanced larged sums of money to this firm at 12 per cent interest. These loans were advertised in the Press, though the financiers were not very far from Connaught Circus. And, these loans were being raised by whom? Here it says:

> "The list of creditors whom the company's Delhi office owes big and small sums runs into four closely typed pages and the bills are outstanding since months. Things are no better in other offices of the company. In Bombay at least half a dozen court cases for non-payment of big and small bills are pending against Jayanti in various courts.
>
> These debts apart, the company has borrowed from public, by way of deposits on 12 per cent interest, large sums of money, which total over rupees forty-five lakhs. These three thousand five hundred depositors, most of whom are middle class persons of small means, are now daily besieging the company's offices in Parliament Street. Some of these depositors had given to Jayanti, through a local firm of brokers, Messrs. Rajpaul Chadha—who is earning a commission of 2 per cent on these deposits—their entire life's savings."

Now, I would like to know, would it not have been better for the Government to drag this company into liquidation and take over or purchase all the assets? The liquidator could have been compelled to do it. What guided the overnment to take over all these liabilities? If it were a banking concern would the Government have done it? If it were any other ordinary company would the Government have done it? What guided the Government to take over such large liabilities. After all, it is the exchequer's money which will go into the taking over of this concern. If that is to go, let us get it cheap. The liability of this man would have remained.

And what are the various offences that this man has committed under the Company Law? Has any investigation been made? Have you ordered an inquiry into it? I am telling this because there was one news, which I will mention to begin with. It is this:

> "On April 4, the National Shipping Board met under the chairmanship of Shri Raghunath Singh, M.P."

He is here and therefore I am giving his name, otherwise I would not have given it. It says:

> "The Board welcomed the inquiry into the affairs of Jayanti Shipping. But the Board unanimously requested the Government to appoint two more members on the Commission of Inquiry—(1) a shipping expert and (2) a Reserve Bank expert on foreign exchange affairs. Mr. Sanjiva Reddy has not done so. Will he please explain why?"

Let him say now. I put that question to Shri Sanjiva Reddy. Why did he not agree to the recommendation of this Shipping Board that particular measures must be taken. Then it further says:

> "Mr. Jayanti has long been trying to befriend Minister Reddy. Sometime back when Reddy's son was marrying, Jayanti came from U.K. and chartered a special plane to Hyderabad to attend the marriage."

I do not think the Minister gets very much pleased if a man goes by plane.

Shri Sanjiva Reddy: I may mention, Sir, because my name has been mentioned, for the information of

the hon. Member, that I have only one son, he is a student and not yet married.

Shri U. M. Trivedi: I will only place this cutting on the Table of the House.

Shri Sanjiva Reddy: He need not place it on the Table. It is only a weekly paper....

Shri U. M. Trivedi: I have nothing against Shri Reddy. What I am saying is.....

Shri Sheo Narain (Bansi): What is the name of that paper?

The Minister of Railways (Shri S. K. Patil): Sir, I rise to a point of order. Apart from that frivolous paper and whatever has been said here, it has been a practice, an established procedure under the rules, that if any charge is to be made, whether real or unreal, is to be made against a Minister, notice of it shall have to be previously given to the Minister concerned and to the Speaker, and only if the Speaker allows then alone such a charge can be made in the House. Therefore, apart from the hollowness of this particular thing, I would, on the substance of it, namely, that a charge of that description should not be made unless previous notice is given, request you to give your ruling on it.

Shri U. M. Trivedi: There is no charge here.

Shri S. K. Patil: It is a charge. "Charge" does not mean that he makes a charge but anything which is in the nature of a charge, which is made by the Member himself or he merely takes it from somewhere and brings it forward here. It is a charge all the same and notice of it is required. Sir, I want your ruling on this.

Mr. Deputy-Speaker: If any allegations are to be made, notice has to be given....

Shri U. M. Trivedi: Sir, there is nothing improper in attending a marriage. There is nothing improper in attending a marriage at Hyderabad. The only question here is....

Mr. Deputy-Speaker: Under the rules....

Shri U. M. Trivedi: Sir, I am not concerned with the rules now. Here..

Shri Raghunath Singh: Rule 353 says:

> "No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply."

Shri S. K. Patil: I was referring to the same rule.

Mr. Deputy-Speaker: Hon. Members should not take everything that is published to be correct.

Shri U. M. Trivedi: Sir, do not be taken by sentiments. The question is this....

Shri S. K. Patil: Sir, what is your ruling?

Mr. Deputy-Speaker: I uphold your objection. I request hon. Members not to take everything that is published in papers to be true.

Shri U. M. Trivedi: Sir, I am not taking anything to be true. My arguments have not been listened to. I am not at all saying that what has been said here is true.

Shri D. C. Sharma: Then why are you reading it out?

Shri U. M. Trivedi: Sir, let me explain the position.

Mr. Deputy-Speaker: Unless you satisfy yourself that it is true, I would request you not to make such charges.

Shri U. M. Trivedi: I am not making any assertion. Please listen to my argument. If you find that I am making a defamatory statement....

Shri Sanjiva Reddy: It is a palpable falsehood that my son was married. I wish the hon. Member would withdraw it at least now with dignity and grace.

Shri U. M. Trivedi: If you bear with me for five minutes you will be satisfied. I am not making any allegation against him.

Shri Sanjiva Reddy: What is the meaning of reading that trash here; then it should be expunged from the proceedings.

Shri U. M. Trivedi: Hear me first and then think of expunction. What I am reading out has been published in the Press.

Shri Sanjiva Reddy: Sir, again he is reading.

Mr. Deputy-Speaker: What I say is, if by reading it the mischief is done, if it is false it should not be read.

Shri Alvares (Panjim): Sir, it is not a charge against the Minister, it is a charge against Teja. There is no insinuation.

Mr. Deputy-Speaker: It says that Teja went to attend the marriage of the Minister's son. Is it proper?

Shri U. M. Trivedi: Sir, my hon. friend who wants to support me has also not realised what I want to say. The hon. Member on the other side has merely heard my first sentence and he thinks I want to make an imputation against him. I have not the least idea of making an imputation against him. Let him hear me. I may just tell him that I have got great regard for him and that I do not wish to run him down on this count. If for the marriage of Shri Sanjiva Reddy's son he travels by a plane, it does not make any difference to Shri Sanjiva Reddy. The question for consideration is this. Even if a person attends the marriage of a Minister's son, the Minister cannot afford to show kindness to a person of that type only on account of the fact that he attends the marriage of his son. Whether he travels by plane or rides a horse for attending the marriage is immaterial.

Shri Sanjiva Reddy: My son is not married at all.

Shri U. M. Trivedi: Marriage is not something defamatory. So, why should he feel perturbed?

Shri Tyagi (Dehradun): You are attributing to him two sons. Is it not defamatory?

Shri U. M. Trivedi: My only point is that since the Shipping Board made a unanimous report it was reasonable to expect of the Minister that he would accept the recommendation of the Board and appoint two experts. That was the only point which I wanted to make. I am not concerned with the foolish imputation that may be made against him.

Mr. Deputy-Speaker: He should conclude now. Only three hours are allotted for this Bill.

Shri U. M. Trivedi: It is not a question of three hours. The time can always be extended. Here is a company which has swallowed Rs. 20 crores and an inquiry was being made against it. Here is a news item which I would request Shri Sanjiva Reddy to listen with his ears open. This has been published on the 25th June. I do not know how far it is correct but I know from my personal knowledge that to a very great extent it is correct. It says:

> "The inquiry against Dr. Dharam Teja and his Jayanti Shipping company has been quietly withdrawn, and now things are managed for him by the GOI while the Doctor is resting in Riveria."

I do not know whether this inquiry has been shelved. The wording of the Ordinance is "taking over of the company". Pursuant to the passing of the Ordinance, the management of the Company was taken over by the Government. It further says:

> "A committee headed by Sukhtankar was appointed a few months ago to go into the allegations of mismanagement, defalcation of foreign exchange earnings, fraud in the management of income-tax and provident fund deductions from the staff and, above all, allegations of under the table transactions with the Japanese shipbuilders".

Dr. Teja is free from all these.

Shri Sanjiva Reddy: No, no.

Shri U. M. Trivedi: You may say that in your reply. That is how I view it, as long as he is enjoying all the privileges.

Shri Sanjiva Reddy: In which paper has it appeared?

Shri U. M. Trivedi: In the *Blitz* of 25th June, 1966.

Shri D. C. Sharma: From *Organiser* he goes to *Blitz*. I do not know where he will end.

Shri U. M. Trivedi: I am quoting from *Statesman, Organiser and Blitz*. Perhaps all of them as telling lies and only Shri Sharma speaks the truth.

The news item says further:

> "Dr. Teja is free from all these. Now the Shipping Corporation of India will meet all his liabilities estimated at over Rs. 8 crores, meet the extra cost of the foreign exchange payments arising from devaluation and then after five years or more the company will be handed over to Dr. Teja, all ship-shape."

This allegation stands as long as the Ordinance provides only for the taking over of the company and managing it. The very title of the Bill is The Jayanti Shipping Company (Taking over of Management) Bill. They are merely taking over the management.

Shri Shivaji Rao S. Deshmukh (Parbhani): Does he not differentiate between nationalisation and taking over?

Shri U. M. Trivedi: I do not understand anything; only Shri Shivaji knows everything.

> "Withdrawal of the inquiry is totally unwarranted. But, then, Teja has his own well-placed patrons in Delhi!"

I do not know who his patrons are. I hope the Minister will be able to tell us who are the patrons who championed for the withdrawal of the inquiry against him.

Mr. Deputy-Speaker: He should conclude now. He has taken 25 minutes.

Shri U. M. Trivedi: I am the first speaker. I have not dealt with the Bill at all so far. 20 minutes have been taken by interruptions and unnecessary observations.

The whole question is this. Why are you taking over the management in this fashion? Why is no prosecution launched against this man? There should be an answer to this question.

Then, coming to clause 17, it has been the subject matter of serious constitutional objections raised by my hon. friend, Shri Kamath.

Shri D. C. Sharma: All of them were over-ruled.

Shri Hari Vishnu Kamath: Wrongly over-ruled.

Shri U. M. Trivedi: I do not say wrongly over-ruled. Clause 17 says:

> "All salaries, allowances and other remuneration paid to the

[Shri U. M. Trivedi]

Chairman and other members of the Board of Control, the managing agent or an other person who may be appointed or employed in connection with the affairs of the management of the company and all other expenses duly incurred in connection with such management shall be paid out of the funds of the company."

I have not much information on the subject, but I am told and I have read it—and I believe it to be correct—that there was one man who was known as General Kaul. When the Chinese aggression took place, this gentleman suffered from catarrh of the nose and did not find himself very healthy in the NEFA atmosphere. Suffering from cold, he got cold feet probably and he went away to Japan. I am told that this gentleman is employed by Dr. Teja on a salary of Rs. 10,000 a month. Are we going to meet the expenses of salaries of General Kaul and the like who have been employed by Dr. Teja at fabulous salaries? If that is going to be done, I oppose clause 17. If officers who have proved worthless are appointed on salaries of Rs. 10,000, there is no knowing where this is leading us to.

Shri Raghunath Singh: General Kaul was a personal employee of Dr. Teja.

Shri U. M. Trivedi: It is a good information. But he must have paid General Kaul out of the funds of Jayanti Shipping Company. I would like it to be investigated whether he paid it out of his pocket. Then, what was the salary Dr. Teja was drawing?

Shri Tyagi: None.

Shri U. M. Trivedi: Then, was he eating air? Was he eating air or was he eating away the funds of Jayanti Shipping Company? If so, in what manner did he do it? How did he lure 3,500 persons to advance Rs. 45 lakhs or make the Government advance Rs. 20 crores?

Shri D. C. Sharma: Is this Jayanti Shipping Company Bill or Dr. Teja Bill?

Shri U. M. Trivedi: Under clause 17 if the object of the Government is only to ditto all the pact actions of Dr. Teja, I think it is high time for us to close this chapter once and for all. No money should be advanced to this Company.

Then, as a lawyer, I would like to ask a specific question. Why have you not made the law specific by using the words "Shipping Corporation of India" instead of the words "managing agents"?

In his speech the hon. Minister, Shri Poonacha, while moving for consideration of the Bill, he has very liberally used the words "Shipping Corporation". Shipping Corporation is the managing agent; Shipping Corporation did this; Shipping Corporation stepped in; Shipping Corporation did that; Shipping Corpoation saved the ships; Shipping Corporation paid the debts; Shipping Corporation saved it from demurrage—all things have been done by the Shipping Corporation. Then, what prevents this Government from coming out with the truth, being very explicit and saying, "We are appointing the Shipping Corporation as managing agents"? The Shipping Corporation is a body corporate created by the Government of India under a statute; it is a Government of India undertaking. Where is the hesitation for bringing it out that the Shipping Corporation is taking over this management?

Before I finish, I say: Let there be a law of acquisition for the purpose of taking over this business and then acquire it. Do not give it over back to this Dr. Teja for the purpose of his enjoyment. The management must not be left in the hands of a man who has not done right by the shareholders,—whom he has cheated,—by the depositors and by the loanees. Why run a business for the sake and benefit of a person whom we do not like, whom we do not trust and cannot ask to run a business? I think, it would have been much better if the whole business was acquired by a law which must have been made under our

Constitution before we took possession of it.

Shri Hari Vishnu Kamath: Sir, before you proceed further, I would request you to note that there has been an infraction of rules by the Chair just because I could not spot the rule then. I would like to invite your attention to rule 68. The Speaker did not notice that rule; therefore, please take note. I said that orally but I could not point to the rule at that time. It reads:

> "The order of the President granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall"—

the word "shall' is important because there is no proviso and, as he himself held the other day in regard to Sales-tax Bill, "in the absence of a proviso there is no escape for me", there is no escape—

> "shall be communicated to the Secretary by the Minister concerned in writing."

There is no proviso here; there is no "may" here. I do not know how in the face of this rule, you can let consideration proceed unless you have suspended or waived the rule. We will only see to it that you will be compelled to waive or suspend the rules in our favour just as you have done in favour of the Treasury Benches today.

Mr. Deputy-Speaker: The Speaker has already decided that.

Shri Hari Vishnu Kamath: This rule was not pointed out. Rule 68 was not pointed out; rule 69 was pointed out. I pointed out orally. The Finance Minister's example I gave; I did so, but I did not point out the rule. Unfortunately, the rule was suspended or waived today without any motion. Everything is in disorder and irregular.

Shri Raghunath Singh *rose*—

Mr. Deputy-Speaker: Do you want to speak?

Shri Raghunath Singh: Yes, I want to reply to Shri Kamath.

Mr. Deputy-Speaker: Do you want to speak on the Bill?

Shri Raghunath Singh: I will speak after Dr. Lohia.

Shri Raghunath Singh: He has in-
An hon. Member: How can he?

formed me that he is going to speak.

डा० राम मनोहर लोहिया : (फर्रुखाबाद) : ये क्या कह रहे हैं मैंने इनको कुछ नहीं कहा है !

Shri Tyagi: Privilege, question of privilege.

Shri D. C. Sharma: Mr. Deputy-Speaker, Sir, I have been in this House for a pretty long time and I have listened to many vitriolic speeches, but the speech of the hon. Member who preceded me shall excel others in so far as its irrelevance, distortion of facts and sprinkling of acid on everybody who was far or near, are concerned. I am very sorry that the leader of a very eminent party in this House should have tried to quote from those papers which are highly partisan and whose only duty is this and which flourish only on this that they should malign the Government by trying to bring in all kinds of mendacious and malignant statements. He has based his whole speech on that.

Before I proceed with other things I want to make one point clear. It was said by the hon. Member who preceded me that it was Pandit Jawaharlal Nehru who gave his blessings to this company, Jayanti Shipping Company, and it was he who was responsible for getting it the guarantee of Rs. 15 crores or whatever it is and that but for him this Jayanti Shipping Company would not have come into being. I think, the gentleman who spoke like this about Pandit

[Shri D. C. Sharma]

Jawaharlal Nehru never understood Pandit Jawaharlal Nehru and I do not know whether I should be sorry for his ignorance or congratulate him on his misinterpretation of facts and misstatements.

It was not Pandit Jawaharlal Nehru who gave this company a habitation and a name but it was done by the then Finance Minister, Shri Morarji Desai. Pandit Jawaharlal Nehru had nothing to do with it. I can understand people slandering those persons who are alive; I can understand persons defaming those who are sitting on the Treasury Benches or on the Congress benches; I can understand persons who say all kinds of things against us who are members of the Congress Party, but I cannot forgive a person for trying to damage the memory of a great leader of India, not only of a great leader of India but of a great leader produced by India whose words carried conviction to the people all over the world. This kind of travesty of facts I think, is hard to beat and this is something which has been the practice of some hon. Members in this House.

It has been said "Why did the Government not hand it over to the Shipping Corporation; why did the Government not appoint a committee in which there should be representatives of the Reserve Bank and of shipping interests; why did the Government not do it and why did the Government take this kind of an unusual line of action?" I think, this line of action was taken for three reasons. In the first place, we did not want to besmudge the name of India and to soil the name of our shipping companies all over the world by doing or saying something which will mean some kind of ruination of our shipping interests, not only for today but for all time to come. The Government of India wanted that they should try to preserve the honour and dignity of the shipping industry—a nascent industry, an industry in the making—for as much time to come as it can and that is why it took it over; that is why it did not hand it over to the Shipping Corporation.

The second reason was that the Shipping Corporation has already its hands too full of things. It should not be burdened with more work than it can handle. The Shipping Corporation also, if I can put it like that, is in a formative stage, and when something is in that stage, you cannot overload it with more work than it can handle.

Thirdly, if Dr. Dharma Teja was guilty of those things, and he may have been guilty of those things—I may have heard his name; I am not competent to defend him—if Dr. Teja was guilty of defrauding the depositors' money, if he was guilty of taking money at exorbitant rates from people, if he was guilty of having litigation against him for the non-payment of his dues, if he was guilty of leading a life of conspicuous consumption, I think, the only thing the Government could do was to take over his company and to see to it that that company is managed in a very equitable manner.

Now, it has been said by some of my friends that the Government has taken over this company because they want to restore it to health and after it has become a normally functioning company, they want to hand it over to Dr. Teja. I have heard law points made here. I have heard all kinds of things. I never thought that some of our Members could also indulge in flights of imagination. If they think that this company will be handed back to Dr. Dharma Teja after 5 years or 10 years, I think, they are indulging in fanciful speculation. We do not have any basis of that kind. I do not think this is the intention of the Government. After all, Dr. Teja spent Rs. 6 crores and the guarantee

was Rs. 20 crores. If the Government wanted to force this gentleman to keep going on, the Government could have gone to utmost limit of meeting that guarantee of Rs. 20 crores. But the Government never did that. Therefore, I do not think the Government has any intention of doing that. The only intention that the Government has is that the Jayanti Shipping Company should be taken over so that the good name of this country is saved not only here but also in those countries with which this Company had its dealings.

Sir, I am very sorry that each one of our Ministers is going to have a dose, an unfortunate dose of that kind of thing. Every day, that is happening. Everyone is having a dose of that kind of thing. Some day it is the turn of Mr. M. C. Chagla; some day it is the turn of Sardar Swaran Singh; some day it is the turn of Mr. Nanda and today, luckily and fortunately, it is a turn of Mr. Sanjiva Reddy. Dr. Dharma Teja came in an imaginary plane, started in an imaginary plane, and flew from Tokyo to, I think, Hyderabad. Where was that plane? He came to attend a marriage which never took place. They say, the marriages are made in heaven. If one of his sons in his previous birth made a marriage in heaven, I do not know. But none of his sons made any marriage.

You can understand what is the intention of the Jayanti Shipping Company being taken over by the Government. What the Government has done is absolutely equitable, absolutely justified in accordance with the provisions of our Constitution, in accordance with the finances of the country, in accordance with the development of shipping which all of us have at heart. Therefore, I welcome this Bill and, I think, that we should discuss this Bill as it is and not go so much right and left.

My friend has been talking of some clauses. I have read all the clauses of the Bill. There is nothing in those clauses which goes against the interest of our country. It may go against the interest of this party or that party. But the whole Bill is conceived in the best interests of India and, I think, it is going to be implemented to the best advantage of India.

A reference was made about some General who fled away from NEFA. I do not know anything about any General who fled away from NEFA. His appointment as the Managing Director of the Company, I think, that was an internal affair of the Company. I do not know why people are bothering about that.

With these words, I support the Bill and I hope the whole House will support it.

Shri Solanki (Kaira): Mr. Deputy-Speaker, Sir, I rise to welcome this Bill but with a very sad note that this is something like an anti-climax which has come to us very very late indeed after three years of the Company's affairs being discussed in newspapers, so many scandals, gossips, as the Minister says. Whatever it is, there were several reflections on the Government, on several Ministers and after all that, after three years, the Bill had been introduced in the Lok Sabha.

I would like to divide this Bill and the entire matter on which I am going to speak in two parts. One is where Mr. Sanjiva Reddy has entered and the record is very clean and he has taken action. I have taken care to look at the Government point of view also because I believe in constructive criticism. I do not want to throw things at Ministers or anybody. It seems that since 1963 to July/August, 1966, the record of the Ministry is very very clean. They have moved in the right direction after they realised that the Company was losing money and there was a time when the reputation of the country would also have been brought into question.

My hon. friend, Shri D. C. Sharma, just now said that all this was done to save the name of the country. I am

[Shri Solanki]

afraid, it was rather late because in many spheres and in many places round the world, the Jayanti Shipping Company had been discussed quite often. Not only that. I happen to be a member of the National Shipping Board and I have been taking interest in the Jayanti affairs for a long time. I recall a very sad day in Madras when our first meeting took place. The Chairman of the Shipping Board is here; probably, he may not bear with me. But I shall repeat what happened there. There were certain other Members of the Shipping Board. We wanted to discuss the Jayanti Shipping affair. We were told to keep quiet about the whole matter because, they said, enquiries were taking place, and that nothing should be discussed at that time. A senior Member by the name of Mr. Master was with me and the previous Minister, Mr. Raj Bahadur, took him left and right, I would say, to the point of insulting him as if he had committed a crime by uttering the word Jayanti Shipping Company. He wanted to know what were the facts behind the Jayanti Shipping Company. He had certain facts which he wanted to place before the meeting. We were an Advisory Committee and we were proud that we were taking part in the development of shipping and all that. We wanted to place certain facts. This man, Mr. Master, was insulted. This matter went on for two other days. Mr. Master could not feel happy over the whole affair. He maintained that he was right. How right he is, the Bill proves today, the National Shipping Board's report proves. There was something fishy, something wrong in the entire affair, which was being hidden deliberately by the previous Minister, Mr. Raj Bahadur. I have nothing against Mr. Sanjiva Reddy. But I can say that the same facts were existing since 1963 and what was the reason for not taking immediate action on this matter? The reputation was spoiled only then.

There are certain other facts which Mr. Sharma mentioned: people are bringing in the name of the late Prime Minister, Jawaharlal Nehru. Nobody derives pleasure by bringing in a great men's name in this matter. But sometimes people are known by the company they keep; they may have done thing with pure heart, they may have done it in national interest. But it has been proved today that that national interest has caused the greatest financial harm and loss to the country. That is why certain names have been brought in. No Minister should get annoyed. Half of the Cabinet is named in the Jayanti Shipping affairs. I do not want to mention them because maybe, I do not believe that; I do not have the facts to prove them and, therefore, I do not want to mention those. But there are certain people who have sent telephone calls to us on private lines—those who are connected with Jayanti Shipping—and they have given certain facts. I do not know how to believe them. But it is such a series of things that it is very difficult to say whether it is a fairy tale or whether they are facts. My contention is only this. After Mr. Sanjiva Reddy's arrival in the Ministry, things are going on in the right direction. Why were we told on the previous occasions that we should not discuss these things because they are of a private nature, because there are certain inquiries pending?

Mr. Sukthankar was the Chairman of the Committee which went into this. It has given a very bad report. He is unable to find the facts because no Director of the Company, even Mr. Teja, is helping the Inquiry Committee with any facts; they were avoiding it; they are avoiding even today.

I believe there are criminal proceedings against Mr. Teja. Mr. Teja is not an innocent man as Mr. Sharma tries to prove; he was saying that if there was something wrong, he would have been drawn into it. He may be in Venice. But there are criminal proceedings against Mr. Teja. Why is he not brought to this country and asked to explain? Why is he left a free man? We have previously arrest-

ed thousands of businessmen who have committed such faults and thrown them into prisons. Even these poor goldsmiths are thrown into prison because they went on hunger strike. But here is a man who played havoc with Rs. 20 crores of this country, who has played havoc with the reputation of our country and he goes scot-free and he goes about all around the world, but we are not doing anything! At least there should be a ban on this man that he cannot leave this country until all the charges are cleared. I have nothing against his personal freedom, but when a charge is laid against him, when he does not come forward before this Committee, we should have placed that ban. This Committee is a total failure and Government, I think, is talking of having a new Committee to have a further probe into the affairs. If this is so.... (*Interruptions.*) Of course, the Government is not ready to have a further probe because it would not prove anything.

Shri Sanjiva Reddy: Everything is with us.

Shri Solanki: Everything is with you? There are still reports in your own committee's report, in your own speeches in Rajya Sabha—I have prepared myself for this Bill; I can read out—where you have said again and again that there are still certain matters which you are not able to find. Another thing which the Government argues here is this: "we are not ready to have judicial inquiry or any further commission because this will harm the other interests which may come forward with facts. There are people residing abroad—America, England and wherever this man has moved. Wherever he was connected with this affair, there are certain reports which are not coming forward from there. If you want those reports, first of all you will have to get hold of Mr. Teja because he may be canvassing in his own favour all around the world with the money which he may have misappropriated: he may be throwing money all around to get everybody's mouth shut. I would not say that, but somebody may say, "is the Minister afraid of him; is the Government afraid of him; is he blackmailing somebody and that is why he is left scot-free and no action is taken against him; Mr. Teja is not brought here because this is the reason". Therefore, first of all we should confine him into the boundaries of this country. When we are investigating an important matter like this, he should not go scot free, telling people different stories. He must be hiding so many things. This is a major thing.

Another thing is this. There was one Director, Mr. Parasuram, who also raised this issue previously regarding Jayanti Shipping. He placed a Memorandum in the meeting of the Board of Directors against the Jayanti Shipping proceedings. He was not happy about those; he said, "this business is funny; we are not making profits; there are losses; there are violations of Company Law; accounts are not being presented". I would request Mr. Sanjiva Reddy that, if he has a copy of Mr. Parasuram's Memorandum, he may lay it on the Table of the House; let the members know what this Memorandum says. Unfortunately, he was removed from the Board of Directors for raising his voice.

Another gentleman is Mr. Tirumala Rao; he resigned from the Company just a few months back when the trouble was brewing; he is a Member of this House; we would have liked to know something from him as to what were the facts about Jayanti Shipping. We do not want to accuse you widely. We are also concerned about the reputation of this country. The people connected with the Company keep their mouths shut; everybody keeps his mouth shut and you want to produce a rosy picture before the House that everything was golden and say, we were sincere and honest; why are you accusing us? I am at a loss to understand". Where are we to get the facts from? If the facts are with you, you should produce the facts. If the facts are with other gentlemen who have raised their voice against the Jayanti Shipping, let them come forward and produce the facts. Therefore, I request the Government

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that an investigation be held within this country. We do not want to prejudice the investigation going abroad; wherever it may be going on, if they can produce the facts, if they can give certain data on which we can lay our case, let them do it without appointing a commission; a commission from here for abroad will not be of any use. There should be a commission within this country against people whose names have been connected with Jayanti Shipping, a commission for such people who have been able to give facts but have not been able to produce them because we have ignored them; a judicial commission is necessary within this country to bring forward some sort of data on which we can lay our case.

I agree that through this Bill you want to take over the company for a certain period. Also the rumour that it is taken over only for five years may be proved incorrect and you may come forward with an amendment making it fifteen years. That is a good thing; do it, because it is no use running this company and making the losses good and then handing it over to somebody else who might lose the money. The Shipping Corporation is not overburdened; it has a big future; this Shipping Corporation can make as good a progress as Air India or any other Government enterprise. (*Interruptions*) . I am only making a suggestion.

While the entire procedure was going on about Jayanti Shipping, all the private shipping companies here were looked upon as if they had committed a crime. They were criticised; they were told that they were limping while Jayanti Shipping was making a marvellous progress. I have time and again noticed this. There was an actual discrimination between the two and Jayanti Shipping was treated as if it was the favourite child f the Government, it was doing all wonderful things and it was earning thousands and crores of rupees in foreign exchange which Mr. Teja has promised, and the other companies were severely criticised. You can see the previous reports of the Ministers and the speeches made, particularly the speeches of Mr. Raj Bahadur which relate to these things. There was severe criticism of the other companies. I was there when he referred to this: he said, "if you had asked for a loan you would have got it; because you did not get it and the other company got it, you are critical about it". There was no such thing. It is not that other persons present at the meeting had remarked upon the Jayanti Shipping Co. because they had not got the loan. Everybody was concerned that the facts should be found out and should be placed before the country so that the rumours or whatever one might call them might not go round and spoil the reputation of the Government and the company and our reputation abroad also.

15 hrs.

Therefore, I humbly suggest that the commission within this country should be appointed for finding out facts. Mr. Teja should be confined here and he should not be allowed to go abroad, roaming round and canvassing in his favour.

In this Bill it has been provided that the company may be taken over for five years. The period may be extended to 15 years or 20 years. An amendment to that effect should be made in this Bill.

Shri Harish Chandra Mathur (Jalore): I wish to participate in this discussion because I find that there are certain very important issues involved. We have been talking all the time about how the public sector has been functioning. My hon. friend Shri N. Dandeker is present here. Whenever there is a reference to the public sector my hon. friends like Shri N. Dandeker have been pointing out how the public sector has actually been functioning. Only on the 22nd instant, when we were discussing the motion regarding the Report of the Public

So, it had been stated that the thing had been carefully worked out. But we find that now it has been proved that it had not been carefully worked out. Then it was stated that misfortunes would never occur and that nothing untoward would happen. But it has unfortunately happened.

The third question which had struck me was this. If these terms were available to a private company, why could they not be made available to the public sector corporation which was already there? Why could this work not be taken over by the private sector? Therefore, a question was formulated by me on this and I asked:

> "It is found from the statement as well as the reply given by the hon. Prime Minister that more than 90 per cent of the money has to be found by the Government. May I know why our two public sector corporations could not have taken up this expansion instead of private company getting into it and getting all the profit after a few years? Have we changed our policy in any manner, abdicating in favour of the private sector?"

This was the next question that I had put, and again there was a little bit of rigmarole by the Minister concerned.

Then, the next question which was put as follows:

> "May I know if it is already the decision of Government to limit the scope of the public sector to only this particular branch of shipping and not to take over the freighter and other business?".

Again, the Prime Minister intervened and gave some sort of an explanation. I have taken care to mention all this. Just to point out that some of us naturally had some apprehensions and we had administered this warning on the floor of this House. When these clear and categorical assurances were given, it was naturally expected that both at the ministerial level and also at the secretariat level, the necessary precautions would have been taken and in any case they would be taken at least after the warning had been given. I do not know if it is correct that this adventure was not recommended from the lower level. I do not know what the recation of the two existing public sector corporations was. The hon. Minister has to make it clear. I do not know what the advice given by the experts, secretaries and others was.—I would like the hon. Minister to throw some light—when this was formulated.

I do not want to restrict the discretion of the Ministers. They must take bold decisions, of course, and there is nothing wrong about it. Even if the advice had been otherwise, the Minister was absolutely free to take his own decision and go into a bold course of action. I would even appreciate that. But I definitely feel that the Minister, if he was taking that bold decision in spite of the warning administered on the floor of this House by us, really owes an explanation to this House and to the country as to the steps that were taken to enquire into the credentials of those people who were being favoured with a big loan of Rs. 22 crores and more, and also the safeguards provided and how those safeguards have gone wrong and who is responsible for it. After all, we are not here to tolerate playing with public money in this manner. Therefore, responsibility must definitely be fixed, and the main purpose of of my taking part in this discussion is to ask the Government to fasten responsibility at all levels and at all stages.

After this company had been permitted to come into existence, we had occasions to know that all was not well with it, and the people in the company were very clever people trying to do all sorts of funny things. During certain inevstigations also before us in certain cases—I would not like to refer to individuals or to the

[Shri Harish Chandra Mathur]

evidence which came before us—it was made absolutely obvious to us more than two years ago as a matter of fact that this company was going to come to grief, that all was not well with it. Yet I do not know how this was permitted to go on perpetrating fraud after fraud upon this country, upon the prestige of this country and upon the prestige of the sector with which we are concerned. I think somebody has to explain to this House and to the country on this count. After it came into being and started functioning what was the nature of the directorate and the governing body? Can we fix the responsibility on the governing body or not? Who are the people responsible for it? What were the safeguards provided? Who were the people put on th board of the company from the Government side and did they warn Government or not? If they did, did Government take necessary action or not? Somebody will have to be made responsible and some action will have to be taken.

I think it is now time that we understood our sense of responsibility in the matter of public funds, funds which are raised with the sweat of people. Every little rupee, every little paisa means something to the poor taxpayer. We cannot be permitted to squander large sums of money without giving an explanation, without holding people responsible and without meting out punishment to them.

Therefore, the second question which arose was this.—It is not only in respect of this company I am talking; as I said at the very outset, I thought of taking part in this discussion only because certain important issues of a public nature are involved in it.—Whenever we advance such big loans, whether to the public sector or to the private sector, we have got to safeguard our interest, our money so advaned. Let them have all the freedom; let them act *bona fide*, If they make a mistake *bona fide*, let them. But where *mala fides* have been proved, as have been proved in the case of this company, drastic action is warranted. The House should not rest content until and unless it is satisfied on that account.

Therefore, while commenting on the operations of this company, I cast a wider net and I want to remind Government of their responsibility in seeing whether wherever big loans have been granted, necessary and adequate precautions have been taken, and I ask them whether they will be able to satisfy the House on this point or not. I am not interested in individuals, whether it is Mr. Teja or anybody. I never talk of personalities and individuals employed there But of course the manner in which Mr. Teja or whoever is responsible was moving was, it was obvious to anybody, fishy. Immediately Gen. Kaul is relieved from there, he employs him on Rs. 10,000. This one simple act should have seen and it should have been realised from this that this man was wanting to camouflage, net in influential people and cover up his misdeeds. How could the company afford to pay Rs. 10,000 for nothing? No private individual or company would do it. But such a thing happened. I think the Government and those responsible for the management should have opened their eyes, should have seen through the game. How does it happen? It is the responsibility of Government; it is the responsibility of those who administer.

The hon. Minister will agree that their liabilities are far more than their assets. It is one thing to say that the fleet can function in such a maner that in another two years you can make good the money. But that does not absolve you from the responsibility; that does not mean that there is no loss at present there is definitely a loss at present, a big loss of Rs. 2 crores, at least Rs. 1½ crores according to Government's own admission. It is a dead loss to this day. Whatever it earns in future is absolutely another matter. Assurances were given in this House on this score, that there would be no loss and we have provided against all misfortunes. But there it is here and now definitely a

dead loss of Rs. 1½ crores. The company might earn another Rs. 2 crores per annum, possibly Rs. 3 crores. That is another matter which is distinct from the present dead loss.

Passing on to the next point. I see absolutely no reason why only the management should have been taken over, and why the entire company should not have been taken over. The other day the Commerce Minister told us that he is going to bring forward a Bill whereby Government would be enabled to take over those concerns in which there is bad management, where there are defalcations and various other irregularities which were making those running concerns go into rack and ruin; then Government come in, take over the management, reclaim them, salvage them and them hand them over. This will have to be finished. If because of any legal difficulty it is not possible for the Minister to take over the company, and if he wants to take advantage of the legislation promised by my hon. friend, then it is for him to make it absolutely clear on the floor of the House that it is the intention of Government to do so so that all doubts are dispelled. My hon. friend who spoke earlier laboured on this point.

I want to have an absolutely constructive approach. I want the hon. Minister to give a sort of undertaking and to asuage all apprehensions that we do not want to deal leniently with this case and that we want to handle it absolutely firmly. Do not just take over the management only; take over the whole thing, not that you earn Rs. 5 crores and then hand it over.

My last point. From the statement which the hon. Minister made in this House, it appears obvious that all sorts of things have been done by the management, all sorts of frauds, misappropriations, drawal of funds. Even on the basis of the facts given to us by the Minister in his statement, certain criminal action is warranted. I think Government should move in the matter and see that those who are responsible are brought to book.

Shri Tyagi: That can be better done when we take over the management.

Shri **Harish Chandra Mathur:** They have already taken over.

An hon. Member: That is possible.

Shri Harish Chandra Mathur: By the Ordinance they have already taken it over. Now we are going to ratify what they have done. I do not know whether they have taken all the necessary steps. Once bitten twice shy. I wish they learn that lesson. They themselves have come to certain conclusions as a result of certain inquiries. There is no use going into personal matters; as I said at the very outset, I am concerned only with the major issues involved. When you advance loans, look into the credentials of the party, make provision for safeguarding our interest, see how the party operates and see that such things do not happen. When such things happen, meet them properly and squarely, create a sort of confidence in the minds of the House and of the people that when you are going into business you mean business and will tolerate no nonsense. In this particular case, you must assure the House that yuo are taking over the entire company and that you will leave nothing undone to punish those who have been involved in this matter for a long time.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, माथुर साहब ने अभी-अभी फरमाया कि यह एक निजी धन्धा रहा । सब से पहले मैं यह साफ कर दूं कि यह एक मिला जुला मिश्रित धन्धा रहा है । सच पूछिये तो यह एक सरकारी धन्धा रहा है ।

श्री हरिश्चन्द्र माथुर : डा० लोहिया साहब अगर मुझे एक मिनट की इजाजत दें तो मैं यह कहना चाहता हूं कि आज सारा ही मिश्रित धन्धा है । कोई प्राइवेट बिजनेस ऐसा नहीं है कि गवर्नमेंट से लोन लेकर न चलता हो . . . (**व्यवधान**)

डा० राम मनोहर लोहिया : यानी सब सरकारी हैं। यह ठीक है माथुर साहब तो यह एक सरकारी धन्धा रहा है जिस का इन्तजाम एक निजी व्यापारी के हाथ में जो सरकार का प्रिय था दे दिया गया था। अब इस वक्त इस कानून के बनाते हुए भारत सरकार के ईमान की जांच हो रही है और वह सीधी सादी जांच है। क्या इस कानून के बनाने के साथ-साथ जयन्ती जहाजरानी कम्पनी के पहले वाले सभापति श्री धर्म तेजा को गिरफ्तार करने के लिए सरकार तैयार है। और गिरफ्तार कर के उन पर मुकदमा चलाने के लिये अगर यह कहा जाय कि वह भारत में नहीं हैं, वह बाहर हैं, तो मैं यह कहना चाहता हूं कि उस के लिए गैर-राजनीतिक अन्तर्राष्ट्रीय पुलिस मौजूद है, इन्टर-पोल के जरिये श्री धर्म तेजा को गिरफ्तार करवा कर यहां लाया जा सकता है है और ये सारे मामले उन पर चलाये जा सकते हैं।

अब मैं उन भारी अपराधों को गिनवाये देता हूं—जिन से उन पर मुकदमा चलाना चाहिये। खुद मंत्री जी —पुनाचा साहब ने— जापान की मित्सूबीशी कम्पनी का जिक्र किया है, जिन से जयन्ती जहाजरानी कम्पनी ने कर्जा लिया, लेकिन श्री धर्म तेजा ने वह कर्जा जयन्ती के नाम में न लिखकर अपने नाम लिख लिया, अपने हिसाब में, यह बिलकुल साफ़ अमानत में खयानत है। लेकिन मैं एक और बात बताना चाहता हूं कि इन्होंने— यानी धर्म तेजा ने जयन्ती जहाजी कम्पनी का जो निदेशक बोर्ड था, बोर्ड आफ डाइरैक्टर्स था, उसकी तरफ़ से एक जाली प्रस्ताव बना लिया, जाली दस्तावेज तक तैयार किया। इस तरह एक अपराध हो गया—अमानत में खयानत और दूसरा जाली दस्तावेज। अब मैं आप को ताजीरात हिन्द की दो दफायें बताता हूं—465 और 466 दफ़ा, जिसमें जाली दस्तावेज बनाकर लोग काम करते हैं तो उन को दो साल की सजा है, इस के अलावा ताजीरात हिन्द की दफ़ा 405 और दफ़ा 406 हैं, जिस में अमानत में खयानत है और जिस पर 3 साल की सजा और जुर्माना होता है। ये दोनों दफ़ायें श्री धर्म तेजा के मामले में कम से कम तीस चालीस जगहों पर इस्तेमाल की जा सकती हैं और शायद उस से भी ज्यादा, क्योंकि भारत सरकार से भी जयन्ती जहाजरानी कम्पनी ने कर्जा लेकर, उसके सभापति श्री धर्म तेजा ने अपने खुद के निजी हिसाब में विदेशी बैंकों में जमा कराया और वह भी अमानत में खयानत है।

मामला यहीं खत्म नहीं हो जाता। आप श्री सुब्टांकर की रपट को देखें, यह सरकार की अपनी जांच कमेटी है, इसकी रपट के सफ़ा 42 पर चौदहवें पैरे में लिखा हुआ है, कि उन्होंने बहुत बड़ी-बड़ी दलाली ली है, जो 20 से 30 लाख पौण्ड की है—अंग्रेजी पौंड, जहाजों की बिक्री के ऊपर। 30 लाख पौंड, अगर पुराने दर से रखा जाय तो लगभग ढाई करोड़ रुपये।

श्री शिंकरे : पुराने के हिसाब से पांच करोड़।

डा० राम मनोहर लोहिया : नहीं, पुराने के हिसाब से 20 लाख पौंड के ढाई करोड़ रुपये के आस पास हुए। यह दलाली उन्होंने ली। किसी भी कम्पनी का सभापति अगर कम्पनी की तरफ से कोई चीज खरीदता है और उस पर अपने निजी हिसाब में पैसा जमा करता है, दलाली लेता है तो यह इतनी जबरदस्त अमानत में खयानत है कि कोई और सबूत की जरूरत ही नहीं रह जाती और यह बिलकुल साफ़ लिखा हुआ है सरकार की अपनी रपट में।

इस के अलावा जापानी जहाज कम्पनी वालों से "विक्रम जयन्ती नाम के तेल ढोने वाले जहाज पर एक खास रकम ली—37 हजार पौंड, इस का भी आप हिसाब लगा

सकते हैं, यह दलाली कमीशन उन्होंने ली"। इसके साथ ही जब ये जहाज को माल लादने के लिये भाड़े पर दिया करते थे, तो जिनको भाड़े पर देते थे उन से अपने लिये एक अलग दलाली ले लिया करते थे—ऐसा इस में लिखा हुआ है—करीब एक टन के ऊपर एक शिलिंग के हिसाब से ले लेते थे, इस में भी, इन्होंने काफ़ी रुपया जमा किया । इसके अलावा जब ये जहाज़ खरीदते थे, जैसे लिबर्टी शिप लिया, नाम से मैं समझता हूं कि अमरीका से लिया होगा, तो उस कम्पनी से समझौता कर लेते थे कि उन में जो कुछ तबदीली या सुधार होंगे, वह पैसा वापस देना होगा, उन्होंने ऐसा पैसा वापस लिया और अपने हिसाब में जमा करा देते थे। इस प्रकार उन्होंने जितने भी अपराध किये हैं, वे सब जेल जाने के किये हैं और मैं समझता हूं कि जितना सामने आया है अगर उसी को इकट्ठा किया जाय तो ये सौ डेढ़ सौ साल के लिये जेल जा सकते हैं।

श्री यशपाल सिंह (कैराना) : सजा अलग-अलग चलेंगी या साथ-साथ ?

डा० राम मनोहर लोहिया : अपने यहां कम्पनीज़ एक्ट है, उसकी भी दफ़ा 292, 397 और 398 इन्होंने तोड़ी हैं, इस पर भी उन के ऊपर मुकदमा चलाया जा सकता है।

अब प्रधान मंत्री को इस मामले में बहुत खबरदार रहना चाहिये । जो उनका मेरे सवाल के प्रति जवाब होगा, उस पर न सिर्फ मैं बल्कि मुल्क के लोग फैसला करेंगे, क्योंकि सुखठांकर केमेटी की रपट में, आप पैरा 12 देखिये, उन्होंने लिखा है कि दिसम्बर, 1965 में श्री गौतम सहगल, जो सीबा कम्पनी के मैनेजिंग डाइरेक्टर हैं, उनको तथा बाद में श्री लालजी मेहरोत्रा, इन दोनों को इस कम्पनी का डाइरेक्टर, निदेशक बना दिया गया। श्री गौतम सहगल के बारे में मैं एक चीज और बत दूं कि यह सीबा कम्पनी, जो कि स्विस कम्पनी है, स्विटज़र लैंड की है, उसके मैनेजिंग डाइरेक्टर हैं, यह एक बहुत ही खतरनाक मामला है कि ये अन्तर्राष्ट्रीय कम्पनियां मुल्क में क्या कर रही हैं, यहां इसी से हिसाब लगा लीजिये कि ये तेजा साहब स्विटजरलैंड में रहते हैं, कहां मामला जायगा, यहां अभी इस को नहीं कहता । ये दोनों के दोनों प्रधान मंत्री के नजदीकी लोग हैं, एक तो बहुत नजदीकी रिश्तेदार हैं, अगर गल्ती नहीं कर रहा हूं, और दूसरे इनके कुटुम्ब के बड़े दोस्त रहे हैं। इसलिये इस पर भी इनको ध्यान देना चाहिये, क्योंकि जो कुछ वह कार्यवाही करेंगी उस को इस प्रष्ठभूमि में समझा जायगा ।

श्री सहगल और श्री मेहरोत्रा के अलावा मैं जनरल कौल का नाम भी लेना चाहता हूं। यहां पर उनका जिक्र किया गया है । दस हजार रुपये नहीं अगर उनकी नौकरी का हिसाब लगाया जाय, बिना आय-कर के उनकी नौकरी थी, एक लाख रुपये बिना आय-कर के दिये हुए, इस के मायने हुए तीन लाख रुपये साल की उनकी नौकरी थी ।

अब मैं इसके सम्बन्ध में प्रधान मंत्री से ज्यादा आज नहीं कहना चाहूंगा, खाली इसके ऊपर गौर करें, ये उनके बड़े नजदीकी रिश्तेदार हैं । ...(**व्यवधान**)

देखो, मैं बहुत सम्भल कर बोल रहा हूं, अपने ऊपर बड़ी रोक लगा रहा हूं, जरा कुछ संयम रखा करो ।

इस वक्त प्रधान मंत्री का जो फैसला होता है धर्म तेजा को गिरफ्तार करने के मामले में, उन पर मुकदमा चलाने के मामले में, उस से न सिर्फ मैं, सारा देश नतीजा लगायेगा कि ये कहां तक पाक और साफ़ हैं ।

Shri K. C. Sharma (Sardhana): It is not permissible, he is insinuating.

Shri S. K. Patil: I rise on a point of order. He cannot go on. You have to listen to the point of order.

Dr. Lohia in his speech has suggested something. If it was merely showing some distant relation in this country, every citizen is related to every other citizen, that is different, to that I would not have taken objection. But his subsequent statement that if he is not arrested or any remedies are not sought against him it is because the Prime Minister is prevented from doing so because of that relationship, is certainly an insinuation uncalled for. He must withdraw it. Otherwise, these things may be expunged from the proceedings of the House.

डा० राम मनोहर लोहिया : तो मैं साफ़ कह देना चाहता हूं कि ये जनरल कौल . .

Mr. Deputy-Speaker: He said it is for the Prime Minister to take action. There is nothing else.

डा० राम मनोहर लोहिया : क्या इन्सिनुएशन है, इस का मतलब समझा करो । जैनरल कौल रवंसिअन की लड़ाई हार कर तीन लाख रुपये .....(*Interruptions*).

Shri S. K. Patil: What is your ruling?.....(*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Shri S. K. Patil: Have you followed my point of order?

श्री यशपाल सिंह : ऐसा आदमी जो भारतमाता की इज्जत पर धब्बे लगा कर आया हो उस को क्या आप शेल्टर करना चाहते हैं । आप के सामने अनर्थ हो रहा है । डा० लोहिया ने तो बहुत कम कहा है, बिल्कुल कम कहा है ।

Mr. Deputy-Speaker: There is no point of order, Mr. Patil. All that he says is that there were the directors and the Prime Minister was to take action.

Shri S. K. Patil: I was afraid that you did not follow what he said further. If he had said that there were the directors and they were distantly related, I would not have raised the point. But further, subsequently, he has said that action was not taken against him because of that relationship. That is certainly an insinuation.

Mr. Deputy-Speaker: He did not say that; he has only suggested that action should be taken.

Shri S. K. Patil: No Sir; he has gone further..... (*Interruptions*).

श्री विभूति मिश्र (मोतिहारी : उपाध्यक्ष महोदय, आप ने हिन्दी को समझा नहीं है ।

डा० राम मनोहर लोहिया : वह पहले से ही कह रहे हैं बिना समझे हुए कि मैं क्या कह रहा हूं ।

Mr. Deputy-Speaker: I will read the record. I will examine it; if anything is objectionable, I will expunge it..... (*Interruptions.*) I have already said that I will examine it.

डा० राम मनोहर लोहिया : एक तर्क यह दिया जाता है कि जनरल कौल की तन्ख्वाह तेजा साहब अपने निजी हिसाब से दिया करते थे, जहाजरानी कम्पनी के हिसाब से नहीं । यह तर्क बेमतलब होगा क्योंकि धर्म तेजा साहब भारत सरकार के कर्ज से, जहाजों के ऊपर जो आमदनी होती थी उस से, तरह तरह की दलाली से, चार्टर वगैरह से, जहाज के रुपयों को अपने पैसे में डाल लिया करते थे । इस लिये जो अपने हिसाब से उन्होंने नौकरी दी वह दरअसल जहाज की नौकरी समझी जानी चाहिये । यह मामूली मामला नहीं है । मैं माननीय सदन को बतलाना चाहता हूं कि खुद तेजा साहब ने कहा है कि फिलहाल ऐसा लगता है कि इस कम्पनी की कुल देनदारियां, जून 10, 1966 को जो उस के पास कुल रकम थी या कुल आती थी, उस से 4 करोड़ 38 लाख ज्यादा थी । इस पर

माथुर साहब और दूसरे माननीय सदस्य गौर करें कि 4 करोड़, 38 लाख रु० के नुक्सान पर आज आप बहस कर रहे हैं, जो भी 20 या 25 करोड़ रुपये की गारन्टी दी थी ।

अब सवाल यह उठता है कि ऐसी चीजें ही कैसे जाया करती हैं । इस में कोई शक नहीं कि पिछले 18 या 19 वर्ष के हमारे चरित्र को समझना बहुत जरूरी हो गया है । कोई एक मामला नहीं है । ऐसे शानदार और बड़े ठग होते हैं व्यापारी जीवन में जो नौकरशाहों से और मंत्रियों से बढ़िया रिश्ते कायम कर लेते हैं और तीनों अपने धन्धे आगे बढ़ाया करते हैं । इस लिये यह जरूरी हो जाता है कि ऐसे ठगों का नाता रिश्ता मंत्रियों और नौकरशाहों से किसी तरह नाटकीय ढंग से तोड़ा जाये । यह जरूरी इसलिये भी हो जाता है कि इस वक्त अगर धर्म तेजा साहब के खिलाफ कोई कार्रवाई नहीं की गई तो नतीजा होगा कि हर एक के मन में यह बात समझी जायेगी कि कोई भी कुछ करता जाये, सब छूट है, कहीं किसी तरह का न्याय नहीं मिला करता है । इसके अलावा एक बात और सोच कर रखनी है । यह सही है कि जो जरा शानदार ठग होता है वह काम काज ज्यादा कर लिया करता है । ईमानदार आदमी इतना तेज नहीं हुआ करता । कम से कम पिछले बीस वर्षों में यह देखा गया है कि और आगे भी शायद ऐसी हालत रहेगी । इसके सबब से हम चक्कर में फंस जाया करते हैं । तो मैं सलाह देना चाहूंगा कि एक तरफ सरकार के ईमान को बचाये रखने के लिये ऐसे शानदार ठगों से उसे दूर रहना चाहिए और इस के साथ-साथ जरा इन धर्म तेजा साहब के बारे में एक और चीज ध्यान में रखनी चाहिये कि उन के पास पैसे नहीं थे । उन को विज्ञान की किसी रायल्टी से पैसे नहीं मिले । उन को, कहा जाता है, सब से पहले पैसा मिला था जब उन की पहली बीबी मरी थीं, और काफी पैसा मिला, और फिर बाद में बढ़ता चला गया । इसी के साथ-साथ यह भी कहा जाता कि ताशकन्द में जब श्री लाल बहादुर शास्त्री मरे थे तब यह तेजा साहब वहां मौजूद थे ।

Mr. Deputy-Speaker: What has it to do with it?

डा० राम मनोहर लोहिया : चूंकि कई बातें आ जाती हैं, इस सबब से यह जरूरी हो जाता है कि इन तेजा साहब की कार्रवाईयों पर अच्छी तरह से हम गौर करें । और प्रधान-मंत्री जी से मैं अपील करता हूं कि इस मामले के ऊपर वह खुद फैसला करें, खुद नतीजा निकाल कर के इन तेजा साहब को इंटरपोल अथवा अन्तर्राष्ट्रीय पुलिस के जरिये गिरफ्तार कर के देश में मंगायें और उन के ऊपर मुकदमा चलायें । उन का जो जवाब होगा उस के बाद में फैसला करूंगा कि मुझे कौन कार्रवाई यहां कैसे करनी है । आज मैं ने अपने ऊपर बड़ा संयम रखा है । लेकिन इसका यह मतलब न समझना कि आगे भी ऐसा संयम रहेगा क्योंकि इस कार्रवाई पर बहुत कुछ निर्भर करता है ।

प्रधान मंत्री तथा अणुशक्ति मंत्री श्रीमती इन्दिरा गांधी): उपाध्यक्ष महोदय, मैं खाली यह कह रही हूं कि जो फिजूल बातें डाक्टर साहब ने कहीं हैं, उन का जवाब देना मैं उचित नहीं समझती हूं । क्योंकि कई नाम उन्होंने लिये हैं, उन में से मेरे रिश्तेदार सिर्फ एक हैं, और वह भी करीब-करीब रिश्ता टूटा सा है । दूसरों से मेरा कोई रिश्ता नहीं है । लेकिन उन में से एक यह मांग कि उन का यहां प्रोसिक्यूशन किया जाए, उस के बारे में मेरे ख्याल से हमारे मिनिस्टर साहब बाद में कहेंगे कि और पहले वह भी कह चुके हैं कि यह सिविल और क्रिमिनल प्रोसीडिंगस उन के खिलाफ चल भी रही है । बाहर से गिरफ्तार करवाना हमारे हाथ में नहीं है । हम उन को गिरफ्तार करने के खिलाफ़ नहीं हैं, मगर मुश्किल यह है कि अगर...

डा० राम मनोहर लोहिया : इंटरपोल की बात कीजिये । जब वह फिजूल बोलती हैं, तब आप को कुछ नहीं लगता ।

उपाध्यक्ष महोदय : : आर्डर, आर्डर ।

डा० राम मनोहर लोहिया : क्या आर्डर, आर्डर लगाया है । फिजूल बोल रही हैं । मैं ने सीधा सा सवाल पूछा है । इंटरपोल के जरिये . . .

श्रीमती इन्दिरा गांधी : जब आप सुनेंगे तब जवाब मिलेगा । आप सुनेंगे नहीं तब जवाब नहीं मिल सकता है ।

डा० राम मनोहर लोहिया : **

उपाध्यक्ष महोदय : आर्डर, आर्डर ।

Shri S. K. Patil: Those words* should be expunged.

Mr. Deputy-Speaker: It is expunged.

श्री त्यागी : उपाध्यक्ष महोदय, लोहिया साहब ने गुस्से में यह कह दिया कि यह एक्सपन्ज कर दिया जाये ।

An Hon. Member: It has been expunged.

डा० राम मनोहर लोहिया : उन्होंने मुझे फिजूल कहा है । मैंने फिजूल कहा है । क्या बातें करते हो ।

श्रीमती इन्दिरा गांधी : सवाल यह है कि

How does the INTERPOL function? There have to be extradition orders if Dr. Teja is in France; we have no such treaty with France. But these are certainly matters which, I hope, the Minister will look into legally. We are not against punishing anybody who is guilty and certainly there is nobody who can bring pressure on any of us here to interfere with the functioning of justice.

डा० राम मनोहर लोहिया : उपाध्यक्ष महोदय, यहां पर मैं आप से इत्तला के लिये कह रहा हूं इस में एक्स्ट्राडिशन नहीं होता है ।

Mr. Deputy-Speaker: I do not allow you; please sit down. Shri Raghunath Singh.

डा० राम मनोहर लोहिया : आप समझाइये उन को कि एक्स्ट्राडिशन राजनीतिज्ञों का होता है, साधारण अपराधी के लिये एक्स्ट्राडिशन की जरूरत नहीं है, यह प्रधान मंत्री जान लें । क्या बात कह जाती हैं ।

श्री बागड़ी (हिसार): आप सुन तो लें ।

श्री रघुनाथ सिंह : क्या सुन लें ?

श्री बागड़ी : इसका क्या मतलब है ?

Mr. Deputy-Speaker: Order order. Please sit down. Mr. Bagri. If you go on disturbing like this, I will take action against you.

श्री बागड़ी : पहले सुन लें, फिर आर्डर आर्डर कहें ।

Mr. Deputy-Speaker: Order, order. Please sit down now.

श्री बागड़ी : मेरा एक व्यवस्था का प्रश्न है । मेरे इस व्यवस्था के प्रश्न को आप सुन लें ।

Mr. Deputy-Speaker: There is no point of order. Shri Raghunath Singh.

श्री बागड़ी : मेरा एक प्वाइंट आफ आर्डर है, मेरा एक प्वाइंट आफ आर्डर है ।

Mr. Deputy-Speaker: Shri Bagri is obstructing the proceedings of the House. I ask him to go out.

**Expunged as ordered by the Chair.

डा० राम मनोहर लोहिया : इस तरह से बहस चलाते हो। मैं जा रहा हूं ।

श्री बागड़ी : मेरा एक व्यवस्था का प्रश्न है ।

श्री रघुनाथ सिंह : बैठिये कृपा करके, मैं आपको सुनाऊंगा ।

Mr. Deputy-Speaker: Mr. Bagri, please go out. You must maintain some order and dignity in this House.

Shri Sonavane (Pandharpur): You have asked Shri Bagri to go out.

श्री रघुनाथ सिंह : उपाध्यक्ष महोदय, मैं बडे अदब के साथ डा० लोहिया साहब का ध्यान इस ओर आकर्षित करना चाहता हूं कि दस जून को इस शिपिंग कम्पनी का मैनेजमेंट लिया । मैं खुद तीन जून को प्रधान मंत्री जी के पास पहुंचा । मैं ने उन से कहा कि इस कम्पनी का मेनेजमेंट लेना चाहिये । उन के सामने तीन विकल्प मैंने रखे थे । एक यह कि इस सारी की सारी कम्पनी को ले लिया जाए, दूसरा यह कि कम्पनी का लिक्विडेशन हो और तीसरा यह कि कम्पनी का मैनेजमेंट ले लिया जाये। मैं ने उन को यह भी बताया कि हमारे शिपिंग बोर्ड में क्या क्या प्रस्ताव हुए हैं, क्या क्या बातें हुई हैं। मैं उन को धन्यवाद देना चाहता हूं कि केवल छः सात दिन के अन्दर अन्दर उन्होंने इस कम्पनी को लिया । मैं लोहिया साहब से पूछना चाहता हूं कि इतनी जल्दी क्या कभी किसी मिनिस्टर ने या किसी प्रधान मंत्री ने कोई ऐक्शन लिया है ? चाहे यू० के० हो चाहे अमरीका हो या कोई भी डेमोक्रेटिक कंट्री हो ...

डा० राम मनोहर लोहिया : धर्म तेजा एक मिनट भी रह पाता अगर कोई दूसरा देश होता ?

श्री रघुनाथ सिंह : दूसरी बात मैं कहना चाहता हूं ...

डा० राम मनोहर लोहिया : क्या यही बात बनाने के लिये मुझे आपने बिठाया है ।

श्री रघुनाथ सिंह : हमारे सोंलकी जी ने राज बहादुर जी के ऊपर थोड़ा आक्षेप किया है । मैं भी वहां मौजूद था । हमारे शिपिंग बोर्ड का यह कनवेंशन है कि हम किसी मिनिस्टर को बोर्ड में नहीं बुलाते हैं और बुलाते हैं तो इनफार्मली बुलाते हैं । मद्रास में भी हम ने राज बहादुर जी को इनफार्मली इनवाइट किया था । इस वक्त जितने शिपिंग बोर्ड के मेम्बर थे सभी इनफार्मली वहां पर थे । यह बात जरूर है कि इनफार्मली जयन्ती शिपिंग कम्पनी के बारे में हम लोगों ने उन से प्रश्न किया था और इसका कारण यह है कि शिपिंग बोर्ड में हमने एक ट्रेडीशन बना रखा है कि इंडिविजुअल कम्पनी के मामले को हम नहीं लेते हैं। यह पार्लियामेंट का एक्ट है और इसके तहत शिपिंगबोर्ड की रचना हुई है । हम पालिसी मेकिंग बाडी हैं। हम पालिसी का निर्देश करते हैं । लिहाजा, इनफार्मली राज बहादुर जी वहां जूमौद थे । इनफार्मली सब मेम्बर मौजूद थे । इनफार्मली वहां पर बात हुई ।

Shri Warior (Trichur): The translation is not going as speedily as Shri Raghunath Singh's speech.

Shri Raghunath Singh: I am replying to Shri Solanki.

Shri Warior: I am saying that the translation is not following the speed of Shri Raghunath Singh. Either speak slowly or let the translation be equally fast.

Mr. Deputy-Speaker: He says you are too fast.

श्री रघुनाथ सिंह : शिपिंग बोर्ड में जो बात हुई वह इनफार्मली हुई। राज बहादुर जी ने कहा था कि यह मसला हमारे गौरतलब है और हम लोग इस पर विचार कर रहे हैं। यह जयन्ती शिपिंग कम्पनी के बारे में उन्होंने कहा :

[श्री रघुनाथ सिंह]

इस के पश्चात् जब नए शिपिंग के मंत्री आए श्री संजीव रेड्डी साहब तो उस वक्त भी उनका मैं ने एक पत्र लिखा और यह मैंने उसमें लिखा कि इस शिपिंग कम्पनी का मामला कुछ ऐसा टेढ़ा है कि इस विषय में कुछ न कुछ कार्रवाई जरूर होनी चाहिये। हमारे मित्रों ने धर्म तेजा के बारे में बहुत कुछ कहा है। मैं कहना चाहता हूं कि अगर धर्म तेजा में कोई अवगुण न होता, कोई खराबी न होती, तो आज क्या इस बिल को लाने की नौबत आती? उन में कई खराबियां थी, कई अवगुण थे। उन्होंने कम्पनी को ठीक से नहीं चलाया। लिहाजा इस कम्पनी को लिया गया, यह सिरदर्द अपने ऊपर हम लोगों ने मोल ली। अगर उन में अवगुण न होता तो क्या कम्पनी को लेने की कोई आवश्यकता थी? नहीं थी। हमारे त्रिवेदी जी को याद होगा कि एक बहुत अच्छा श्लोक है :

संसर्गजाः दोषाः गुणाः भवन्ति।

संसर्ग से दोष भी होते है, गुण भी होते है। अगर तत्कालीन हमारे ट्रांसपोर्ट मिनिस्टर साहब ने तेजा को देख कर उनकी कम्पनी को देख कर, उनकी हैसियत को देख कर, उन के गुणों को देख कर उस वक्त कोई कदम उठाया तो उस मे, यह नहीं समझना चाहिये कि उनका विचार गलत था। उनका विचार गलत नहीं था।

आप देखेंगे कि स्थिति क्या थी। जिस वक्त तेजा ने शिपिंग आरम्भ किया उस वक्त आप जानते ही कि करीब दो सौ करोड़ रू० प्रति वर्ष विदेशी शिपिंग कंपनियों को हम दे रहे थ। हमेशा से इस सदन में आवाज उठती रही है कि नेज हम को ज्यादा करना चाहिये और यह जो दो सौ करोड़ रुपया बाहर जाता है वह न जाये। पंडित जी के सामने भी यह प्रश्न था और वह भी कहते रहे कि टनेज ज्यादा होना चाहिये। उस वक्त वह आए। उन्होंने कहा कि हम टनेज बढ़ायेंगे, हमारे पास फारेन एक्सचेंज है। लिहाजा हम लोगों ने बीस करोड़ रुपया तो उनको नहीं दिया लेकिन हमने गारंटी किया कि आप जहाज खरीदेंगे तो आपको रुपया दिया जाएगा।

उसके बाद उनका दिमाग खराब हो गया प्रतीत होता है। संसर्ग से उन में दोष भी उत्पन्न हो सकता है। जब दोष उत्पन्न हुआ तो उस दोष के कारण से उनका दिमाग बिगड़ गया। उन्होंने ठीक काम नहीं किया। लेकिन यह जरूर है कि तेजा जी ने इतना कांट्रीब्यूशन जरूर किया कि करीब चार पांच लाख टन के जहाज उन्होंने इंडियन फ्लीट में एड किये। आज वह हिन्दुस्तान की सब से बड़ी एक कम्पनी है। उनका कुछ योगदान भी जरूर रहा है। लेकिन उन्होंने मैनेजमेंट अगर खराब किया तो मैनेजमेंट हम लोगों ने लिया।

मैं त्रिवेदी जी से एक सवाल पूछना चाहता हूं। वह तो एक बड़े वकील है। मैं पूछना चाहता हूं कि हमारे सामने विकल्प क्या था? यहां पर कहा गया कि सारी कम्पनी आप क्यों नहीं लेते या क्यों आपने नहीं ली? अगर सारी कम्पनी को लेते या लिक्विडेशन की एप्लीकेशन देते तो एक जहाज भी आप नहीं पा सकते थे। जिस दिन लिक्विडेशन की एप्लीकेशन आप देते उस दिन आप उस जहाज को कानून नहीं ले सकते थे। और तब तक नहीं ले सकते थे जबतक कि उसका फैसला न हो जाता, जब तक लिक्विडेशन प्रोसीडिंग्ज समाप्त न हो जातीं। लोकर कोर्ट से सुप्रीम कोर्ट तक आपको जाना पड़ता। बारह पंद्रह बरस केस चलता। तब तक बीस करोड़ का जो जहाज है उस में जंग लग जाता और सारा जहाज समाप्त हो जाता।

आप इन काननी बातों में न पड़िये।

Shri U. M. Trivedi: The liquidator has got every right to take possession of every asset vesting in the company.

इस इस उलझन में न पड़िये

Mr. Deputy-Speaker: Order, order. He cannot make another speech now.

Shri U. M. Trivedi: He does not know law. I have very great regard for Shri Raghunath Singh, but not for his law.

श्री रघुनाथ सिंह : अदालतों में कुछ और होता है और ला मे कुछ और होता है । कोई भी अदालत मे जा कर स्टे आर्डर ला सकता है और सारा काम रुक सकता था । लिक्विडेशन प्रोसीडिंग्ज़ पंद्रह बीस बरस तक चलती है ।

जब धर्म तेजा की हालत खराब होने लगी तो वह आए और उन्होंने कहा कि मैं दो तीन जहाज़ बेचना चाहता हूं ...

श्री सोलंकी : उनकी हालत अच्छी है कहां खराब हुई ।

श्री रघुनाथ सिंह : उन्होंने दो तीन जहाज़ बेचने का प्रोपोज़ल गवर्नमेंट के सामने रखी । श्री बसन्त सेठ एक सज्जन हैं वह भी आगए और कहने लगे कि ये जहाज़ हम खरीद लें । फिर उन्होंने प्रोपोज़ल रखी कि इस कम्पनी को चलाने के लिए हमें विदेशों में जहाज़ बेचने की इजाज़त दी जाए । उस वक्त हम लोगों ने इस सवाल को उठाया कि एक तरफ तो हम अपना टनेज बढ़ा रहे हैं । जहाज बढ़ा रहे हैं और दूसरी तरफ विदेशों में अगर हम जहाज़ बेचना शुरू करेंगे तो जो टनेज हमारा बढ़ गया है वह कम हो जाएगा । इस वास्ते हम लोगों ने मिनिस्टर से और सब लोगों से कहा कि जहाज़ बेचने की इनको इजाज़त न दी जाए । परिणाम यह हुआ कि जहाज बेचने की उनको इजाज़त नहीं दी गई । हम ने कहा कि लाखों हिन्दुस्तान का रुपया हिन्दुस्तान के बाहर न जाने दिया जाए, टनेज को कम न होने दिया जाए । उस वक्त यह समझा गया कि इस मामले में जल्दी की जानी चाहिये । अगर चार पांच दिन में आर्डिनेन्स पास न हुआ होता तो तेजा साहब ने जहाजों को विदेशों में बेच दिया होता । दूसरी पोर्ट्स पर जहाज चले जाते तो आप क्या करते ? आपका रुपया डूब जाता और कब रुपया मिलता इसकी कोई गारंटी आपके पास नहीं थी इस लिए सरकार ने बहुत सोच समझ कर यह बड़ा ठोस कदम उठाया कि उस ने इस कम्पनी का मैनेजमेंट अपने हाथ में ले लिया ।

श्री उ० मु० त्रिवेदी : यह कदम फरवरी में नहीं उठाया , जून में उठाया ।

श्री रघुनाथ सिंह : मैं भी जून की बात कर रहा हूं । जून म यह सवाल उठा कि वह तीन चार जहाज़ बेचना चाहते थे । अगर सरकार यह ठोस कदम न उठाती और कम्पनी के मैनेजमेंट को तीन चार दिन के अन्दर अपने हाथ में न ले लेती, तो सम्भव था कि जो जहाज़ हम को प्राप्त हुए हैं, वे हम को प्राप्त न होते । इसलिए हमें सरकार को धन्यबाद देना चाहिए कि उस ने बहुत सोच समझ कर ऐसा ठोस कदम उठाय जिससे तेजा साहब को जहाज़ ले कर बाहर भागने का अवकाश नहीं मिला । हम ने उनक टाइम नहीं दिया । अगर हम उन को समय दे देते, तो यह रुपया डूब जाता और हम को न मिलता ।

श्री शिंकरे : जहाज़ बेचना क्या कमीज बेचना है ?

श्री रघुनाथ सिंह : उन को जहाज़ नहीं बेचने दिया गया ।

श्री त्रिवेदी ने कहा है कि हम लोग व्यवसायी नहीं हैं । मैं कहना चाहता हूं कि हमारे शास्त्र में जिस "व्यवसात्मिक बुद्धि," का वर्णन है, उस से भी कभी कभी काम लेना चाहिये । तेजा के मामले मे इस व्यवसायात्मिक बुद्धि से काम लिया गया कि हमारा रुपया भी बच जाये, जहाज़ भी बच जाये और हमारा काम भी हो जाये ।

हमारे दोस्तों ने यह सवाल उठाया है कि इस कम्पनी का राष्ट्रीयकरण क्यों नहीं किया गया । अगर हम इस का राष्ट्रीयकरण करने जाते , तो तेजा को दो, तीन, चार महीने का समय मिल जाता ।

[श्री रघुनाथ सिंह]

पार्लियामेंट में बिल लाया जाता और दुनिया भर के उपाय किये जाते । मैं श्री त्रिवेदी से यह पूछना चाहता हूं कि अगर किसी कर्जदार को तीन चार महीने का समय दे दिया जाये, तो क्या किसी कर्जदार से रुपया वसूल किया जा सकता है । वह लाइयर है । उनको अच्छा ज्ञान है । वह जानते हैं कि अगर कर्जदार को समय मिल जाये तो कर्जा वापस नहीं मिलता है । अगर राष्ट्रीयकरण करने में तीन, चार, पांच महीने का टाइम मिल जाता , तो सम्भव है कि जो जहाज हम को मिला है, वह न मिलता और जो हमारा रुपया आज सिक्युर है, वह सिक्यर न होता । बिल्कुल बनिये के ढंग से काम किया गया है, क्योंकि वह पब्लिक का रुपया है ।

Shri U. M. Trivedi: My suggestion was, you could have taken possession of it by an ordinance of acquiring property. In February, you could have done it.

श्री त्यागी : अगर श्री त्रिवेदी को अपनी बात का जवाब ठीक न लगे, तो उन को घबराना नहीं चाहिए ।

श्री उ० म० त्रिवेदी : मैं घबराता नहीं हूं । मैं माननीय सदस्य की इज्जत करता हूं, लेकिन वह कम से कम नासमझी की बात न करें ।

Mr. Deputy-Speaker: I cannot understand senior Members disturbing like this.

श्री रघुनाथ सिंह : मैं समझ की बात कहता हूं । यह रुपये का मामला है । इस में अगर आप बनिये के ढंग से काम करेंगे, तो आप को रुपया मिलेगा और अगर आप बनिये के ढंग से काम नहीं करेंगे , तो रुपया नहीं मिलेगा । यह जो जहाजी कम्पनी है, वह रुपया पैदा करने, रुपया अर्जन करने का एक साधन है । जैसे एक बनिया नाप-तौल कर ऐसा कदम उठाता है कि उस का एक पैसा भी बाहर न जाने पाये, वैसे ही सरकार ने भी ऐसा कदम उठाया है कि एक जहाज भी बाहर न जाने पाया और सब और सब जहाज हमारे पास रह गए ।

अगर माननीय सदस्य राष्ट्रीयकरण चाहते हैं, तो वह बिल लायें और इस का राष्ट्रीयकरण करें । इस वक्त जहाज हमारे पास मौजूद है । जब जहाज हमारे पास मौजूद है, तो हम कोई भी ठोस कदम उठा सकते हैं । अगर उस वक्त सरकार यह कदम न उठाती, तो ये जहाज हमारे पास न रहते और राष्ट्रीयकरण का सवाल ही न उठता, बल्कि हमारा सारा रुपया डूब जाता ।

इस लिए मैं सरकार को बहुत धन्यवाद देता हूं कि उस ने ऐसा ठोस कदम उठाया कि जिस से हिन्दुस्तान का बीस करोड़ रुपया बाहर नहीं जाने पाया और इस तरह हमारे रुपये की रक्षा हुई ।

The Minister of External Affairs (Shri Swaran Singh) : I have asked for a minute to clarify one point. Dr. Lohia said that Dr. Dharma Teja, who is connected with Jayanti Shipping, was present in Tashkent at the time of the Indo-Pak talks. It is a very interesting case of confusion. There was one Teja, but he is the Information Secretary of our embassy there. Apparently, the person who briefed Dr. Lohia gave the name correctly, but confused it with Dr. Dharma Teja. This Teja is a member of our Foreign Service; at the moment he is the Information Secretary.

I think the House would be interested to know how this wrong briefing is going on. Many members are falling a victim to wrong and incomplete briefing; they do not care to verify the facts before they make statements in the House.

Mr. Deputy-Speaker : Mr. Thirumala Rao.

Shri Thirumala Rao (Kakinada) *rose—*

Shri Warior: He can reply to all the charges at the end, after hearing all the other members.

Shri Thirumala Rao: It is for the Government to reply. I do not assume the responsibility to reply on behalf of Government. Still, I feel I have got a moral responsibility for having associated myself with this company from the very inception, to place the facts before the House, clear certain misunderstandings about the company as well as myself and help the House to come to a correct understanding of the facts and a correct judgment about the conclusions. I am not holding a brief for anybody. The facts are so glaring that members are competent to come to their own judgment about the correctness of those facts or conclusions they would lead to. I request the House to bear with me. I want to take a little time for giving in a chronological order the events that led to the formation of this company, to its development, to its meteoric rise and its sad demise.

During the last two or three years, I think Dr. Teja has completely belied the impression he had created among his friends and disappointed them by his behaviour to such an extent that very few friends of his see any hope of redemption for him in future. I am not condemning him nor am I being carried away by a sentiment of friendship to save him. I knew him as a young man. His father was a fellow-prisoner with me twice in jail. He comes from a patriotic family. His father was a Brahmo-Samaj preacher who spent his life in poverty. His mother went to jail for one year. Teja was fired with very patriotic sentiments in his younger days. He took his B.Sc. (Hons.) Degree in Chemistry from the Andhra University in his 18th year. Then he was a research scholar in Madras University on a scale of Rs. 200.

15.58 hrs.

[SHRI SONAVANE *in the Chair*]

He was sent by his friends to America where he is believed to have taken a doctorate in chemistry.

Shri Nambiar (Tiruchirapalli) : Does he deserve all this praise at his hands?

Shri Thirumala Rao: The House will excuse me. Because I was closely associated with him from the very beginning, I owe a responsibility to the House to explain what is my part in this debacle and how far I am responsible for this situation.

When he came to India in 1960, I was the only friend available to him. In 1954, when I went to the United Nations as a member of the delegation, he contacted me and I introduced him to all the members of the delegation, including the leader, Mr. Krishna Menon, Dr. Sapru, Shri Naskar, Shri Dev Kant Barua, etc. All of us enjoyed his hospitality. In 1960, when he came to India, I threw a small party where a number of Ministers and MPs were present. The next day one young man, who was close to the Prime Minister, took him and introduced him to the Prime Minister. Two days later the Prime Minister sent for me and asked me: "What about this young man?" "I know him, I know his father, I know his family, he seems to be a decent man" I told his, Then he was introduced to all the ministers one after another.

16 hrs.

The Government of India was thinking of enhancing its shipping. You know, even when you brought five million and six million tons of foodgrains from America, not a grain was being carried in Indian bottoms. You were exporting three million or four million tons of iron ore to foreign countries, especially to Japan, but not even five thousand tons of iron ore was carried in Indian bottoms. We were paying huge sums of foreign exchange for freight. Therefore, Government of India was seriously considering enhancing its shipping. But no Indian company was coming forward to undertake this with the loan

[Shri Thirumala Rao]

arrangements that were organised by the Government of India.

Today, Sir, under the same conditions which Teja has got—twenty-years-guarantee loan— Rs. 64 crores by way of loans are distributed among the shipping companies of India. I am told all the big companies owe to the Shipping Development Fund Committee Rs. 15 crores, Rs. 10 crores. Rs. 10 crores and so on subject to all the conditions.

Teja was a dynamic young man. In November, 1960, he went to Dutch shipyards. He got Dutch marine engineers, he got blueprints and brought them to the Ministry. The Ministry examined these things with the help of technical personnel. When they were thus negotiating, the Japanese people got scent of it. In those days Japanese shipyards were languishing. There was a great depression in Japanese shipyards. They were trying to get some work of shipbuilding. They caught hold of Teja and took him to Japan. There our friend Mr. Lalji Mehrotra was the Ambassador. That is his connection with Jayanti Shipping during 1960, later in 1960 during his brief vice-Chairmanship as director in Jayanti Shipping in his last connection. He saw the beginning and end of it.

What I am saying is, when the Japanese offered Teja their terms, he brought all these people to the Shipping Ministry. They were sent to Bombay to consult all their technical experts. That is how the Jayanti Shipping Company was born. Even today interested people say that his capital is only Rs. 200. All the leading papers, all the big industrialists who support them, ran down Jayanti Shipping Company saying that it has only a capital of Rs. 200. Sir, has a paid-up capital of Rs. 2,90,000. It is registered with an authorised capital of Rs. 5 crores. Dr. Teja had to pay Rs. 45,000 as stamp duty to get it registered.

Up to then it was all right. The Prime Minister was impressed by it. Many Cabinet Ministers became his friends, many State Ministers became his friends, many industrialists ran after him for finance and in that state he lost the sense of proportion in him. He was succeeding like anything in India. He brought within 26 months four lakh tons of shipping. What are the conditions? He brought them by paying only ten per cent. to the shipyard and the rest in seven instalments. The Government have to pay to the shipyards and all the ships have to be mortgaged to the Government of India. All the eleven ships that were purchased under the loan agreement are under the complete control of the Government of India. Even if the Jayanti Shipping Company has failed, even if it is under liquidation, other traders may go phut but not the Government of India with eleven running ships earning crores of foreign exchange. That is the meaning of what Pandit Jawaharlal Nehru, our late Prime Minister, said in the one sentence quoted by Shri Mathur, that even if everything goes wrong we are not putting a single paisa of our own in this company, we are not going to lose a single paisa of our own in this company even if the company fails because all the eleven ships are completely secure and mortgaged to the Government. It is the adventure of the man that has been encouraged by the Government of India. It is the character of the man that ruined the good name but not the Government of India. My hon. friend, Shri Mathur, is under a misapprehension. He has made a miscalculation. He says that the company has lost Rs. 2 crores. Its annual income is Rs. 8 crores. Some newspapers have published that Rs. 47 crores is the total liability of the company. They did not publish the assets at Rs. 43 crores

Shri Harish Chandra Mathur: I very much appreciate what my hon. friend says. It is in the statement of the Minister that washing out the share capital of Rs. 4·8 crores, it leaves a balance of Rs. 1·5 crores which is the loss. You may earn it next year, but that is another matter.

Shri Thirumala Rao: Many public

undertakings have not shown any profit for years. But I do not want to enter into an argument.

Shri Shivaji Rao S. Deshmukh: Sir, may I enquire...

Mr. Chairman: Order, order. He has not yielded.

Shri Thirumala Rao: Some prominent paper has perhaps stated that the liability of Jayanti Shipping Company is Rs. 47·5 crores. But it did not give the assets. It seems to say: there is no asset, but only the liability remains. That is a strange way of accounting. The assets of the company is Rs. 43 crores, the liability Rs. 47·5 crores, leaving a net loss of Rs. 4·5 crores. Cannot an asset of Rs. 43 crores bear a loss of Rs. 4 crores? That is the question.... (*Interruptions*).

Shri Nambiar: Where is Dr. Teja? I want to see that gentleman.

Mr. Chairman: You will have your chance.

Shri Nambiar: Where is that gentleman?

Mr. Chairman: He is not yielding. So, you should listen to him.

Shri Thirumala Rao: I will tell you that he has to come. The law will operate. In 1963-64 the company was doing very well, it was running all right. The financing of the company was arranged in such a way...(*interruptions*). Will you allow me to continue?

Mr. Chairman: The hon. Member will address me first.

Shri Thirumala Rao: Sir, I would request the Chair to ensure that the Members hear me.

Shri Bhagwat Jha Azad (Bhagalpur): Even if the loss of Rs. 4 crores is on an asset of Rs. 43 crores, why should the Indian exchequer pay it? I am trying to understand the logic of it. Why should we pay for the loss of a company?

Mr. Chairman: Order, order. He is not yielding.

Shri Thirumala Rao: I will answer that question. This is an earning asset. So, the losses will be wiped out from the profits. It is not as if in the case of every company we always earn a profit in the beginning. In any case, it is not a dead loss.

Now I want to explain the financial system of the company. Suppose the company purchases a ship of Rs. 2 crores and a bank guarantee is given. It is first mortgaged to the Government. The second mortgage is to the bank which gives the guarantee for Rs. 2 crores. For every guarantee, the earning of the ship is mortgaged. Therefore, all the earnings are tied up with the bank guarantees. As two ships are received in a month or three ships in two months, as all the ships have started rolling down, the bank guarantees had to be negotiated with the banks. As all the earnings are tied up with the bank guarantee, there was no working capital. That is the last straw that broke the camel's back of this organisation. Therefore, Dr. Teja started borrowing here, there, everywhere. Like a spendthrift who goes to the races, he started borrowing and got into trouble. Up till then, he was an honest man. Then, he started doing all this. (*Interruptions*). There are 6 or 7 directors. I am one of the directors.

An hon. Member: What a shame?

Shri Thirumala Rao: Shri Ram Deva Rai, a very respected gentleman, is another director. Then there is Prince Mukaram Jha Bahadur; there is Shri M. S. Appa Rao and Shri Ramachar, Vice-President of the Andhra Bank. We were all kept completely in the dark about the transactions of the company. It is very clearly stated in the Suktankar Report that all important matters were negotiated by Dr. Teja himself and that he kept them outside the purview of the directors. It is in the report... (*Interruptions*).

I know Mr. Suktankar for a long time. He did not call me, even though I was in Delhi. He could not say that I did

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not cooperative with him.... (*Interruptions*)....

Shri J. B. Kripalani (Amroha) : May I submit....

Mr. Chairman: Order, order. He is not yielding.

Shri Thirumala Rao: In reply to Shri Solanki I may say that I have never withheld any information. I have given all the information I have to the Minister and the officers. I have always been urging them to take over this company as soon as possible as, otherwise, this company will be ruined. Whatever may happen to Dr. Teja, these 5.27 lakh tonnes of shipping has come to India and that is going to stay with India.

If you read the editorials of the leading dailies with regard to the debacle of Jayanti Shipping, you will be astonished. There are companies which have taken in the aggregate Rs. 64 crores as loan on similar conditions, some big shipping companies. In twenty years how much have those big shipping companies paid as dividend to the shareholders? . . . . (*Interruptions.*) So, we must realise that it is a tricky business. Government must go deep into the matter. If necessary, they have to nationalise shipping like they have nationalised airlines and railways; otherwise, shipping will always be faced with difficulties.

Shri Bhagwat Jha Azad: I would like to know whether those sleeping directors were honorary or paid?

Mr. Chairman: Order, order. The Minister will reply to that question.

Shri Indrajit Gupta (Calcutta South-West): Mr. Chairman, I am thankful to Shri H. C. Mathur in particular, because I think he tried to put this discussion in its correct perspective and to keep it away from the level of individuals and personalities, because a much more serious and fundamental question is involved. There is an attempt being made by certain members on that side of the House to restrict this discussion simply to the Bill, and my hon. and respected friend, Shri D. C. Sharma, whom I do not see just now, is advising us to restrict ourselves to the Bill and not to go, not to wander as he said, to the right or left, go backwards or forwards. That is precisely what I do not intend doing even though it is precisely what the Government would like.

This Bill has given this House an opportunity to debate a very fundamental issue, which Shri Mathur has correctly pin-pointed, and that is the question of how public funds of this country are allocated and spent and how, at a time when this country is battling for its resources, upon which depend our very survival, our self-reliance, future of our plans, when we are told that due to inadequacy of resources this country will have to accept many things which may be distasteful, unpleasant and against our former policies, here is a case which pin-points and throws a probing search-light on the way in which public funds are being handled by the Government of this country, and that is why everybody is so concerned.

Shri Thirumala Rao was just now waxing eloquent about some aristocrats on the Board of Direcors.

Shri Thirumala Rao: I referred to ex-zamindar. Now, my command over English is not as excellent as that of my hon. friend and in my hurry I might have used some word. He is one of the ex-zamindars and brother of one of the Ministers in Andhra.

Shri Indrajit Gupta: Anyway, I do not know what kind of rats these aristocrats are.

He also waxed eloquent about the fact that Shri Teja, despite everything, had been such a bold business entrepreneur that he had been able to provide us with several lakh tonnes of shipping, of bottoms which we lacked before. Unfortunately, those bottoms turned out to be leaking bottoms of which we are not proud now.

I am going to confine my remarks not to rumours, gossips or hearsay but only to the evidence before us. In the

statement which was made by the Transport Minister an attempt is being made to show that the action, which the Government took at this belated hour, is the only thing which matters, which deserves praise, which deserves to be commended on all sides and that previous to that the Government did not commit any kind of mistake or default and that it had taken sufficient precautions in the matter of promotion of this company.

Shri Raghunath Singh too was very eloquent in his challenge as to whether any country in the world could show such a record, how within five or seven days of bringing this matter to the notice of the Prime Minister the Government took action to take over this company. Why did he forget to mention also that no other country in the world can show this record of the speed with which this loan of Rs. 20·25 crores was sanctioned to such a company which had not even been registered at that time?

Therefore I say that it is absolutely incorrect—and it is an attempt to mislead this House and the country—if this debate seeks to preclude the responsibility of the Government in this matter from beginning to end because it is simply not true, as Shri Mathur has correctly pointed out, that warnings were not given to Government. Time and again in this House and outside this House serious warnings had been given to this Government from time to time about the affairs of this company and every time our criticism and questions had been bypassed and an attempt had been made to lull the House into a sense of complacency, of shedding all vigilance in this matter.

The Public Accounts Committee, as long ago as February 1963, in its Seventh Report—anybody can refer to it—made a specific reference to this question and I regret to say that all the encomiums which were showered by Shri Raghunath Singh on the alleged safeguards which were provided by the Government, none of them helped to convince the PAC. This is on record. The PAC said that the rules did oblige a shipping company which is seeking to take financal assistance from the Shipping Development Fund to furnish certain details of its financial status which would satisfy that Committee and the PAC has stated that the application made by the Jayanti Shipping Company was entertained even in advance of the registration of that company. The company had not been registered but the application was entertained and subsequently by an executive order of the Government exemption was given to this company from the procedure which is prescribed and laid down in the rules. That is what was done.

The PAC says that special concessions were given; the margin of security for the Government was reduced below the prescribed level. These are facts. The loan was granted for 13 ships five of which, even Shri Teja could not say, when they were going to be purchased. About eight of them he had some sort of a scheduled programme as to when he intended to purchase them from Japan but about the remaining five they were completely indefinite. Even then against all the 13 ships this loan was sanctioned and the PAC has remarked in its report that it was not happy at the special footing given in this case.

The PAC has said—I am paraphrasing what it has said because there is no time to quote at length—that they are not convinced by Government's arguments for advancing 90 per cent. of Jayanti's capital, that is, about four times of what was intended to be the future share capital of this company, to a private party.

Sir, every time the argument is trotted out that after all how much shipping he has given us, but as long ago as the beginning of 1963 the PAC took note of this fact and said that while the need for augmenting Indian shipping was, no doubt, imperative, the PAC felt that Government should in such cases either undertake such pro-

jects in the public sector or float a public company for the purpose of holding a majority of shares in its own hands.

So, nobody can say that a proper warning was not given in due time.

Shri Tyagi: There must be some "action-taken report" after that.

Shri Bhagwat Jha Azad: Shri Mahavir Tyagi was the Chairman.

Shri Indrajit Gupta: I cannot give all the references because there is no time.

On the 10th April, 1963 in this same House I had also stated in my speech on the Demands for this Ministry's Grants:—

> "We are not satisfied, after reading the report of the Public Accounts Committee, with the terms and conditions on which this quite unprecedented sum of rupees twenty crores from the public exchequer has been granted as a loan to this company. It is a most unusual method, and the replies which the Government has given to the Public Accounts Committee are not at all convincing. We are also told that the foreign collaborator of this company..."—

this has a very important bearing on it—

> "is himself in considerable trouble, of his own of course with the United States Government, his liabilities running into millions of dollars which he is not able to meet,"—

this is the man who was given 25 per cent of the shares to hold, Mr. Kulukundis—

> "and as a result of it certain assets of his have been frozen and taken over by the American Government, including one or two vessels which are in Indian ports at the present moment, and it is on the basis of the standing, or the so-called standing, of this foreign collaborator"—

because Mr. Kulukundis is a big name in world shipping—

> "that Jayanti Shipping Company put forward its proposals, and this sum of Rs. 20 crores has been extended to it by the Government, really quite out of proportion and out of line with its previous policies".

A warning was given but Shri Thirumala Rao who, I think, would have been better advised to refrain from speaking in his own interest, though I do not wish to go into his dealing with this company...(*Interruption*).

Mr. Chairman: But he has a right.

Shri Indrajit Gupta: I am not challenging his right.

Shri Warior: It was only an advice.

Shri Indrajit Gupta: I will just point out that in that same debate from which I quoted certain extracts of my speech, Shri Thirumala Rao said this:—

> "I may tell you—I do not want to utilise this platform for canvassing or saying anything in support of any company—still it has been in the public eye, before the Public Accounts Committee, before the Members of this Parliament and before the very honest and upright newspapers that had the courage to black out the Vivian Bose Commission but they are very careful in magnifying small things into big things about the Jayanti Shipping Company."

Here is a clear indication that the press was also writing critically about this loan and the dealings with this company at that time which had aroused Shri Thirumala Rao's anger against the press.

Shri Sham Lal Saraf: Was it in 1963?

Shri Indrajit Gupta: April 1963.

Now, see the kind of reply Shri Raj Bahadur, the then Minister, gave:—

> "It is not the experience of the person who invests the money

which counts; it is the experience of those who operate the lines that counts."

Here he was trying to tell the House that in this particular case Shri Teja may be investing the money but the management, control or operation was in somebody else's hands. This was itself a falsehood as subsequently proved. There was nobody else in the picture except Shri Teja. All others were only his stooges. Sukhtankar Committee's Report proved that without any doubt.

Shri Raj Bahadur continued:—

"What we have to take care of is the loan that we are advancing, whether it is properly secured or not, whether the company with which Government is dealing is really a substantial company or not and whether it has sound financial status. We have taken more than ordinary care and caution to ensure that no loopholes are left. It is in these circumstances that this big loan was sanctioned."

He is flying in the face of the Public Accounts Committee's remarks.

Then, Shri S. M. Banerjee had asked, "Have they any previous business experience?" and what Shri Raj Bahadur said is very interesting. He said:—

"They have business experience. Mr. Kulukundis is a famous name. Dr. J. D. Teja himself is a big businessman. There is no question about that. It is not that he is a lawyer or a doctor from somewhere. I say this with all respect to them."

I humbly submit that this House has been consistently misled from the very beginning about this whole deal and an attempt has been made to throw a smokescreen over what was really happening. Everybody who is connected with this deal from the beginning—I do not care whether it was the Prime Minister at that time or the then Transport Minister or the subsequent Transport Minister or the Shipping Minister or the entire Cabinet, because this amount of Rs. 20 crores could not have been sanctioned without the approval of the Cabinet—is responsible. At its best, it may be a case of indiscretion or irresponsibility or some sort of gullibility and, at its worst, it may be a deliberate collusion on the part of certain people. Therefore, this matter is very serious and, as Mr. Mathur has said, we are not going to be satisfied simply with this Bill which is good as far as it goes, now that there is nothing else to do but for the Government to take it over. That is not enough.. The whole matter must be probed down to its bottom.

I think, it has brought to light a certain phenomenon which is taking place in the modern business and political world of India. It is not an isolated case of any individual. It is a case of big business tycoons who are gamblers and reckles adventurers, the people of the type of Haridas Mundhra. Here is another Haridas Mundhra of the shipping world. The Vivian Bose Commission Report has shown the doings of the Dalmia-Jain concerns.

Aminchand Pyarelal's activities have been brought to light by the P.A.C. Bird and Co.'s dealings in foreign exchange have come to light. These are not isolated phenomena. There is something very wrong with this system which permits our Ministers and our Cabinet to become absolutely hypnotised, mesmerised, bewildered and dazzled by the spectacle of these flamboyant figures of the business world. Dr. Teja was a flamboyant figure. There is no doubt about it. Look at the expression which was used about him.

An hon. Member: Also his wife.

Shri Indrajit Gupta: Here was a man who indulged in a "unique

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system of self-financing." That was praised to the sky, that he was a man who had nothing but he pulled himself up by the boot strap. Mr. Sukthankar has quoted it—that is more important—and we were surprised to find encomiums showered on him. As my friend remarked, there was also the beauteous Mrs. Teja whose face probably like that of the Halen of Troy was ment to launch a thousand bulk carriers. She might have succeeded to some extent but for these leaking bottoms.

I only wish to point out various things which have been brought to light and these are in the pages of the Sukthankar Committee's Report in spite of the fact it could not get the cooperation of the Company. The illegal transactions in foreign exchange are something fantastic and moreover they are illegal transactions in which there was collusion by foreign firms also. This is in the statement of the Minister. The loan of $1·2 million which was taken from the Mitsubishi Corporation was transferred to Mr. Teja's personal account in London. How was it done unless the Mitsubishi Corporation was colluding with him?

Then, the commission of Rs. 70 lakhs was also transfered to the foreign account of Mr. Teja on his instructions by the Japanese Shipyard. They were acting on his instructions knowing it was illegal. They had first given a statement that no commission had been paid to Mr. Teja or Mrs. Teja. 70 per cent of that amount was transferred by Mitsubishi to a foreign account of Mr. Teja on his instructions.

Further, a certain journal which is published in Delhi has recently published on its front page photostat copies—I do not think that has been contradicted—of certain letters, copies of correspondence, which show that in Japan two undated receipts, one of the value of $1,59,600 and another of $79,800, were issued by the Japanese collaborators to Mr. Teja, for him to fill in whenever he liked and to put an appropriate date and stamp on it. The photostat copies of the letters say, "We are leaving this receipt undated to suit your convenience at your request."

Shri Tyagi: That is in the latter?

Shri Indrajit Gupta: Yes; the photostat copy is there. I can show it to you if you like.

Then, there was under-invoicing of charter hire earnings. Here, the Statesman correctly points out:

> "Theoretically, the Government had a Director on the board of Jayanti to look after its interests. But did he demand to know why Jayanti's charter hire was in some cases fixed below prevailing market rates?"

I find that there was some collusion with the charterers, those who charter vessels, probably, an oil company, and as far as I can make out Mr. Teja arranged with them that though they were paid 16 shilling per ton as charter hire, it would be shown in the invoice only as 15 shillings and that the difference of 1 shilling was to be credited to Mr. Teja's personal account in London which amounted to Rs. 35,000 per month. So, this country has been cheated in this way of foreign exchange by under-invoicing, by swindling, by fake receipts and by transfer to foreign accounts.

Something has been mentioned here about these dominant personalities who were roped in on the Board of Directors. I must say, I really admire Mr. Teja's cunning methods. He roped in sinecures for 'prestigious' purposes because even the Sukthankar Committee has said that there were many persons appointed to key posts who certainly did not have such calibre as to deserve the salary paid to them by the Jayanti Shipping Company. They were drawn to serve as prestige symbols from commercial concerns or from Government service, in some cases after retirement, by

offers of high salaries and perquisites. This is a matter which has several times agitated this House; it has been mentioned as an undesirable practice which should be stopped. Just a few names will show how cleverly he chose these people as Directors. They did not hold shares, they had no power and yet they were like the proverbial flies who walk into the spider's net. Let me cite a few names. Shri Lalji Mehrotra, the former President of the Federation of Indian Chambers of Commerce and Industry and the former Ambassador of India to Burma and Japan. So, people of standing in the business world, in the social world and the diplomatic world were taken. Another name is Shri Gautam Sahgal who has been referred to as the Managing Director of Ciba, a Swiss concern, and I have no doubt that Mr. Teja was quite aware of the fact that Shri Gautam Sahgal was a close relation, by a marriage, of the Nehru family. He was very clever and made him a Director. Then, there was Prince Mukaram Jah Bahadur, the grandson of the Nizam, an aristocrat—what kinds of rats these aristocrats are—and he did not hold a single share and he only had blue blood in his veins. And there was General Kaul of NEFA fame. He was Personal Consultant to Mr. Teja. Of course, the Sukthankar Report points out that they have found some documents to show that though he was put as Personal Consultant, his salary was paid from the funds of the Company. Such were the people taken.

Finally, I just wish to say that it is not enough to take over the management and the control of this Company. This must be taken over completely and nationalised. There is something very wrong with the Constitution of our country. It does not permit even in such cases of people who are confirmed criminals, their property to be taken over without paying compensation. Compensation for what? I want to know it. Twenty times we have amended the Constitution for sundry purposes and the time has now come when such people who reck the country, who fleece the country of foreign exchange, must be brought to book. This phenomenon which has come to light is a common feature every where. Can our Constitution not be amended so that in a case like this, where the total shares are held, 75 per cent by this man and 25 per cent by Mr. Kulukundis, even then, this Company cannot be completely nationalised without paying compensation? Will he compensate us for what he has cheated us?

I hope that after three or four years, after nursing this Company back to health, this is not going to be handed back to them.

I want to know whether Mr. Teja is an Indian national or not. This matter is not cleared up. He is described as a non-resident Indian. I do not know what it means. What type of passport is he having? I would like to know that. I want to know how he comes and goes from this country. Even after the ordinance, he visited this country, at least, once, if not more. If he is not an Indian national, he is to be extradited. If he is an Indian national, why was he not arrested and apprehended, as Mr Solanki pointed out, and forbidden from leaving this country because against him criminal proceedings must be launched? I am all in favour of another probe. A thorough probe must be carried out. The Board of Management cannot do it. It is being suggested in the Government's statement that the Board of Management will gradually make further inquiries. I submit that it is the job of the Board of Management to carry on this company with proper efficiency; it cannot carry out a probe. There has to be a high level judicial probe. They could not act till the anonymous letter was received in February

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this year from Mr. Teja's nephew. Only after that, Government woke up. Everything that we said in this House all these three years put them only to sleep. Mr. Narayana's anonymous letter woke them up.

I also received an anonymous letter yesterday. I do not know who has sent it. It has come from Trivandrum and it says:

> "This is to bring to your notice that Mr. Narayana..."
>
> "....together with his uncle, Dr. Teja, and one of the company's previous Directors, Mr. Thirumala Rao, M.P., have taken away large resources and started a separate concern by the name of Vikram Tankers in Andhra Pradesh."

I do not know; this may be completely baseless. But I am bringing it to the notice of the Government and the Minister. The Minister is also from Andhra Pradesh. Let him find out.

So, there should be a thorough probe into all these.

श्री मधु लिमये (मुंगर) : मेरा एक बहुत ही गम्भीर प्वाइंट आफ आर्डर है । यह इतना गम्भीर प्वाइंट आफ आर्डर है कि आपको इस पर अच्छी तरह से गौर करना चाहिए । यह चार धाराओं को ले कर है, चार नियमों को ले कर है—

Mr. Chairman: After the speech of Mr. Indrajit Gupta, what is the point of order.

श्री मधु लिमये : इस विधेयक पर जो बहस चल रही है उसी को ले कर मैं प्वाइंट आफ आर्डर उठा रहा हूं । आपको इसके लिए चार धाराओं को देखना पड़ेगा । यह बहुत गम्भीर प्वाइंट आफ आर्डर है ।

Mr. Chairman: In the vacuum, he cannot raise a point of order.

श्री मधु लिमये : इसी को ले कर है ।

Mr. Chairman: He may please sit down. The discussing is already going on. If the hon. Member wanted to raise a point of order, he should have raised it earlier.

Shri Hari Vishnu Kamath: Under rule 376, a point of order can be raised at any time.

श्री मधु लिमये : मैं कभी भी उठा सकता हूं । इस में समय ज्यादा जाएगा । मैं समय को बढ़ाना चाहता हूं । मैं धीरे धीरे नियमों को पढ़ूंगा ताकि सब लोगों को पता चल जाए । पहले तो 376 (1) मैं पढ़ता हूं :

> "A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker."
>
> "(2) A point of order may be raised in relation to the business before the House at the moment."

इस वक्त जो बहस चल रही है यह जो कार्य इस वक्त सदन के सामने है उसी को ले कर मैं उठा रहा हूं । इस पर फैसला देने का भी आपको पूरा अधिकार है । इसके बारे में आप निर्णय दे सकते हैं ।

इसके बाद मैं आपको ले जाऊंगा 340 की ओर । यह सफर जरा लम्बा है । .. (**इंटरप्शंज**) ये बीच में क्यों दखल दे रहे हैं ? मैं एक शब्द भी फालतू नहीं कहूंगा । नियम 340 इस तरह से है :

> "At any time after a motion has been made, a member may move that the debate on the motion be adjourned."

आगे और आप चलें । यह है 109 । कामत साहब आप भी देख लें । और सुनें या न सुनें, कामत साहब सुन लें तो हमको तसल्ली है । 109 इस तरह है :

"Adjournment of Debate on and Withdrawal and Removal of Bills."

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

Mr. Chairman: What is his point?

श्री मधु लिमये : मैं बता तो रहा हूं । मैं प्रस्ताव पेश कर रहा हूं कि बहस स्थगित की जाए । मैं कारण भी बताऊंगा । मैं आपका ध्यान 68 की तरफ भी दिलाऊंगा । यह मैं बाद में कहूंगा ।

Shri Raghunath Singh: I rise on a point of order. He has not read the whole thing.

Mr. Chairman: Hon. members will keep order in the House. Until one point of order is disposed of, no other point of order can be raised.

श्री मधु लिमये : सभापति महोदय, मैं यह कारण बता रहा हूं कि यह बहस तभी अर्थपूर्ण होगी और इस से तभी मतलब निकलेगा, जब सदन के सामने इस के बारे में सारे सम्बन्धित कागजात रख दिये गए हों । अभी अभी श्री इन्द्रजीत गुप्त कह रहे थे कि दूसरा प्रोब होना चाहिए । मैं कहना चाहता हूं कि दूसरा प्रोब हो चका है सुखतंकर कमेटी के बाद, लेकिन उस की रपट सदन के सामने मन्त्री महोदय नहीं रखना चाहते । यह रपट बहुत महत्वपूर्ण है, क्योंकि यह शिपिंग कार्पोरेशन आफ़ इन्डिया की रपट है, जो कि जयन्ती शिपिंग कारपोरेशन के मैनेजिंग एजेन्ट है । मैं इस रपट को पूरा नहीं पढ़ूगा । मैं उसका केवल एक ही हिस्सा आप के सामने रखूंगा, जो पृष्ठ 14–15 पर दिया गया है :–

"However, the data already collected reveals that the funds involved in misappropriations etc. add up to a substantial amount of the order of Rs. 2,94,91,000, interest on this amount being extra and most of it in foreign currency as summarised below:

(1) Borrowing of dollars: 1·2 million (from the Mitsubishi International.".

मैं पूरा नहीं पढ़ने वाला हूं ।

Shri Raghunath Singh: I was also reading this. Is this a statement or a speech or a point of order?

श्री मधु लिमये : मैं कारण बता रहा हूं कि क्यों इस बहस को मुल्तवी कर दिया जाये ।

Mr. Chairman: Shri Madhu Limaya has already given his argument on this.

Shri Raghunath Singh: Have you given your consent for this?

Mr. Chairman: If the hon. Member wants to speak I shall give him a chance to speak.

श्री मधु लिमये : यह एक कारण, एक आर्ग्युमेंट हुआ । मैं तीन आर्ग्युमेंट्स देने वाला हूं ।

Shri Solanki: The report may be placed on the Table of the House.

श्री मधु लिमये : मैंने इस डाकूमैंट को आथेन्टीकेट किया है कि यह शिपिंग कारपोरेशन आफ़ इंडिया, मनेजिंग एजेन्ट्स की सही रपट की नकल है । मैंने इस पर दस्तखत किये है । मैं आप की इजाजत से इस को टेबल पर रख रहा हूं, ताकि समय बच जाये, नहीं तो मुझे इस को पढ़ना पड़ेगा ।

Mr. Chairman: I think the hon. Member has already mentioned it.

—Shri Warior: You may ask the hon. Minister about it.

श्री मधु लिमये : पहले मुझे खत्म कर लेने दीजिए । मैंने अभी खत्म नहीं किया है । मैंने एक कारण बताया है । अभी मैंने दो कारण और बताने हैं ।

Mr. Chairman: I think Shri Limaye has already finished.

श्री मधु लिमये : मैंने अभी खत्म नहीं किया है ।

Mr. Chairman: Let him be very brief. He should not take so much time on this.

श्री मधु लिमये : मैं बिल्कुल मुख्तसर कहूंगा । मैं एक प्रश्न उठाना चाहता हूं, जिस को मैं मंत्री महोदय की जानकारी के लिए अंग्रेजी में पढ़ता हूं :

"Is it a fact that a demand or proposal was made by the Enforcement Branch for the arrest of Dr. Teja....

Shri Jaganatha Rao: What is the point of order?

श्री मधु लिमये : मंत्री महोदय, चुप बैठें न ।

"And if so, who vetced this arrest, the Finance Minister, the Home Minister or the Transport Minister or the Prime Minister?

एनफ़ोर्समेंट ब्रांच ने कहा था कि तेजा बड़ी बदमाशी कर रहा है, इस को गिरफ्तार किया जाये ।

तीसरा कारण है रूल 68 ।

Shri Raghunath Singh: This is not a point of order.

Mr. Chairman: I think that should be sufficient.

श्री मधु लिमये : सभापति महोदय, इस तरह कैसे होगा ? मुझे सब आर्ग्युमेंट्स पेश करने का अवसर मिलना चाहिए ।

Mr. Chairman: He has mentioned that rule. Rule 68 is before the House.

श्री मधु लिमये : रूल 68 इस प्रकार है.....

Mr. Chairman: The hon. Member need not read out that rule.

श्री मधु लिमये : जब एनफ़ोर्समेंट ब्रांच की तरफ़ से तेजा की गिरफ्तारी का सुझाव दिया गया, तो इन चार मंत्रियों में से किसी ने उस को वीटो किया । जब तक वह तथ्य भी सदन के सामने नहीं आता है तब तक आप इस विधेयक पर बहस करके क्या करेंगे ?

रूल 68 इस प्रकार है :

"The order of the President granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing."

तो इस दृष्टि से भी यह चर्चा अवैध और अनियमित है ।

इन तीन कारणों को ले कर मैं इस चर्चा को मुल्तवी रहने का प्रस्ताव कर रहा हूं और मुझ उम्मीद है कि जो गम्भीर और महत्वपूर्ण दस्तावेज और कागज मैंने रखे हैं और जो मुद्दे उठाए हैं, आज सदन को उन पर विचार करने का मौका दिया जायेगा और इस विधेयक पर बहस कल चलाई जायेगी ।

श्री **रघुनाथ सिंह** : माननीय सदस्य ने रूल 68 का प्रश्न उठाया है । जब यह बिल उपस्थित किया गया था, तब माननीय सदस्य, श्री कामत, ने इस प्रश्न को उठाया था और स्पीकर साहब ने इसको नहीं माना था । इसलिये अब यह प्रश्न नहीं उठ सकता है । स्पीकर साहब की रूलिंग हो चुकी है कि यह प्रश्न नहीं आ सकता है

Mr. Chairman: The Hon. Members will bear with me. I think it is not necessary to raise this point of order. Whatever point has been raised by Shri Limaye, I think in the morning the Speaker has dealt with all these points.

श्री **मधु लिमये** : इस बहस को मुल्तवी करने के बारे में प्रस्ताव नहीं उठाया गया है ।

Mr. Chairman: The Hon. Minister read out the President's recommendation. I think there is no point of order.

Shri Biren Dutta.

Shri Hari Vishnu Kamath: Another point of order.

Mr. Chairman: I have called Shri Biren Dutta (*Interruption*).

Shri Sheo Narain *rose*—

Mr. Chairman: Order, order. Unless called, he should not rise.

Some hon. Members: Please sit down.

An hon. Member: He is defying the Chair.

Shri Hari Vishnu Kamath: My hon. friend, Shri Indrajit Gupta, referred to and quoted from a report which he described as the Sukthankar Committee Report. Now, as far as I am aware—I am not vigilant or active enough—the Sukthankar Committee Report. . . . (*Interruption*).

Shri Sheo Narain *rose*—

Mr. Chairman: Order, order. I will have to take action against Shri Sheo Narain.

Shri Sheo Narain: What are they doing? You are not checking them.

Mr. Chairman: Order, order. Let us not waste time.

Shri Hari Vishnu Kamath: A few minutes earlier, my hon. friend, Shri Indrajit Gupta, referred to and quoted from a report which he described as the Sukthankar Committee Report. As far as I am aware, the Sukthankar Committee Report has not been laid on the Table of the House by Government so far.

An hon. Member: No.

Shri Hari Vishnu Kamath: Has not been laid. Under the rules which have been accepted by the House and are now in force, if a Member/Minister quotes from a document, reads from it or refers to it, he must lay it on the Table. The other day, my hon. friend, Shri Dwivedy, read from a letter; when the Speaker asked him whether it was authentic, he said 'I am prepared to lay it on the Table.' So I would request you to direct Shri Indrajit Gupta to lay a copy of the Sukthankar Report on the Table before further consideration of the Bill proceeds. Pending that, the debate should be adjourned.

Mr. Chairman: Order, order. It is not necessary to lay the Report on the Table. He has mentioned it and there is no objection to that.

श्री **मधु लिमये** : मैंने तो शिपिंग कार्पोरेशन की रिपोर्ट को टबल पर रख दिया है ।

Shri Hari Vishnu Kamath: It is obligatory under the rules. Please see rule 368.

श्री मधु लिमये : सभापति महोदय, आप एडजर्नमेंट के मोशन को ले लीजिए ।

Mr. Chairman: Shri Kamath will please sit down. Or does he want to speak on this motion?

श्री मधु लिमये : सभापति महोदय, एडजर्नमेंट के मोशन का क्या हुआ ?

Mr. Chairman: Shri Biren Dutta.

Shri Hari Vishnu Kamath: I am only trying to help the discussion. Unless it is laid on the Table, how can we proceed?

Mr. Chairman: I do not think it is necessary.

Shri Hari Vishnu Kamath: How can you arbitrarily rule?

श्री शिव नरायण : अध्यक्ष महोदय, जिस मेम्बर को आप ने बुलाया वह तो बोले नहीं, मैं अकेला खड़ा हूं, मुझे आप काल करें ।

Shri Hari Vishnu Kamath: Please see rule 368. The caption of the rule is "papers quoted to be laid on the Table", and it has been held on a previous occasion under a rule corresponding to this rule, I cannot spot that rule just now...*(Interruptions)*

This rule is as follows:

> "If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table."

The word used is shall".

Mr. Chairman: I think the hon. Member will appreciate this. "If a Minister quotes"—it is not a Minister who has quoted, it is a Member who has quoted.

Shri Raghunath Singh: There is a proviso also which says:

> "Provided that the rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:"

Mr. Chairman: I have given my ruling. Shri Biren Dutta.

Shri Madhu Limaye: On a point of order under rule 369.

Mr. Chairman: No point of order can be raised.

श्री मधु लिमये : आप 369 पढ़िए । मेरा प्वाइंट आफ आडर है ।

Mr. Chairman: I have ruled that there is no point of order. Please resume your seat.

Shri Hari Vishnu Kamath: I laid the CBI report on the Table.

Shri Madhu Limaye: Point of order under rule 369.

Mr. Chairman: Please co-operate with the Chair to conduct the proceedings.

Shri Hari Vishnu Kamath: We are trying to help.

Shri Madhu Limaye: I have no objection to laying it; if you agree I will lay it on the Table now.

Shri Sanjiva Reddy: I can lay it, there is absolutely no difficulty. He can refer to it, I can place it on the Table of the House.

Mr. Chairman: He is laying it on the Table.

Shri Hari Vishnu Kamath: Thank you, that is what we want.

[*Shri Madhu Limaye laid the document on the Table—Placed in Library. See* No. LT-6897/66].

Shri Dinen Bhattacharya (Serampore): Is it not proper for you to adjourn the discussion till we get that document, that is the rule.

Shri Umanath: You have given a direction to him to lay the report on the Table of the House. Having given that direction to lay the report on the Table of the House, considering that it relates to the subject under

discussion, is it not proper that we should be given an opportunity to study it and then participate in the debate?

Mr. Chairman: I think that document has already been laid. That has to be checked.

Shri Umanath: It has not been laid, that is why the Minister says he will lay it.

Mr. Chairman: From the Lok Sabha office we will check up and then we will inform you.

श्री मधु लिमये : अध्यक्ष महोदय, आप प्वाइंट आफ आर्डर पर फैसला भी नहीं करते हैं...

Mr. Chairman: I have given my ruling.

श्री मधु लिमये : क्या रूलिंग दी ?

Mr. Chairman: I have given my ruling.

श्री मधु लिमये : आपने किसी भी चीज पर रूलिंग नहीं दी। आप मेरी बात सुन लीजिए। .... (**व्यवधान**)। अध्यक्ष महोदय, मैंने एक बहुत ही महत्वपूर्ण दस्तावेज रखा है। वह पढ़े बिना बहस कैसे हो सकती है? मेरा स्थगन प्रस्ताव लिजिए।

श्री रघुनाथ सिंह : आप नहीं रख सकते।

श्री मधु लिमये : क्यों नहीं रख सकते? 369 रूल देख लीजिए।

Mr. Chairman: Please resume your seat.

Shri Sanjiva Reddy: The report was placed on the Table of the House, Sukthankar report, on the 9th August.

Shri Madhu Limaye: What about the report of the Shipping Corporation of India, managing agents to the Jayanti Shipping Corporation? I have placed it on the Table of the House.

Shri Sanjiva Reddy: You have laid it, I referred to the Sukthankar committee report.

श्री मधु लिमये : यह नया रिपोर्ट बड़े गजब का रिपोर्ट है।

Shri Biren Dutta (Tripura West): The scandalous affairs of the Jayanti Shipping Limited which are responsible for the loss of crores of rupees of public money have been allowed to continue for such a long time by the Government, despite severe public criticism. As a matter of fact, the dishonest management of the company would not have dared to cheat the public without the complicity of the Government throughout the period of its existence.

The Jayanti Shipping Enquiry Committee Report has highlighted the Patronage of the Government to this company since its inception. Dr. Jayanti Dharma Teja, a non-resident Indian and Mr. M. M. Kulkundis, a British citizen have been allowed to float this company. Giving the background of the official assistance the Enquiry Committee observes, "Dr. Teja was thus able to start the Jayanti Shipping Company with some encouragement from the Government."

The Government allowed this company to be formed with an initial paid-up capital of Rs. 200 on February 10, 1961. It should be noted that before the formation of this company, Dr. Teja submitted a scheme in November, 1960, to the Government of India for acquisition of a fleet of bulk carriers and tramp ships. This fact shows that this notorious Dr. Teja was in close contact with high-ups in the Government who were always willing to help him.

[Shri Biren Dutta]

After formation of the company the Government sanctioned a loan of Rs. 20.25 crores to the company through the Shipping Development Fund Committee which amounted to 90 per cent of the actual cost of ships. One wonders why the Government could not arrange remaining 10 per cent of the funds and have the ships in the public sector. These ships were to be constructed in Japan and an irrevocable guarantee was given by the State Bank of India to the Japanese shipyard.

16.59 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

At the end of 1964-65, the company's fleet consisted of a total tonnage of about 5,33,000 Dead weight tons out of which carriers totalling 3,28,020 DWT were financed to the extent of 90 per cent of their cost price by a loan sanctioned by the Shipping Development Fund Committee.

Sir, the official assistance to this company whose chairman, who most of his time lives in South France, is really intriguing. A small industrialist in this country very well knows how it is extremely difficult to obtain credit from the Government. In this case, however, we find more than Rs. 22 crores were offered to this company without any proper investigation. The Government had its own director on this company. But there is no evidence to show that they have ever cared to report the matters to the Government. There is a *prima facie* case against these directors also. If the Government, after taking over the management of this company, reappoints the Government-nominated directors, I do not know the future fate of this company.

The enquiry committee has pointed out that the management refused to give any record to the committee. One wonders why the Government observed studied silence when the recalcitrant management was not cooperating with the committee.

Mr. Deputy-Speaker: Order, order. Even Ministers are talking.

Shri Biren Dutta: It is seen from the records that the enquiry committee wrote to the Government on 21st May, 1966 to give definite instructions to the Chairman,—

Mr. Deputy-Speaker: Order, order. The hon. Member may continue tomorrow. We will now take up the half-hour discussion.

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17 hrs.

*EXPORT OF TRUCKS TO SOUTH VIETNAM

Shri Indrajit Gupta (Calcutta South West): Mr. Deputy-Speaker, Sir, this half-an-hour discussion arises out of the answer given by the hon. Commerce Minister to a question regarding the export of trucks manufactured in this country to Soutn Vietnam. In the reply that the hon. Minister gave, he admitted that these trucks were being exported and he claimed that this was a normal trade practice; as part of the normal trade these trucks have been going and that there was no question of their being military vehicles but vehicles which are used for commercial or other purposes.

I am of course rather sorry in a way that this subject is being dealt with by the Ministry of Commerce, because the context in which I wish to raise it and the context in which the question was put originally was not in that narrow commercial sense at all. But since it has been allotted to my hon. friend Shri Manubhai Shah, I hope that when he replies he will also for a moment not consider himself only as a Minister of Commerce but also as a Member of this Government who is responsible for

*Half an hour Discussion.