

[MR. DEPUTY-SPEAKER in the Chair]

RE: ATROCITIES ON HARIJANS

MR. DEPUTY-SPEAKER: We now resume discussion on the Companies (Amendment) Bill. Mr. Gokhale.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Deputy-Speaker. Sir, I have a very serious information to give to the House. One Harijan young man of 35 years age and by name Dahyabhai mithabhai Parmar was almost beaten to death in his village Mithaghoda in Surendranagar district of Gujarat, in the same district where the Kanmalpur tragedy had earlier taken place. This young man was brought in an unconscious state to the VS Hospital, Ahmedabad where he succumbed to the injuries and died. More than 2000 Harijans joined the funeral procession and went into the cremation ground. The matter is so serious. I would like the Home Minister, since Gujarat is under President's rule, to come before the House and give us a statement. This is a very important matter, all the more so because one of the Harijans has issued a statement that all the Harijans must join Islam, since they are being given such bad treatment! It is a very serious thing. I do not want this thing to be repeated in the Surendranagar district or elsewhere in Gujarat. I would therefore request the Home Minister to make a statement on this.

14.36 hrs.

COMPANIES (AMENDMENT) BILL—
contd.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I began my speech yesterday. I shall resume it with your permission.

Under clause 2, the provisions of section 2 of the principal Act relating to definitions are being amended in certain respects.

The most important in this regard, is sub-clause (i) of clause 2 of the Bill by which a new clause (18A) is being

inserted defining the meaning of the expression "Group". The Committee felt that in order to achieve the objective of the proposed provision, the definition should be more comprehensive so that the cases where two or more individuals, associations, firms or bodies corporate, or any combination thereof are in a position to exercise control could also be covered so that: not merely the initial object of controlling but the resultant control may be duly kept in view. The definition has, therefore, been modified accordingly.

Further in view of the insertion of the definition of 'Group' the Committee felt that it is advisable to provide a forum for the decisions of any doubt or dispute as to whether two or more individuals, associations, firms or bodies corporate or any combination thereof do or do not constitute a 'Group'. The Committee has decided that the Company Law Board should determine whether a group exists or not and incidentally whether control necessary to constitute a group exists or not whenever the question may arise. Accordingly, an explanation to the definition of 'Group' has been added by the Committee. As Hon'ble members are aware the Company Law Board is a body to which functions and powers of the Central Government under the Act may be delegated. The decision on questions relating to the applicability of the definition in individual cases, will, however be made by the Company Law Board in terms of the recommendation of the Joint Committee and this will not be a jurisdiction derived by it from the Central Government by delegation but will be a jurisdiction directly conferred upon the Company Law Board by this Act. This will provide the Company Law Board in letter as well as in spirit, with the quality of an independent judgment, that is expected of an impartial quasi-judicial tribunal.

(ii) Clause 3; Section 4A and 4B were proposed to be inserted by this clause. Section 4B contained an enlarged definition of the expression