

SHRI H. N. BAHUGUNA: As I said, this is a new Government and anything done by the predecessor Government is also under review along with the recommendations of the Hathi Committee. I think it has done a great service in the matter of this particular sector.

DR. SUSHILA NAYAR: Sir, I would like to know whether it has been the policy and it has been discussed for a long long time, that certain drugs which are commonly required should be produced in bulk and supplied to the consumers at cheap rate. So far, some steps have been taken in regard to what are regarded as lifesaving drugs, which are required by very few people. I would like to know from the Hon. Minister whether he is in a position to tell us as to what is being done to supply commonly required drugs like aspirin, vitamin and other drugs for children, at as cheap a rate as possible. This can only be done if they are produced in bulk and also if they are produced by the small manufacturers whose overheads are small as compared to the big manufacturers of drugs.

SHRI H. N. BAHUGUNA: Sir, the hon. Member being a physician has a good deal of experience and I agree with her that a lot of things should be done. But, I have only asked for a very small reprieve so that we can come out with a total policy in regard to this question.

SHRI NATVARLAL B. PARMAR: I would like to know whether the recommendations of the Hathi Committee have been twisted, diluted and changed by the officials in the interest of the multi-nationals like Pfizer, Sandoz and May & Baker? If so, the details thereof.

SHRI H. N. BAHUGUNA: The question of dilution does not arise because the whole thing has not yet been finalised. I can assure the hon. Member that anything that is done by this go-

vernment will not be in the interest of anyone except India.

SHRI JYOTIRMOY BOSU: Is the Minister aware of the fact that a multi-national organisation of drugs, viz., OPPI of Bombay has set-up a very powerful lobby in the Capital with their huge office of a resident representative to stall the recommendations of the Hathi Committee by influencing the officials. If so, what steps have been taken by the government in this regard?

SHRI H. N. BAHUGUNA: The greatest guarantee against all these types of activities is my hon. friend, Shri Bosu. So, we need not be afraid of the resident representative.

PURCHASE OF CRANES BY ONGC FROM DEMAG OF GERMANY

*2. **SHRI JYOTIRMOY BOSU:** Will the Minister of PETROLEUM be pleased to state:

(a) whether Oil and Natural Gas Commission or any other Government Oil Organisation has bought cranes and other items from DEMAG of Germany;

(b) if so, facts thereof; and

(c) who are their representatives/agents in India?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS: (SHRI H. N. BAHUGUNA): (a) to (c). A statement giving the requisite information is laid on the Table of the Sabha.

Statement

(a) to (c). The ONGC invited open tenders in 1975 for the purchase of 8 truck-mounted mobile cranes of 40/45 tonne capacity. Since one of the firms reduced its offer after the opening of the tenders, the ONGC held negotiations with all firms who had made technically acceptable offers. The re-

vised offers of these firms were as follows:—

	Name of the firm/ Indian agent	Name of machine	Source	FOB price for 8 cranes (Rs.)	CIF price for 8 cranes (Rs.)
1	Earth Moving & Machinery Co. New Delhi	Hoist -5460	USA	1.34 crores	1.58 crores
2	Nisscho-Iwai, Japan.	Link belt HC-218 -J	Japan	1.42 crores	1.62 crores
3	Escorts Ltd., Faridabad	North-West 60-T	USA	1.32 crores	1.74 crores
4	Maruti Heavy Vehicles Ltd., Gurgaon.	Demag TC-280-L	German	1.62 crores	1.76 crores

2. After duly considering these offers, the ONGC proposed that orders should be placed with the lowest tenderers namely M/s. Earth Moving and Machinery Co., New Delhi for American Hoist Cranes. While this proposal was being examined in the Ministry, M/s. Maruti Heavy Vehicles Ltd., Gurgaon, the Indian agents for Demag cranes, revised their offer from Rs. 1.76 crores to Rs. 1.70 crores (CIF).

3. The Minister of Petroleum did not agree with the ONGC's proposal and expressed the view that Demag cranes should be purchased even though these were not the lowest priced. This view was ultimately accepted by the Ministry of Finance and ONGC were thereupon asked in February 1976 by the Ministry of Petroleum to place an order on Maruti Heavy Vehicles Limited for 8 Demag cranes at a total cost of Rs. 1.70 crores.

4. Spare parts for the aforesaid Demag cranes have been ordered in March, 1977 for Rs. 29.27 lakhs, through Maruti Heavy Vehicles (Pvt) Ltd.

SHRI JYOTIRMOY BOSU: Sir, in this context I would like to know whether the ONGC's requirement was genuine or not because I have great doubt as this involves Mrs. Indira and Son and Co. Ltd. The ONGC required

8 truck-mounted mobile cranes of 40-45 tonnes each. The tender calling was an eye-wash as they had urged the erstwhile pseudo socialist Minister, Shri Malaviya, to give the business to Maruti Heavy Vehicles Ltd., New Delhi and the Commission for this deal was about 21 per cent which was wholly paid in foreign exchange. The business was given to Maruti Heavy Vehicles Ltd., New Delhi as they were the agents of the West German firm called Demag.

Sir, in the context of what I have said, is it also a fact that the erstwhile pseudo socialist Minister, Shri Malaviya, in his note dated 29th January, 1976, over-ruled the ONGC's recommendation that the lowest quotation should be accepted. He had stated on the file:

"I do not agree with ONGC's recommendation to buy the US cranes which seems to have been motivated by the lower cost of these cranes."

Sir, I would also like to know whether it is a fact that the business was given to Maruti Heavy Vehicles Ltd., New Delhi, even when their quotation was Rs. 1.76 crores and that of the Earth Moving and Machinery Company, that is, HOIST, was Rs. 1.58 crores.

I would also like to know whether the erstwhile Minister also stated on the file:

"I am not convinced that the cheapest should prove best for us. More so, because Demag machines are stronger and sturdier. It can be used for longer periods...."

They might enjoy that reputation second to none. Demag is a good international company outside the U.S.A. and we should try and establish special relations with them. Therefore, I want to know what are the other things that he said. He also said: "I do not see any useful purpose in pursuing for further reduction in price." I would like to know about it from the hon. Minister.

SHRI H. N. BAHUGUNA: It is a fact, Sir that Maruti Heavy Vehicles Ltd., Gurgaon, was given this tender in spite of their higher bid and the lower ones were left out. It is also true that the then Petroleum Minister, Mr. Malaviya, made the notings on the file, but my hon. friend appears to know more about it than myself. I do not have the file with me. Therefore, I will not challenge him on that score. But if my memory goes right, the claim of the hon. Member appears to be somewhat the way it appears on the file.

SHRI JYOTIRMOY BOSU: Is it also a fact that the honourable erstwhile Congress Minister, Shri C. Subramaniam who is sitting here on our right—the Minister of Finance requested the Minister for Petroleum to reconsider his decision and let the ONGC accept the lowest tender for the supply of American hoist cranes. Thereupon the former Petroleum Minister recorded that the quotation be considered favourably. The Finance Minister said: "Do not accept the lowest quotation. Give this to any other capitalist country except the highest quotation because it involves the Prime Minister's son Mr. Sanjay Gandhi." What a

shame and what a bad day for the country!

MR. DEPUTY SPEAKER: What is the question now?

SHRI JYOTIRMOY BOSU: The question is whether the erstwhile Finance Minister has turned down the recommendations of his own Ministry, i.e., Secretary of Expenditure and has approved the quotation of the much higher price from another capitalist country.

SHRI H. N. BAHUGUNA: It is a have gone through this very unfortunate case with some concern and anxiety. But I think, to them that made the decision unfortunate, but to the nation it is serious. But I think Mr. Subramaniam knows the use of English better than any one of us do. He never said: "Give it to any one". He put it in the words "make the tender more competitive". So, I do not really know whether his Ministry thereafter took care to see his noting and follow his advice or not. The whole thing concerning that appeared to have been done in a manner which creates so many doubts in many good intentioned minds.

SHRI JYOTIRMOY BOSU: On a point of order. I have given notice to lay it on the Table of the House. Under Rule 368, I have given prior notice and provided a copy to you.

MR. DEPUTY SPEAKER: Mr. Bosu, in the first place, the document has not been seen by anybody. So, I request you to give it at the Table of the House and we shall see whether it can be laid on the Table.

SHRI JOYTIRMOY BOSU: Sir, you cannot proceed without disposing it of.

MR. DEPUTY SPEAKER: I have already disposed it of. You have given it at the Table and we will examine what can be done.

SHRI JYOTIRMOY BOSU: I have complied with the requirements as per the rules. You can't take the arbitrary decisions here. I have complied with the rules. I have given an advance copy to the Secretary General. How on earth can you say that I should hand it over at the Table?

MR. DEPUTY SPEAKER: Under the rules, the Speaker has to look into the document, and the Speaker has not had the time to look into it.

SHRI JYOTIRMOY BOSU: Kindly see rule 368 and also directions 117 and 118. They provide that an advance copy should be given; it should be authenticated and notice should be given before 10 O'clock. You say it will be looked into. . .

MR. DEPUTY-SPEAKER: You have just handed over the document.

SHRI JYOTIRMOY BOSU: Before the sitting of the House. Do not say things which are not correct.

MR. DEPUTY-SPEAKER: The Speaker has had no time to look into it. I have already given my ruling; it will be looked into and if it is in order to lay it on the Table, you will be permitted to lay it on the Table.

SHRI JYOTIRMOY BOSU: I am now giving you this copy; you can do what you like. [Laid on the Table of the House. Placed in Library. See No. LT-48A/77].

DR. SUBRAMANIAN SWAMY: So far the hon. Minister has answered only one part. In view of that I should like to know about the other item. May I know whether the ONGC had also invited tenders for 24 trucks and there also the tender was given to Maruti Company or Maruti Heavy Trucks; Maruti is an omnibus name; their tender was high by about 2 and half times of the lowest tender; yet it was offered to them. Maruti, instead of manufacturing the truck in

this country, imported 12 from Germany and 12 from the United States International Harvesters. Mr. Sanjay Gandhi also happened to be a commission agent of that company. May I know whether these are facts and also whether the trucks were actually imported though they could have been produced in this country as we have the capacity to manufacture trucks in this country?

SHRI H. N. BAHUGUNA: The hon. Member is asking a specific question about trucks. The information available with me is to the effect that what was brought from Germany was cranes and not trucks. Of course cranes were mounted on the trucks. To that extent they have been purchased. So far as other things are concerned, I will need further information.

श्री कुंवर लाल गुप्त : उपाध्यक्ष महोदय, क्या यह सही है कि मारुति हेवी व्हिकल्स से ओ एन जी सी ने 6 रोड रोलर भी खरीदे हैं जब कि उनका टेण्डर लोयस्ट भी नहीं था ? यह मारुति हेवी व्हिकल्स एक फ्राड है क्योंकि इसका पास सारी मशीनरी कुल 12 हजार रुपये की है। मैं जानना चाहता हूँ कि जो रोड रोलर खरीदे गए वह कितने लाख रुपये के थे और कहां से खरीद करके वह सप्लाई किए गए ? अगर यह ठीक है तो क्या मंत्री महोदय इस चीज की इन्वॉयरी करेंगे कि ओ एन जी सी ने मारुति हेवी व्हिकल्स से कितना माल खरीदा है और कितनी इटली-गैलिटीज की हैं और जिन चेयरमैन या अफसरों ने गैर कानूनी कार्यवाही की क्या उनके खिलाफ आप कार्यवाही करेंगे ?

SHRI H. N. BAHUGUNA: The question is getting wider and wider. We were only concerned with crane in this question. If the hon. Members want more information which is not just now available with me, they will have to give me notice. If something is brought to

my notice which is worthy of enquiry, it will be done. In the instant case I can say that this order was given over-ruling the ONGC. The ONGC had said that it should not be given to Maruti Vehicles Ltd. but in the Government of India, the Petroleum Minister over-ruled that view. The Secretary to the Government is not at all responsible; I have seen the files with regard to this matter; the officers have had no hand in the matter.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इतत सम्बन्ध में माननीय मंत्री का ध्यान एक बात की ओर दिलाना चाहता हूँ जिस पर बेरा प्रश्न आधारित होगा कि श्री एन जी सी, सेक्रेटरी पेट्रोलियम, सेक्रेटरी एक्सपेंडीचर (फाइनेंस मिनिस्ट्री), सेक्रेटरी एकोनामिक अफेयर्स—हम लोग इन सिविल सर्वेन्ट्स के ऊपर हमेशा हमला करते हैं जब वे गलत काम करते हैं, मैं स्वयं भी करता हूँ लेकिन यह जो मामला है क्रेन वाला इससे इमरजेंसी का गंदा चेहरा बिल्कुल साफ आपका सामने आता है। चार-चार सिविल सर्विस के अधिकारियों ने लगातार कहा कि यह नहीं होना चाहिये, लेकिन हमारे श्री केशव देव मालवीय ने—उनका नाम मुझे अवश्य लेना चाहिये, क्योंकि वे बड़े प्रगतिशील हैं, हमारे रूसी मित्र भी उनको बड़ा प्रगतिशील मानते हैं—इसमें इस्तक्षेप किया। इस लिये मैं पूछना चाहता हूँ कि इस तरह का राजनीतिक स्तर पर जो इस्तक्षेप हुआ और संजय के सामने और उनके मारुति हैवी व्हीकल्ज के सामने ये लोग जो झुके हैं—केशवदेव मालवीय और हमारे लायक दोस्त श्री सी० सुब्रह्मण्यम्—तो क्या आपके पास इस बात की कोई जानकारी है कि प्रधान मंत्री के डर से, इन अधिकारियों के द्वारा जो राय दी गई थी, उस राय को बदल दिया गया? क्या आप इस बात की भी जांच करायेंगे—जैसा इन्होंने कहा है कि इनको कोई कमीशन नहीं मिली, लेकिन हमको जानकारी है कि इनको हायर प्राइस पर 21 प्रतिशत और लोअर प्राइस पर 15 प्रतिशत

कमीशन विदेशी मुद्रा में मिली है और जो विदेशी बैंकों में जमा है? क्या मंत्री महोदय इस बात का भी आश्वासन देंगे कि आप प्राइम मिनिस्टर साहब, फाइनेंस मिनिस्टर साहब और आप के रेवेन्यू इंटेलिजेंस से बात करके अपने खुफिया विभाग के द्वारा इसकी जांच करायेंगे कि इस में सत्य क्या है?

श्री हेमवती नन्दन बहुगुणा : मान्यवर, माननीय मधु लिमये जी के प्रश्न के दो भाग हैं। पहले भाग में उन्होंने यह कहा है कि तमाम अधिकारियों की राय के विरुद्ध तत्कालीन मंत्री श्री केशव देव मालवीय ने जो आशा दी वह अनुचित थी। यह किसके दबाव से हुआ? मेरी राय में मैं इस वक्त इतना ही कह सकता हूँ कि उन्होंने जो आदेश दिये वे उचित नहीं थे। उन्होंने तमाम अफसरों को श्रीवर-रूल किया—किस के डर से किया, किस के कहने से किया.....

श्री मधु लिमये : मैं सिर्फ इतना पूछना चाहता हूँ—क्या आप इस की खोज करायेंगे?

श्री हेमवती नन्दन बहुगुणा : उनका दूसरा प्रश्न यह है कि उनको कुछ विदेशी मुद्रा मिली या नहीं मिली। माननीय मधु लिमये जी ने जो पूछताछ की है, मैं इस बात को माननीय प्रधान मंत्री जी के सामने—इस सारे प्रश्न के सभी अंशों की बाबत, मेरी अपनी राय, सदन में माननीय सदस्यों ने जो बातें कही हैं वे अब उन तक पहुंचा दूंगा। मेरी राय में सरकार पूरी जानकारी प्राप्त करना शायद जरूर पसन्द करेगी।

श्री मनोहर लाल : मारुति, जिसके मैनेजिंग डायरेक्टर युवा-सम्राट् संजय गांधी हैं, 4 करोड़ का मामला है.....

श्री हुकम चन्द कछवाय : उसको क्यों इतना बढ़ा रहे हो।

श्री मनोहर लाल : मैं तथाकथित युवक-सम्राट् कह रहा हूँ। उत्तर प्रदेश रोडवेज की 450 बसेज की बाड़ी बनाने.....

MR. DEPUTY-SPEAKER: This question relates to ONGC. Your supplementary does not arise out of this. Next question.

श्री मनोहर लाल : उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण मामला है। साढ़े चार करोड़ की बात है—लेकिन आप मुझ समय नहीं दे रहे हैं 450 बसेज की बाड़ी बनाने का मामला है.....

MR. DEPUTY-SPEAKER: I have already said that it does not arise out of this question. I have already called the next question.

Judges in Madras High Court

***3. SHRI M. KALYANASUNDARAM:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the sanctioned strength of judges of the High Court of Madras;

(b) whether any judges are working in that High Court on temporary basis; and

(c) the reasons for not filling up the vacancies there, if any?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) The sanctioned strength of the High Court of Madras at present is 16 Permanent Judges and 6 Additional Judges.

(b) At present 14 permanent Judges and 2 Additional Judges are in position.

(c) The matter has been under the consideration of Government. Consultation with various authorities has taken time.

SHRI M. KALYANASUNDARAM: Only 16 Judges have been working as against the sanctioned strength of 22. May I know for how long these

vacancies were kept in abeyance? If it is a long period, will the minister examine why it is so? May I know whether the basis on which the sanctioned strength was fixed was wrong? Is it not a fact that because these vacancies existed for a very long time, it resulted in arrears piling up in the High Court?

SHRI SHANTI BHUSHAN: The two vacancies of permanent judges have been existing since 1st August, 1975 and there have been other additional vacancies also for a considerable period. The reason for the appointment not having been made is that the Chief Justice of the Court and the Chief Justice of India have to be consulted and they have been changing their opinions. So far as the present Government is concerned, the hon. Member would appreciate that it has come to office only recently. The whole matter is under the examination of the present Government and we hope to take a decision very quickly in the matter.

SHRI M. KALYANASUNDARAM: I cannot hold the present Minister responsible for the delay. But will he examine the cause for this inordinate delay? In view of the amendment to the Civil Procedure Code and the Criminal Procedure Code, will the Government examine whether there is still need for the present sanctioned strength and whether there is any decline in the work of the High Courts?

SHRI SHANTI BHUSHAN: I may assure the hon. Member that the whole question as to why the appointment to the High Court has remained pending for so long would be examined. Here I would like to make a submission that so far as the recommendation of the Chief Justice of the High Court and the Chief Justice of India is concerned, in view of Article 121 of the Constitution that there should be no discussion about the conduct of judges,