

leaders have assured me that with this agreement the workers will give of their best and cooperate fully in raising coal production and productivity.

I welcome this assurance.

श्री हामोवर वांडे (हजारीबाग) :
कोयला खान मजदूरों के बीच काम करने के नाते मैं अपने तथा उनकी ओर से इस स्टेटमेंट का हृदय से स्वागत करता हूँ। श्री पन्त ने जिस परिश्रम से यह समझौता कराया है, ओर देश के मजदूर आन्दोलन के इतिहास में जो एक सुनहरी अध्याय जोड़ा है, उसके लिए मैं हृदय से उनको बधाई देता हूँ।

17.48 hrs.

SICK TEXTILE UNDERTAKINGS (NATIONALISATION) BILL—contd.

Clause 14 (Employment of certain employees to continue)—contd.

उद्योग और नगरिक प्रति मंत्रालय में राज्य मंत्री (श्री बी० पी० मोर्य) : जितने भी प्रवचन माननीय सदस्यों के हुए हैं उन सब का मुख्य विचार यह रहा है कि प्राविडेंट फंड की राशि, जो मजदूरों की कमाई में से काटी गई है उसके लिए जो कोई व्यवस्था नहीं की गई है वह की जानी चाहिए थी। इस बिल को इस सिद्धान्त को सामने रख कर लाया गया है कि मजदूर बेकार न हों, उनकी रोजी-रोटी न छिन जाये। करीब 1 लाख 60 हजार मजदूरों की रोजी-रोटी की समस्या थी। उनको जरूरियात की चीजें आसानी से मिल सकें, वे बेकारी का शिकार न हों, इसको सामने रखते हुए यह बिल लाया गया था। अगर माननीय सदस्यों की कोई ऐसी धारणा है कि सरकार इस बिल के द्वारा मजदूरों का अहित करने चली है तो उसमें कोई सत्यांश नहीं होगा। मैंने अभी निवेदन किया था कि प्राविडेंट फंड का जहां तक प्रश्न है विशेष तौर से उस शब्द को जोड़ा गया है प्री टेक ओवर के दूसरे शेड्यूल पार्ट बी में। सिक्कीड लॉज

को तीसरी जगह से हटा कर चौथी जगह रखा गया और मजदूरों की तनखाह जो बकाया रह गई, प्राविडेंट फंड और दूसरे उनके जो ड्यूज हैं उनको तीसरी श्रेणी में ला कर रखा गया। इसको तीसरी श्रेणी में लाने से प्राविडेंट फंड का ज्यादा तर हिस्सा जो बकाया है प्री टेक ओवर का और मजदूर का वह इससे निकल जायेगा। जो कुछ बचेगा उसके लिए प्रयत्न किया जायेगा कि किस त रह से उस समस्या को हल किया जाये।

श्री बनर्जी और श्रीमती पार्वती कृष्णन् का ऐसा कहना है कि सरकार क्लॉज 14 की सब क्लॉज एक में ग्रेचुइटी और पेंशन के साथ प्राविडेंट फंड शब्द क्यों नहीं जोड़ देती है। यह जो व्यवस्था है यह केवल एम्प्लायमेंट की कंडीशंस को बताती है। इसके अन्दर मर्यादित शक्ति नहीं है। आप ने यहां पर यह भी कहा था कि सालिसिटर जनरल ने यह मशिवरा दिया था कि पेंशन और ग्रेचुइटी के साथ-साथ प्राविडेंट फंड भी शामिल है। यह सत्य नहीं है। वास्तव में उन्होंने यह मशिवरा दिया था कि पेंशन और ग्रेचुइटी का जहां तक प्रश्न है वह एटायर सविस से जुड़ा रहेगा। यदि मजदूर ने तीन साल नौकरी नेशनल टैक्सटाइल मिल के अन्दर की और दस वर्ष प्री टेक ओवर पीरियड में तो जिस समय वह रिटायर होगा उस समय उसे (बीस घन दस) तीस साल की ग्रेचुइटी, और पेंशन की जो सुविधा है वह तीस साल की नौकरी को ध्यान में रख कर दी जायेगी।

श्री राम सिंह भाई (इन्दौर) : 7 अक्टूबर, 1974 को जब मिला का सरकार ने राष्ट्रीय कारण जिम्मा तब ए.ए.नोटिस वहां लगा था कि सालिसिटर जनरल की राय के अनुसार मजदूरों की ग्रेचुइटी और प्राविडेंट फंड का ऐसा उनके बिलता रहेगा और प्रायः सारी तक वह मिल भी रहा है। वह नोटिस जारी

[Shri Ram Singh Bhal]

हे या सही इसको आप बता दें। उसकी नगल में आपके अधिकारियों को भेजी थी।

श्री बी० पी० मौर्य : ये जो शब्द इसमें आये हैं पेंशन और ग्रैचुइटी एंड ग्रदर मैटर्ज, ग्रदर मैटर्ज में प्राविडेंट फंड शामिल नहीं है। यही राय सालिसिटर जनरल साहब की है। बनर्जी साहब, श्रीमती पार्वती कृष्ण या श्री रामसिंह भाई वर्मा जो कह रहे थे वह सत्य नहीं है। सचरूलर की जानकारी में लूंगा। बानूनी मसिदरा जो आया है उसके बारे में मैंने आप से निवेदन किया है।

डाया जी ने अपने क्षेत्र की विशेष समस्या को ले कर जो संशोधन दिया है, उनके बारे में मेरा उनसे निवेदन है कि वह इसको प्रेस न करें और मजदूरों का कोई अहित हुआ है या उनके साथ कोई इस तरह की बात हुई है जो बानूनी तौर पर नहीं होनी चाहिए थी और मालिकों ने बानून का सहारा ले कर ऐसा किया है तो मैं उनको विश्वास दिलाता हूँ कि इसके बारे में पूरे तौर से जांच पड़ताल की जायगी।

मैं अफसोस के साथ कहना चाहता हूँ कि जो संशोधन दिये गये हैं उनको मैं स्वीकार नहीं कर पाऊंगा।

SHRIMATI PARVATHI KRISHNAN: What about Amendment No. 96?

SHRI B. P. MAURYA: I have been submitting that if you choose any of the liabilities out of the pre-take-over period, the entire structure will be challenged. I have been submitting and I would like to submit again that the main structure of this Bill is that

the entire period is divided into pre-take-over and post-take-over periods of management. If we choose any of the liabilities of any character out of the pre-take-over period, which is not being owned by the Government, if it is to be met out of the amount which is provided for in Schedule II category I, my submission is, Sir, that it will become discriminatory in the Court of Law.

SHRI S. M. BANERJEE (Kanpur): Sir, hon. Minister has said that the Schedule has been changed. Previously, the position in the Bill was, secured loans were listed as number three in the Schedule and number four, workers' dues etc. He has very kindly effected a change in that. He says that secured loans come second and the first is workers' wages etc. which includes, according to this amendment, provident fund also. In the same breadth, he said that once that amendment is accepted, then, in majority of the cases, a big portion of the amount in regard to provident fund might be recovered and paid to the workers. He does not say that the entire amount will be paid. What I would like to know from him is, when in this particular amendment the words 'gratuity' and 'pension, have come in, by bringing in the word 'provident fund', how does it change the main structure?

MR. CHAIRMAN: Now, the question is:

"That the Attorney-General of India be requested to address the House and clarify whether the words "and other matters" in clause No. 14(1) of the Sick Textile Undertakings (Nationalisation) Bill, 1974 include provident fund also." (215).

The Lok Sabha divided.

Division No. 5]

AYES

[17.57 hrs.

Banerjee, Shri S. M.
Bhattacharyya, Shri S. P.
Deshpande, Shrimati Roza
Huda, Shri Noorul
Krishnan, Shrimati Parvathi
Mavalankar, Shri P. G.

Mishra, Shri Shyamnandan
Mishra, Shri Janeshwar
Ranabhadur Singh, Shri
Sequeira, Shri Erasmo de
Singh, Shri D. N.
*Suryanarayana, Shri K.

NOES

Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Barupal, Shri Panna Lal
Basumatari, Shri D.
Chandrakar, Shri Chandulal
Chandrika Prasad, Shri
Chhotey Lal, Shri
Chikkalingaiah, Shri K.
Daga, Shri M. C.
Dalbir Singh, Shri
Darbara Singh, Shri
Deshmukh, Shri K. G.
Dhamankar, Shri
Dixit, Shri G. C.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Gokhale, Shri H. R.
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jamilurrahman, Shri Md.
Kailas, Dr.
Kale, Shri
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kulkarni, Shri Raja
Lakshmikanthamma, Shrimati T.

Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Murmu, Shri Yogesh Chandra
Negi, Shri Pratap Singh
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandit, Shri S. T.
Peje, Shri S. L.
Ram Dhan, Shri
Ram Prakash, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rathia, Shri Umed Singh
Ray, Shrimati Maya
Reddy, Shri P. Narasimha
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Sarker, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Shambhu Nath, Shri
Shankaranand, Shri B. ,
Sharma, Shri A. P.
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Siddheshwar Prasad, Shri

*Wrongly voted for AYES.

Sinha, Shri Nawal Kishore
Stephen, Shri C. M.

Venkatswamy, Shri G.
Yadav, Shri R. P.

MR. CHAIRMAN: The result* of the division is: Ayes: 12; Noes: 64. The Noes have it; the Noes have it.

The motion was negatived.

SHRIMATI PARVATHI KRISHNAN: I press amendment No. 96 to a division.

MR. CHAIRMAN: I will first put to vote government amendment Nos. 62, 126, 216, 217, 218 and 228.

श्री एस० एम० बनर्जी : सभापति महोदय, मेरा पायंट ग्राफ ग्राइंडर है। जिन एमेंडमेंट्स का नम्बर 96 से कम है, पहले आप उन को लें, उस के बाद एमेंडमेंट नम्बर 96 लें और फिर दूसरे एमेंडमेंट्स को लें।

सभापति महोदय : मैं ने गवर्नमेंट के एमेंडमेंट्स पेश किये हैं।

SHRI S. M. BANERJEE: Amendments which come prior to 96, whether government or non-government, can be voted upon first. I want to press amendment No. 96 to a division. So why should I accept amendment No. 216? This is something strange. Once that is accepted, what is the utility of my amendment?

96 से पहले के अमेंडमेंट्स सरकारी जो हैं उन को आप ले लीजिए, उस के बाद मुझको भोका दीजिए।

सभापति महोदय : ठीक है मैं पहले 96 को ले लेता हूँ।

श्री एस० एम० बनर्जी : 96 को ले लीजिएगा तो 96 के बाद 97 लेना पड़ेगा...

18.00 hrs.

सभापति महोदय : यह कुछ नहीं। आप ने चूँकि एक कांस्टीट्यूशनल ग्राइजेशन उठाया कि 96 अगर पहले नहीं लिया जाता है दूसरा ले लिया जाता है तो यह बंमानी हो जाता है। इसलिए मैं आप की सेटिस्फिकेशन के लिए यह कर रहा हूँ कि पहले 96 ले लेता हूँ। उस के पहले केवल 62 है, अगर आप कहते हैं तो चलिए 62 को पहले ले लेता हूँ।

The question is:

Page 9,

in line 17, after "conditions", insert "of employment". (62)

The motion was adopted.

MR. CHAIRMAN: I shall now put amendment No. 96 to vote. The question is:

Page 9,—

for lines 32 to 40, substitute—

"(4) Where arrear contributions towards provident fund and ESIC or payment by way of any leave not availed of, or any other benefits and dues are due to any person or persons, under the terms of any contract or otherwise, relating to the period prior to the take over of management, such arrears or payments shall have prior claim on and before the payment of amount to owners of sick textile undertakings in terms of sections 8 and 9 and the First Schedule." (96)

The Lok Sabha divided.

Division No. 6]

[18.05 hrs.

AYES

Banerjee, Shri S. M.
Bhattacharyya, Shri S. P.
Deshpande; Shrimati Roza
Gupta, Shri Indrajit
Huda, Shri Noorul
Joshi, Shri Jagannathrao
Krishnan, Shrimati Parvathi

Mishra, Shri Shyamnandan
Mishra, Shri Janeshwar
Nayak, Shri Bakul
Ranabahadur Singh, Shri
Sequeira, Shri Erasmo de
Singh, Shri D. N.

NOES

Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Barupal, Shri Panna Lal
Basumatari, Shri D.
Chandrakar, Shri Chandulal
Chandrika Prasad, Shri
Chhotey Lal, Shri
Daga, Shri M. C.
Deshmukh, Shri K. G.
Dixit, Shri G. C.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Gokhale, Shri H. R.
Gopal, Shri K.
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jamilurrahman, Shri Md.
Kailas, Dr.
Kale, Shri
Kapur, Shri Sat Pal
Karan Singh, Dr.
Lakshmikanthamma, Shrimati T.
Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Murmu, Shri Yogesh Chandra
Negi, Shri Pratap Singh

Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandit, Shri S. T.
Peje, Shri S. L.
Raghu Ramaiah, Shri K.
Ram Dhan, Shri
Ram Prakash, Shri
Ram Singh Bhai, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rathia, Shri Umed Singh
Ray, Shrimati Maya
Reddy, Shri P. Narasimha
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Shastri, Shri Sheopujan
Sinha, Shri Nawal Kishore
Stephen, Shri C. M.
Suryanarayana, Shri K.
Venkatswamy, Shri G.

MR. CHAIRMAN: The result* of the division is Ayes: 13; Noes: 60.

The motion was negatived.

MR. CHAIRMAN: I am now putting the Government Amendments Nos. 126, 216, 217, 218 and 228 to the vote of the House. The question is:

Page 9, line 38,—

for "National Textile Corporation" substitute "Central Government" (126).

Page 8, line 35,—

for "in the employment of" substitute "employed in" (216).

Page 9, line 6,—

for "in the employment of" substitute "employed in" (217).

Page 9, line 27,—

for "employees of" substitute—"person employed in" (218).

Page 9, lines 35 and 36,—

for "payment by way of gratuity or retirement benefits or for any leave not availed of, or any other benefits." substitute "arrears of salary or wages or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pension," (226).

The motion was adopted.

श्री एस० एम० बनर्जी : सभापति महोदय, मेरा एमेंडमेंट नं० 174 अलग से लिया जाना चाहिए।

सभापति महोदय : आप का वह एमेंडमेंट नं० 174, 153 में आ गया है जो मिस्टर हुकम

चन्द कठवाय और डा० लक्ष्मीनारायण पाण्डेय के नाम से है। 174 मूव नहीं हुआ है।

श्री एस० एम० बनर्जी : इस समय यहां हुकम चन्द कठवाय साहब भी नहीं हैं डा० लक्ष्मी नारायण पाण्डेय भी नहीं हैं। तो वह तो अलग से मांग नहीं सकते।

सभापति महोदय : तो आप चाहते हैं कि इस को अलग कर दें? 153 पर मैं अलग से वोट लिए लेता हूँ।

Amendment No. 153 was put and negatived.

श्री मूल चन्द डागा (पाली) : मंत्री महोदय ने जो आश्वासन दिया है उस के बाद मैं एमेंडमेंट नं० 105 वापस लेता हूँ।

Amendment No. 105 was, by leave, withdrawn.

सभापति महोदय : अब मैं एमेंडमेंट नं० 88, 89, 185 और 229 को मतदान के लिये रखता हूँ।

Amendments Nos. 88, 89, 185 and 229 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 14, as amended, stands part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15,—

(Provident and other Funds)

SHRI B. P. MAURYA: I beg to move:

Page 9, line 41,—

after "Where" insert "the owner of" (219).

Page 9, lines 42 and 43,—

*Shri R. P. Yadav also recorded his vote for NOES.

for "its employees" substitute—

"the persons employed in such sick textile undertaking" (220).

SHRI C. M. STEPHEN (Muvattupuzha): I beg to move:

Page 9, lines 43 to 45,—

omit "the monies relatable to the employees, whose services have become transferred by or under this Act to the National Textile Corporation shall, out of" (188).

Page 9, line 46,—

after "welfare or other fund," insert—

"inclusive of such money as was payable into the funds as the contribution of the employees whether actually paid or not" (198).

Much has been said about provident funds here. According to my reading of the Bill, the provident funds under the statute have been taken due care of. There is no difficulty at all about them because the provident fund money standing to the credit of the employees will remain with them, and the hon. Minister has given an assurance that if any money deducted has not been paid, they will see what best can be done about that matter. Therefore, the provident fund under the statute is taken due care of and there is no difficulty at all there.

Clause 15 relates to another type of provident fund which, I do not know, whether has been taken care of. Here we are dealing with a provident fund which the owner of a textile mill has established, which is different from the provident fund under the statute. By my amendment No. 188 I seek to omit the words:

"the monies relatable to the employees, whose services have be-

come transferred by or under this Act to the National Textile Corporation shall, out of".

What is now sought to be transferred is not the entire amount but the money relatable to the employees who are transferred. I do not know what will happen to the rest of the money. My reading of the vesting clause, namely, section 4, does not lead me to the conclusion that the National Textile Corporation will get credit for the balance amount, because that is not an amount belonging to you at all. I do not see why the entire provident fund money must not be transferred to you. I could have understood the difficulty if the transfer was to the credit of the employees. Under the clause the transfer is to your credit because under sub-section (2) the money transferred under sub-section (1) shall be dealt with by the Corporation in such manner as may be prescribed. That means the scheme is, if there is a provident fund established, that provident fund will get transferred to the account of the National Textile Corporation and they will have the freedom to deal with it as they choose. That being so, why not transfer to the credit of the new provident fund the entire amount? Why should it be relatable to the employees? I would like to have an explanation from the Minister on this.

I want Government to consider my amendment No. 198 also. Out of these two amendments, the first one, namely, that the entire fund must be transferred, is very important. If Government are not prepared to accept my first amendment, they should explain what will happen to the balance amount standing to the credit of the fund which is not relatable to the employees. I would also like to have an explanation as to what is the rationale behind this.

SHRI B. P. MAURYA: I would like to confine my remarks only to the

amendments without going into the details.

Amendment No. 188 seeks to amend sub-section (1) of Clause 15 in such a manner as to say, 'where a provident fund has been established, the monies standing, on the appointed day, to the credit of such fund shall be transferred to the National Textile Corporation.' The amendment cannot be accepted as it seeks to delete the portion specifying 'the monies relatable to the employees whose services are transferred'.

About amendment No. 198, I would like to submit that this amendment proposes that sub-section (1) of Clause 15 be amended to include monies payable, the contribution of the employees whether actually paid or not. This amendment cannot be accepted as the intention is to transfer only the monies standing to the credit of the fund on the appointed day.

That is all I have to submit about these two amendments. I am sorry I cannot accept these amendments.

MR. CHAIRMAN: I shall now put amendments 188 and 198

SHRI C. M. STEPHEN: I do not want to press since he has said emphatically that they cannot be accepted. I seek permission of the House to withdraw my amendments, Nos. 188 and 198.

Amendments Nos. 188 and 198 were by leave, withdrawn.

MR. CHAIRMAN: I shall now put amendments Nos. 219 and 220, moved by the Government, to the vote of the House.

The question is:

Page 9, line 41,—

after "Where" insert "the owner of", (219).

'Page 9, lines 42 and 43,—

for "its employees" substitute—

"the persons employed in such sick textile undertaking". (220).

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill.

MR. CHAIRMAN: Clause 16A. Shrimati Subhadra Joshi is not here.

Clause 17 (Appointment of Commissioners of Payments)

SHRI ERASMO DE SEQUEIRA: I want to oppose this Clause. It is a well known fact that Government is grossly overstaffed. I oppose this Clause to the extent that I wish to seek from the hon. Minister an assurance that, in appointing the Commissioners of Payments and other staff that will be required to discharge this responsibility, Government shall do so by re-deployment of the bureaucracy and not by placing additional onus on the exchequer. I wish to seek this assurance from the hon. Minister.

SHRI B. P. MAURYA: So far as Government is concerned, it is always very legal and systematic. We shall see how best it can be done.

MR. CHAIRMAN: The question is:

"That Clause 17 stand part of the Bill."

The Motion was adopted.

Clause 17 was added to the Bill.

Clause 18 was added to the Bill.

Clause 19 (*Certain powers of the NTC*)

SHRI B. P. MAURYA: I am moving only amendments 63 and 221. I am not moving amendment No. 127.

MR. CHAIRMAN: There is an amendment No. 113 in the name of Shri Sathe, but he is not here.

Then there are amendments 200 and 201 in the name of Shri Tridib Chaudhuri who is also not here.

Amendments made:

Page 11,

in lines 37-38, for "this Act, receives the assent of the President", substitute "the Ordinance was promulgated". (63)

Page 11, line 38,—

after "any liability of" insert "the owner of" (Shri B. P. Maurya) (221)

MR. CHAIRMAN: Now, the question is:

"That clause 19, as amended, stand part of the Bill."

The Motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 was added to the Bill.

Clause 21 (Priority of claims)

Amendments made:

Page 12,

line 17, for "shall be discharged", substitute "shall be discharged, subject to the priorities specified in this section,". (65)

Page 12,

line 18, for "priority of", substitute "priority, *inter se*, of", (66)

Page 12, line 14,—

for "III" substitute "IV" (204)

Page 12, line 17,—

for "III" substitute "IV" (205)
(Shri B. P. Maurya)

MR. CHAIRMAN: Now the question is:

"That clause 21, as amended, stand part of the Bill."

The Motion was adopted.

Clause 21, as amended, was added to the Bill.

Clauses 22 to 24 were added to the Bill.

Clause 25 (*Disbursement of amounts to the owners of Sick textile undertakings*).

SHRI SEZHIYAN (Kumbakonam): I move:

Page 13.—

after line 36, insert—

"Provided that the amount so disbursed shall not exceed the net value of the assets of the mill concerned on the date of its take-over." (108)

Clause 25(1) says:

"If out of the monies paid to him in relation to a sick textile undertaking, there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to the owner of such sick textile undertaking."

That is clear. My amendment wants to add a proviso:

"Provided that the amount so disbursed shall not exceed the net value of the assets of the mill concerned on the date of its take-over."

This proviso I have suggested by way of abundant caution to see that the amount of all these things should not exceed the net value of the assets:

of the mills proposed to be taken over, on the date of the take-over because in Tamil Nadu, it has happened that after the take-over the Government themselves have given certain amounts and monies. So the value has gone up on the appointed day. Hence my amendment that the amount that is being disbursed shall not exceed the net assets of the value of the mills concerned on the date of the take-over. This is a very simple one and I hope the Minister will accept this one.

SHRI B. P. MAURYA: Amendment No. 108 of Shri Sezhiyan seeks to introduce proviso to clause 25(1) to the effect that the amounts disbursed by the Commissioner of Payments to the owners after discharging the liabilities listed in the Second Schedule should not exceed the net value of the assets of the mill, on the date of the take-over. It is not legally possible to stipulate such a condition. From a practical angle there is hardly any possibility that the balance left for the disbursement to the owners would exceed the net value of the assets as on date of the take-over. The amendment cannot therefore be accepted, Sir.

SHRI SEZHIYAN: He has not got my point. He says "it is not possible, it will not happen." My apprehension is, if it happens, what is the way out?

SHRI B. P. MAURYA: The hon. Member is merely presuming. There is no question of suppositions. It is not possible. I am sorry I cannot accept the amendment.

MR. CHAIRMAN: I will put the amendment to the vote of the House.

Amendment No. 108 was put and negatived.

MR. CHAIRMAN: Now the question is:

"That Clause 25 stand part of the Bill."

The Motion was adopted.

Clause 25 was added to the Bill.

Clause 26 was added to the Bill.

Clause 27 ((Assumption of liability)).

MR. CHAIRMAN: We take up Government Amendments Nos. 128 and 222.

Amendments made:

Page 14, line 35,—

for "discharge" substitute "take over" (128)

Page 14, line 28,—

after "liability of" insert "the owner of " (222)

(Shri B. P. Maurya)

MR. CHAIRMAN: The question is:

"That Clause 27, as amended, stand part of the Bill."

The Motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28 (Management to continue to vest in the Custodian until alternative arrangements are made).

MR. CHAIRMAN: There is Government Amendment No. 67.

Amendment made:

Page 14.

in lines 41-42 for "this Act receives the assent of the President", substitute "the Ordinance was promulgated." (67)

(Shri B. P. Maurya)

MR. CHAIRMAN: Now the question is:

"The Clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

SHRI B. P. MAURYA: I beg to move:

Clause 29 (Act to override all other enactments).

Page 15,

MR. CHAIRMAN: There is no amendment to Clause 29.

line 19, for "a contract", substitute "a contract, and shall not make any alteration or modification in a contract,". (68)

SHRI ERASMO DE SEQUEIRA: We want to oppose it. Clause No. 29 provides that the provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

Page 15,

lines 22-23, for "ratify a contract or", substitute "ratify a contract, and, shall not". (69)

My submission is that we are bringing this House repeatedly into unnecessary conflict with the courts. Just as we accept that under our Constitution it is our unique privilege to make law we must also accept that under the same Constitution the Courts have their own sphere and by providing a law that anything in the Act shall override any decree of any court or any instrument for that matter we are interfering with the courts exclusive jurisdiction over the sphere that has been reserved under our Constitution and with the rule of law in so far as instruments are concerned. Therefore, I oppose this clause.

Page 15,

line 23, after "therein", insert " ". (70)

Page 15,

line 26, after "contract", insert "or for making any alteration or modification therein". (71)

Page 15, lines 11 and 12,—

for "one hundred and twenty days" substitute "one hundred and eighty days" (129)

Page 15, lines 15 and 16,—

after "Corporation may" insert—
"with the previous approval of the Central Government,". (130).

SHRI B. P. MAURYA: This is not the spirit of this clause.

MR. CHAIRMAN: There is amendment No. 189 in the name of Shri Erasmo de Sequeira.

MR. CHAIRMAN: The question is:

SHRI ERASMO DE SEQUEIRA: Sir, I beg to move:

"That clause 29 stand part of the Bill."

Page 15,—

The Motion was adopted.

for clause 30 substitute—

Clause 29 was added to the Bill.

"30. If any contract entered into by the owner or occupier of any sick textile undertaking for any service, sale or supply and in force immediately before the appointed day, is considered by the National Textile Corporation to be unduly onerous, or to have been entered in bad faith, or to

Clause 30 (Contracts to cease effect unless ratified by NTC).

MR. CHAIRMAN: Now, we take up Clause 30. There are Government amendments No. 68, 69, 70, 71, 129 and 130.

[Shri Erasmo de Sequeira]

be detriment to the interests of the undertaking, the Corporation may, after giving to the parties to the contract reasonable opportunity of being heard, and after recording its reasons for doing so, make such alterations or additions therein as may be appropriate to the circumstances of the case." (189)

Sir, the difference between the clause as it stands today and the amendment that I have moved which seeks to replace the entire clause is a difference of approach. The clause as it stands today says that every contract entered into by the owner or occupier of any sick textile undertaking shall on the expiry of 120 days cease to have effect unless it is ratified. The effect of this is that every single contract that has been entered into has to be positively ratified otherwise it shall lapse. Now, we all know that the Sick Textiles Corporation has been running the mills for some time and we all further know because of the tremendous amount of news one hears about corruption creeping into the process of contracts. My amendment says that if there is any contract which in the mind of the Textile Corporation is onerous then the Textile Corporation can serve notice to the contracting party and do away with the contract after giving due notice and hearing. If you accept my amendment this will mean that only the onerous contracts will have to be found out and notices given for hearing, and then the Corporation will protect itself to the same degree as under the Clause you have it with one major significant difference that the chances of corruption will be reduced to the bare minimum. Here is a test for you, Mr. Minister.

Do you want the corruption to be widespread or do you want it to be reduced?

SHRI B. P. MAURYA: Mr. Chairman, Sir, the amendment of the hon. Member proposes to amend clause 30 to provide for a reasonable opportunity to parties before entering into a contract. This would result in time-

consuming process and so the amendment cannot be accepted.

MR. CHAIRMAN: The question is:

'Page 15,

line 19, for "a contract", substitute "a contract, and shall not make any alteration or modification in a contract.'" (68)

'Page 15,

lines 22-23, for "ratify a contract or", substitute "ratify a contract, and, shall not". (69)

'Page 15,

line 23, after "thercin", insert ",'" (70).

'Page 15,

line 26, after "contract", insert "or for making any alteration or modification therein". (71)

'Page 15, line 11 and 12,—

for "one hundred and twenty days" substitute "one hundred and eighty days". (129)

Page 15, lines 15 and 16,—

after "Corporation may" insert—

"with the previous approval of the Central Government," (130)

The motion was adopted.

MR. CHAIRMAN: I shall now put Amendment No. 189 to the vote of the House.

Amendment No. 189 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 30, as amended, stand part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31 was added to the Bill.
 Clause 32 (Penalties)

MR. CHAIRMAN: Now we take up Clause 32. There are amendments. Shri Ramavatar Shastri and Shri Madhukar are not here. Shri Dinen Bhattacharyya is also not here. There is one Government amendment.

Amendment made:

Page 16, line 7—

after "any property" insert
 "forming part" (223)

(Shri B. P. Maurya)

MR. CHAIRMAN: The question is:

"That Clause 32, as amended, stand part of the Bill".

The motion was adopted.

Clause 32, as amended, was added to the Bill.

MR. CHAIRMAN: Now we take up Clauses 33 and 34. There are no amendments. The question is:

"That clauses 33 and 34 stand part of the Bill".

The motion was adopted.

Clauses 33 and 34 were added to the Bill.

Clause 35 (Textile companies not to be wound up by the court).

MR. CHAIRMAN: Now we take up clause 35. There is an amendment.

SHRI B. P. MAURYA: Sir, I beg to move:

Page 16,

line 45, after "shall lie", insert
 "or be proceeded with". (72)

MR. CHAIRMAN: Mr. Sequiera, are you opposing this?

SHRI ERASMO DE SEQUEIRA: Mr. Chairman, Sir, as far as the concern taken over by the Textile Corporation is concerned, all the assets have already been taken over; they have already taken over the business and the assets of the mill. Why should it stop in winding up the company? It affects the shareholders. Why should Government come in the way? This I cannot understand.

SHRI B. P. MAURYA: This hardly needs any clarification.

MR. CHAIRMAN: The question:

'Page 16,

line 45, after "shall lie", insert
 "or be proceeded with". (72)

The motion was adopted.

MR. CHAIRMAN: The questions is:

"That Clause 35, as amended, stand part of the Bill".

The motion was adopted.

Clause 35, as amended, was added to the Bill.

MR. CHAIRMAN: Now, we will take up Clauses 36, 37 and 38 together. There are no amendments.

The question is:

"That Clauses 36, 37 and 38 stand part of the Bill."

The motion was adopted.

Clauses 36, 37 and 38 were added to the Bill.

New Clause 38A

SHRI B. P. MAURYA: Sir, I beg to move:

Page 17,

after line 35, insert—

Declaration as to the Policy of the State.

[Shri B. P. Mauriya]

38A. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.' (224).

SHRI ERASMO DE SEQUEIRA:

Sir, this clause says that the Bill seeks to give effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution. If you refer to article 39 (b), it says:

"that the ownership and control of the material resources of the community are so distributed as best to subserve the common good."

Now, we have a Bill here in which Rs. 39 crores are being paid to the employers who have turned their institutions into sick ones and forced the Government to take them over. If, in the same Bill, Government refuses to accept that the amounts which are due to the workers for the work they have done are payable to the workers, how can you possibly say that the purpose is to subserve the common good? I oppose this declaration.

SHRI B. P. MAURYA: I have been repeatedly submitting on this question raised by the hon. Member. If the presumption of the hon. Member is that this amount, Rs. 39,18,13,000 is actually going to the owners of these sick mills, the sooner he removes it, the better it will be. Sir, out of this Rs. 39,18,13,000, all the dues, all the arrears, all the loans and advances including the provident fund of the workers are to be deducted according to Schedule II covering both the period of pre-take-over and after-take-over. Sir, I would submit again that if we deduct all this from Rs. 39 crores, hardly, any substantial amount will go to the owners of these sick mills.

MR. CHAIRMAN: The question is:

Page 17,

after line 35, insert—

Declaration as to the policy of the State

38A. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.' (224).

The motion was adopted.

MR. CHARIMAN: The question is:

"That New Clause 38A stand part of the Bill."

The motion was adopted.

New Clause 38A was added to the Bill

New Clause 39

MR. CHAIRMAN: We will now take up Clause No. 39.

SHRI B. P. MAURYA: Sir, I beg to move:

Page 17,

after line 35, insert—

"Repeal and savings

39. (1) The Sick Textile undertakings (Nationalisation) Ordinance, 1974, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act." (73).

MR. CHAIRMAN: The question is:

'Page 17,

after line 35, insert—

"Repeal and savings

39. (1) The Sick Textile Undertakings (Nationalisation) Ordinance, 1974 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act" (73).

The motion was adopted.

MR. CHARIMAN: The question is:

"That New Clause 39, stand part of the Bill".

The motion was adopted.

New Clause 39, was added to the Bill.

First Schedule

SHRI B. P. MAURYA: I move:

Page 22,—

in column 3, lines 12-13, for "Vartej Road, Bhavnagar (Gujarat)" substitute "Beawar, (Rajasthan)". (74).

Page 22,—

in column 2, line 29, omit "Ltd.". (75).

श्री मधु लिमये : सभापति महोदय, इस अनुसूची में विभिन्न मिलों को दिये जाने वाले मुआवजे की तफ़्सील दी गई है। लेकिन इस अनुसूची में, या पूरे बिल में, इस बात का कोई स्पष्टीकरण नहीं है कि किन सिद्धान्तों के आधार पर यह मुआवजा दिया जा रहा है। मुझे तो इस में कोई तार्किक आधार दिखाई नहीं दे रहा है। और इस लिए मैं यह जानना चाहता हूँ कि क्या यह बात सही है कि जिन मिल वालों की पहुंच बड़े नेताओं या मिनिस्टर्स के पास थी, उन्हीं लोगों को ज्यादा मुआवजा दिया गया है, बावजूद इस बात के कि उन मिलों के एसेट्स, लूमेज और स्पिडलेज कम थे।

कूँकि उन लोगों का प्रभाव ज्यादा था, इस लिये सरकार ने उन का मुआवजा बढ़ा दिया। इस वक़्त मैं केवल तीन मिलों की चर्चा करना चाहता हूँ। मंत्री महोदय अपने जवाब में बतायें कि किन सिद्धान्तों के आधार पर यह मुआवजा कम्प्यूट किया गया है।

18.47 hrs.

[SHRI NAVAL KISHORE SINHA in the Chair].

पहली मिल है ग्राजमजाही मिल, बांरगल, आन्ध्र प्रदेश। मैंने अपने संकल्प पर बोलते समय ही कहा था कि स्टाक एक्सचेंज में इस का क्वोटेशन माइनस है—बहुत ज्यादा माइनस है। विशेषज्ञों का कहना है कि इस मिल के एसेट्स वगैरह ज्यादा नहीं हैं। फिर भी राजनैतिक प्रभाव में आकर मंत्रालय ने इस मिल को 92,95,000 रुपये का काम्पेन्सेशन दिया है।

दूसरी मिल है एपोलो मिल। यह गोकुलचन्द मोरारका वालों की मिल है। गोकुलचन्द मोरारका किस जाति के प्राणी हैं, इस के बारे में मुझे अधिक कहने की जरूरत नहीं है।

डा० कंलास : (बम्बई दक्षिण) मोरारजी भाई के दोस्त है।

श्री मधु लिमये : हो सकता है। मुझे तो जानकारी नहीं है। (अवधान) अगर मेरे पास जानकारी होती, तो मैं अवश्य आप की खिदमत में पेश करता। यह सही है कि कुछ लोग ऐसे हैं, जो मुनाफ़े को कारखाने में री-इनवेस्ट कर के उस का आधुनिकीकरण करते हैं। लेकिन ऐसे लोग कम हैं। टेक्स्टाइल इंडस्ट्री में ऐसे भी लोग हैं, जिन की मिलें घाटे में नहीं चलती है। लेकिन कुछ लोगों की मंशा यही रहती है कि हर एक चीज़ में से मलाई निकाल ली जाये, और नये-नये औद्योगिक साम्राज्य बनाये जायें। सभी जानते हैं कि उन्हीं लोगों में से ये गोकुलचन्द मोरारका हैं। उन

का चीनी का भी बड़ा मामला है, लेकिन उन को मैं इस वक्त नहीं खीलना चाहता हूँ। तो मेरी समझ में नहीं आता है कि इन लोगों को 1 करोड़ 20 लाख रुपया आप क्यों देने जा रहे हैं ?

तीसरी बात यह है कि महबूब शाही कुलवर्गा मिल्स गुलवर्गा, कर्नाटक है, अब इसके बारे में मैं साधारण शब्दों में राजनैतिक प्रभाव की बात नहीं कहना चाहता हूँ। मेरी जानकारी है कि इस मिल के केस को वकालत केन्द्र सरकार के एक मंत्री ने की थी। मैं उन का नाम नहीं लेना चाहता हूँ इस वक्त। मैं कई दफा जानबूझ कर नाम नहीं लेता हूँ। मैं सरकार को मीका देता हूँ। इस का यह मतलब नहीं कि मुझे जानकारी नहीं रहती। आज सवेरे भी मैंने स्पीकर को कहा था—शेल आई नेम दैट अन्नेन्ड्स ग्रान्थ एम्.पी.? मैं उनका नाम नहीं जानता ऐसी बात नहीं है। दो तीन साल से जानता हूँ। लेकिन स्पीकर साहब ने कहा कि अभी नाम मत लो, इसलिए मैंने नाम नहीं लिया। इसलिए मुझे मजबूर मत कीजिए। मैं प्रोवाक नहीं दुब्रा करता हूँ। मैं जब प्रोवोक होता चाहता हूँ तभी प्रोवोक होता हूँ।

अध्यक्ष महोदय, इस मिल को 1 करोड़ 34 लाख 84 हजार मुआवजा दिया गया है। इस को लुमेज और स्पिंडलेज की फिगर्स मंत्री महोदय रखें और सदन को जांच करने दें। मेरी राय है कि वे नये नौजवान मंत्री हैं, बड़े मेहनती हैं। इनकी वजह से इतने अमेंडमेंट्स आए बरना यह बिल तो बहुत रद्दी था, तो इनको इस अवसर पर मैं धन्यवाद भी देता हूँ और बधाई भी देता हूँ। लेकिन इन बातों का वह खुलासा करें और सदन को बताएं कि किन सिद्धांतों के ऊपर यह कम्पेन्सेशन कम्प्यूट किया गया है ?

SHRI SEZHIYAN: With regard to the First Schedule, I feel that the erstwhile owners are being compensated more than what is their due; in

some cases at least, the owners are being compensated for the improvements and modernisation made in the mills after they had been taken over by the State Government or the Textile Corporation, because in their computation they have not taken the date of the take over. After the date of the take over if some amounts had been spent by the State Government or the State textile corporation, the benefit of these improvements or modernisation are being given, I do not know why, to the erstwhile owners. It should be recalculated on the basis of the date of the take over. When the question came up in the Tamilnadu Assembly, all the parties felt that the compensation to be paid for nationalisation should be so determined that the benefit of the improvements effected in the mills with the help of the Government and other public funds is not passed on to the previous management. This is the unanimous view of all the parties, DMK, Cong (O), Cong(R), CPI and other parties in the Tamilnadu Assembly. I hope the hon. Minister Mr. Pai will bear this in mind when they pay the compensation.

MR. CHAIRMAN: I think the hon. Minister has moved only 74 and 75, I shall put them to vote. The question is:

Page 22—

in column 3, lines 12-13 for "Var-taj Road, Bhavnagar (Gujarat)" substitute "Beawar, (Rajasthan)". (74).

'Page 22,—

in column 2, lines 29, omit "Ltd.". (75).

The motion was adopted.

MR. CHAIRMAN: I shall put the First Schedule as amended to the vote of the House.

SHRI MADHU LIMAYE: I want a reply to my points.

MR. CHAIRMAN: He did not rise.

SHRI MADHU LIMAYE: He has to; I have demanded to know the principles on the basis of which compensation was computed.

हम लोग कोई मूर्ख हैं जो बोलते चले जा रहे हैं ?

श्री बी० पी० मौर्य : सभापति महोदय, माननीय सदस्य श्री मधु लिमये जी ने एक शंका प्रकट की है। जहां तक इस राशि का संबंध है उस के बारे में दो प्रकार की शंकाएं वैसे आई हैं कि किस आधार पर यह राशि दी गई है। एक शंका यह आई है कि ज्यादा राशि दी गई है। कुल केसेज में एक शंका यह भी आई है कि यह कम रखी गई है।

श्री मधु लिमये : यह प्र इवेंट क्रिटिसिज्म होगा। यहां तो किसी ने नहीं कहा।

श्री बी० पी० मौर्य : इस ढंग से आई है कि यह पता लग जाता है कि क्या जानना चाहते हैं। तो पहले तो मैं यह नम्र निवेदन करना चाहूंगा कि संविधान में संशोधन के पश्चात् अब मुद्रावज्ञा शब्द तो रहा नहीं, अब तो राशि रह गई है। और इस में दो ही आधार विशेष रहे हैं। जहां इस धनराशि का निश्चय किया गया है वहां इन सिक मिल्स की जो सम्पत्ति है, एसेट्स हैं उन को ध्यान में रखा गया है लेकिन उस के साथ ही यह भी आप ने ध्यान से देखा है और उस पर अपने विचार भी दिए हैं, सब-क्लाज (5) (2) में गवर्नमेंट ने पोस्ट टेक ओवर मैनेजमेंट की लायबिलिटीज ले ली हैं, तो वह लायबिलिटीज जो हैं उन का भी ध्यान उस में रखा गया है। तो वह सदस्य जो ऐसी शंका करते हैं कि राशि थोड़ी रखी गई है उन को लायबिलिटीज का भी ध्यान रखना चाहिए। तो यह शंका करते हैं कि विशेष मिलों के लिए हजार रुपया रखा गया है तो वह इस बात का प्रतीक है कि इस मिल की

लायबिलिटीज बहुत ज्यादा थीं और इस के एसेट्स उस के मुकाबिले में बहुत कम ठहरते थे।

यह एक निवेदन मुझे करना था। इन सिद्धांतों को ही सामने रख कर इस धनराशि का निश्चय किया गया है। जहां तक कि यह आप की भावना है और ये भावनाएं पहले भी आई हैं कि पहले इन को बीमार होने दिया जाता है और फिर लिया जाता है, इस तरह का समय उन को क्यों दिया जाता है, तो निश्चयपूर्वक मैं भी यह महसूस करता हूं कि ऐसा मौका नहीं दिया जाना चाहिए कि किसी मिल को बीमार होने दें और उसी के आधार पर उन को नई मिल खोलने दें, फिर उस बीमारी को सरकार अपने गले में बांध ले। मैं भी इसी विचार का हूं कि ऐसा नहीं करना चाहिए। यह तो मजबूरी में हुआ लेकिन निश्चयपूर्वक भविष्य के लिए हमें यह सब करना है।

बाकी जो दो तीन मिलों के बारे में उन्होंने कहा है मैं यही नम्र निवेदन उन से करना चाहूंगा कि मैं इस की पूरी जानकारी करूंगा और अगर उस में कोई चीज उन को बताने की होगी तो वह जरूर उन्हें बताई जायगी।

श्री मधु लिमये : मुझ को नहीं, सदन को बताई जानी चाहिए।

श्री बी० पी० मौर्य : लेकिन यह मैं कहना चाहता हूं कि इस में कोई भी राजनैतिक स्वार्थ का सवाल नहीं रहा है इस धनराशि को निश्चय करने में।

एक माननीय सदस्य (तमिलनाडु) ने यह शंका उठाई थी कि तामिलनाडु की सरकार ने और वहां की स्टेट टेक्सटाइल कारपोरेशन ने इन को आधुनिक बनाने में धन खर्च किया है प्री-टेक ओवर पीरियड में और उस के आधार पर यह राशि निश्चित कर दी है तो उस का लाभ इन मिल-मालिकों

को न चला जाय बल्कि उस का लाभ सीधे सीधे प्रदेश सरकार को जाय या तामिलनाडु की स्टेट टेक्सटाइल कारपोरेशन को जाय, यह उन्होंने एक विचार दिया है । मैं प्री-टेक ओवर के बारे में मैं पहले भी निवेदन कर चुका हूँ और पोस्ट-टेक ओवर के बारे में तो वह संतुष्ट होंगे, वह मैं बता चुका हूँ ।

19.00 hrs.

जहाँ तक प्री-टेकओवर की बात है मैं निश्चयपूर्वक कह सकता हूँ कि इन सब बातों को ध्यान में रख कर ही यह राशि निश्चित की गई है ।

MR. CHAIRMAN: I have already put the amendments to the vote.

The question is:

"That the First Schedule, as amended, stand part of the Bill".

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

Second Schedule

SHRI B. P. MAURYA: I beg to move:

Page 26, line 19,—

for "Category III", substitute—
"Category IV" (207).

Page 26, line 21,—

for "Category IV" substitute—
"Category V" (208).

Page 26,—

omit line 22, (209)

Page 26, line 23,—

omit "(b)" (210).

Page 26, line 29,—

for "Category V" substitute
"Category VI" (211).

Page 26,—

after line 18, insert—

"Category III.

Arrears in relation to provident fund, salaries and wages, and other amounts, due to an employee." (225).

Page 26,—

omit lines 26 to 28 (226).

SHRIMATI ROZA DESHPANDE: I beg to move:

Page 26,—

for lines 19 to 28, substitute—

"Category III.—

(a) Wages and salaries and other dues to an employee.

(b) Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

NOTE—The dues under this Category shall get priority over any other unsecured credit relating to the pre-takeover management period.

Category IV—

Secured loans." (97)

SHRI MADHU LIMAYE: Sir, I beg to move:

Page 26—

for lines 5 to 32, substitute —

"PART A

Pre-takeover management period

Category I—

Wages and salaries and other dues to an employee.

PART B

Post-take-over management period

Category II—

- (a) Loans advanced by a bank.
- (b) Loans advanced by an institution other than a bank.
- (c) Any other loan.
- (d) Any credit availed of for purpose of trade or manufacturing operations.

Category III—

- (a) Revenue, taxes, cesses, rates or any other dues to the Central Government or a State Government.
- (b) Any other dues.

PART C

Pre-take-over management period

Category IV—

Secured loans.

Category V—

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

NOTE.—The dues under this Category shall get priority over any other unsecured credit relating to the pre-take-over management period.

Category VI—

- (a) Any credit availed of for purpose of trade or manufacturing operations.
- (b) Any other dues." (102).

SHRIMATI PARVATHI KRISHNAN: Sir, I beg to move:—

Page 26,—

for lines 19 to 28, substitute—

"Category III—

- (a) Wages and salaries and other dues to an employee.

- (b) Amounts due to small depositors of Fixed Deposits made to any undertakings taken over.

- (c) Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

NOTE.—The dues under this category shall get priority over any other unsecured credit relating to the pre-take-over management period.

Category IV—

Secured loans." (136).

SHRI RAJA KULKARNI: Sir I beg to move:—

Page 26,—

after line 12, insert—

"(e) Wages, salaries and other dues to an employee." (176).

SHRI C. M. STEPHEN: Sir, I beg to move:—

Page 26,—

after line 7, insert—

"(a) Wages and salary and other dues to an employee, whether of the periods prior to or after the taking over of the management." (190).

Page 26, line 20,—

for "Secured loans."

substitute—"Wages and Salaries and other dues to an employee." (191).

Page 26, line 22,—

for "Wages and salaries and other due to an employee."

substitute—

"Secured loans." (193).

श्री मधु सिन्घे : सभापति महोदय, मेरा जो संशोधन है यह अत्यन्त महत्वपूर्ण है तथा मेरी मंत्री महोदय से करबद्ध प्रार्थना

है कि मेरी इस तरमीम को वे बिना हिचक स्वीकार करें। इस तरमीम से मेरा मकसद यह है कि मजदूरों का जो बकाया है उस को प्राथमिकता दी जाय। इन के शेड्यूल में इन्होंने कुछ परिवर्तन किया है—यह बात सही है, लेकिन मेरा अमेण्डमेन्ट इस प्रकार है कि—

पार्ट ए—प्री-टेकओवर मैनेजमेन्ट पीरियड के कैटेगरी 1 में मैं रखना चाहता हूँ—

“Wages and salaries and other dues to an employee”

पार्ट बी—पोस्ट टेकओवर मैनेजमेन्ट पीरियड में मैं बाकी सब को रखना चाहता हूँ।

पार्ट सी—प्रीटेकओवर मैनेजमेन्ट पीरियड में मजदूरवाला ऊपर जायेगा और बाकी चीजें नीचे आ जायेंगी।

ऐसा करने का मेरा कारण यह है कि मेरी राय में अगर इन मिलों पर किसी का सब से अधिक क्लेम बनता है तो वह मजदूरों का बनता है। इस लिये कि जैसे ही उन्होंने पसीना बहाया, काम किया, उत्पादन बढ़ाया—उसी दिन उन का क्लेम बन जाता है। अब पेमेन्ट-आफ वेजेज की मंशा क्या है—मजदूरों की जो पे आदि है, वह एक विशिष्ट तिथि पर उन को दे देनी चाहिये। जब रेलवे वाला मामला आया और वह और नोटिफिकेशन निकला तो उस की हम लोगों ने बराई की—रामसिंह भाई ने खुल कर नहीं की, राजा कुलकर्णी ने भी खुल कर नहीं की, लेकिन ये टैक्सटाइल के नेता रहे हैं। राजा कुलकर्णी जब सोशलिस्ट पार्टी में थे तो बम्बई की एक बहुत बड़ी टैक्सटाइल यूनियन के जनरल सैक्रेटरी थे, आज कल टैक्सटाइल में नहीं हैं। लेकिन वे इस बात को मन ही मन स्वीकारेंगे कि जो बात मैं कह रहा हूँ—वह जायज है।

दूसरी बात—बाकी जिज्ञे लोग हैं उनके क्लेम बाद में बनते हैं। जैसे मुनाफा होगा तो शेअर-होल्डर्स को डिबिडेण्ड मिलेगा, डिबिडेण्ड वालों का जो रिटर्न है, वह उनको मिलेगा, कर्जा भी तभी चुकता होगा, जब मजदूरों को उनकी मजदूरी दे दी जायेगी। आप किसी भी कसौटी पर तोलिये—मेरे इस अमेण्डमेन्ट को मंत्री महोदय काट नहीं सकते। इस लिये मेरा सुझाव है कि इस संशोधन को सर्व-सम्मति से पास कराया जाय।

तीसरी बात—प्रसन्न में मुझे यह बात प्रारम्भ में कहनी चाहिये थी—रह-रह कर मेरे मन में यह कल्पना आती है कि जो हमारी पब्लिशिंग सैक्टर इण्डस्ट्रीज हैं—क्या यह जरूरी है कि उनमें हम सारी पूंजी अपनी ही लायें मेरे कहने का मतलब यह है कि एक ओर आप सिविल और वक्त को बढ़ाना चाहते हैं तो जो छोटे-छोटे लोग हैं, जो बैंकों में डिपॉजिट्स रखते हैं, पोस्ट ऑफिस में रखते हैं—आप ऐमें डिपॉजिट्स अपने यहां लें। मैं नहीं चाहता हूँ कि आप उनको कोई बॉन्डिंग राइट दें, बिलकुल न दें लेकिन जैसा छोटे लोगों के बारे में आप ने भी मेन्शन किया है—

“Any credit availed of for the purpose of trade or manufacturing operation.”

जो छोटा आदमी है, मिल के साथ कोई व्यवहार करता है, उसकी पांच हजार तक की सीमा रखिये, मैं तो कहता हूँ कि उनको मुजावजे की राशि देने की जरूरत नहीं है। इन लोगों के बारे में यह कहा जाता है कि इनके क्लेम को नेशनल टैक्सटाइल कारपोरेशन का जो भी बोर्ड होगा वह देखेगा। पांच हजार तक जिनका क्लेम है, जो छोट लोग हैं, जिन्होंने मिल को माल दिया है या छोटे शेअर-होल्डर हैं, इन को आप कारपोरेशन का डिबेन्चर होल्डर या शेअर होल्डर क्यों नहीं बनाते? बड़ों को कम्पेन्सेशन मत दीजिये—जो बड़े लोग हैं, बदमाश हैं, जिन्होंने

उसको बीमार बनाया है, लेकिन जो छोटे लोग हैं उनको डिबेन्चर होल्डर या शेयर होल्डर बिना वोटिंग राइट के बनाइये। इससे मैनेजमेन्ट को कुछ फर्क नहीं पड़ेगा। यह बात मुझे दूसरे पब्लिक सैक्टर्स के बारे में भी कहनी है, जैसे बोहारो है, भिलाई है, रूरकेला है, दुर्गापुर है—इनके लिये भी आप पब्लिक से पैसा लें, डिबेन्चर होल्डर या शेयर होल्डर बनाइये, वोटिंग राइट मत दीजिये। इस तरह से आप को सार्वजनिक उद्योगों के लिये काफी पैसा मिलेगा।

मैं जानता हूँ कि मंत्री महोदय मेरे इस सुझाव के बारे में इस स्टेज पर कुछ नहीं कह सकेंगे, वास्तव में मुझे इसके बारे में शुरू में ही कहना चाहिए था, लेकिन शुरू में और बहुत सारी बातें थीं, इस को कहना भूल गया, फिर भी आप भविष्य के बारे में इस सुझाव पर गौर करें। इस सुझाव के मानने से हमारा जो राष्ट्रीयकरण का सिद्धान्त है, उसमें कोई खामी नहीं आयेगी, क्योंकि आज का बहुत सारी कम्पनियाँ रिजर्व बैंक के रेगुलेशन के बावजूद डिपॉजिटर्स ले रही हैं। मेरे पास इतने पत्र आ रहे हैं कि ये कम्पनियाँ डिपॉजिटर्स लेती हैं और फिर चोरी करती हैं, इस में डिपॉजिटर्स को बहुत दिक्कत आ रही है लेकिन पब्लिक सैक्टर कारपोरेशन अगर जनता से पैसा लेगी तो जनता ऐसा नहीं सोचेगी और उनको सन्तोष भी रहेगा। छोटे छोटे डिबेन्चर होल्डर्स या शेयर होल्डर्स रखिये उनको कोई वोटिंग राइट न दीजिये। और इस तरह का सुझाव अगर आयेगा तो छोटे लोगों को भी संरक्षण मिलेगा और आपको यह सुझावज्ञा और राशि देने की नीबत नहीं आयेगी। सरकार इसके बारे में जरूर सोचे यह मैं चाहता हूँ।

SHRIMATI PARVATHI KRISHNAN: I have moved my amendment No. 136. I have already spoken on this point and I would not like to take the time of the House.

One part of the amendment has been accepted by the Minister through his amendment No. 226. But the other one which is an extremely important part and about which, when I had spoken to the Minister, he has agreed and that is about the proposition to be taken into consideration by the Government in whatever way they can. That is about the amounts advanced as fixed deposits by either retired workers or widows who have very limited means available. For instance, take the deposits of widows of defence personnel who have died in the battle field defending the frontiers of the country. That is why I have specifically said 'small depositors', as opposed to big sharks who have run away with money and who have embezzled the money when they were in the management of the mills. That is why I have specified 'small depositors'. I would appeal to the Minister that he should go one step further, and, having accepted one part of my amendment, he would also accept this other part and see that some safeguard is given to these people who have come forward at a time when bigger creditors were not coming forward to help these mills and see that these people should be given some compensation which should be safeguarded. When crores and crores of rupees are going to be given to those who have already run away with crores of rupees, why should you deny these small depositors their dues?

Of course, if you so desire, you can have a ceiling of Rs. 10,000.

SHRI RAJA KULKARNI (Bombay—North-East): I have given an amendment to this clause. My friend, Shri Madhu Limaye also spoke about the need to safeguard the workers' dues. The Minister, while earlier speaking, said that they were taking the responsibility for the services prior to the take-over regarding gratuity and pension. In respect of the provident fund he has been sitting

on the fence and not giving any categorical assurance. At the same time, he has not spoken anything about the Employees State Insurance dues. These were the monies which were deducted from the workers wages but employers failed to deposit with the ESIC. Time had come when the employees, Employees State Insurance Corporation and the workers of these mills were not to receive any service either of medical benefit or cash under the ESI scheme. But it was because of the trade unions' pressure on the Employees' State Insurance Corporation that the ESIC agreed to continue the medical benefit and the cash benefit in spite of the fact that money was not paid. It was assured by the Trade Unions and the State Government at that time that as soon as these mills started making profits, these past dues which were to the extent of Rs. 4 crores would be recovered from these nationalised textile mills. But I find no mention of it in this Bill and whether that will be paid back to the employees. The ESIC is a public sector undertaking. The Trade Unions have given promises and so also, the State Governments. Now, even if the Government agree to bring workers' dues from category 4 to category 3, it is still doubtful whether there will be any amount left. According to the Minister, there will be some amount left for distribution, but we have a doubt. Therefore, to remove all these doubts, the best way is to accept my amendment and put it in category No. 1.

Even if the Government does not have any money, it should accept the liability for workers' dues and can negotiate with the unions for the payment of these dues at a later date, in instalments. It can be done only if it is put in Category I along with other claims. Otherwise, workers will suffer. We should prevent such happening and so I have moved this amendment.

MR. CHAIRMAN: You have No. 176. No. 177 will not be treated as

moved because there is one from Government to that effect already. And so far as Mr. Stephen is concerned, No. 192 will not be taken as moved.

SHRI C. M. STEPHEN: That is taken care of by Government.

MR. CHAIRMAN: The hon. Minister.

श्री बी० पी० मौर्य : माननीय सदस्य मधु लिमये जी ने जो संशोधन रखा है उस संशोधन के अनुसार कानूनी तौर पर एक ही बहुत भयंकर बात है कि यदि उनका संशोधन मान लिया जाय तो वह चीज तमाम व्यवस्था को तोड़ देगी जिस व्यवस्था पर यह पूरा बिल खड़ा है। और वह है प्री टेक ओवर और पोस्ट टेक ओवर। प्री टेक ओवर और पोस्ट टेक ओवर को जिध वक्त मिला देगे तो पूरा तानाबाना बिखर जायगा।

जहाँ तक उनका एक सुझाव है वह बहुत ही अच्छा है कि छोटे लोगों को भी शेरार दिया जाय। पर उस स्थिति पर कब पहुँचा जा सकेगा यह आज कहना मुश्किल है। जैसा मैंने पहले कहा है सेक्योर्ड लोन प्री टेक ओवर पीरियड के दूसरे शेड्यूल के (बी) पार्ट में सेक्योर्ड लोन में तीमरे स्थान पर थे और वर्कर्स के ड्यूज चौथे स्थान पर थे। इस सदन में और बाहर कांग्रेस के सदस्यों और विरोधी दलों के सदस्यों ने, सभी ने जैसे विशेषकर माननीय स्टीफन, माननीय बनजी, श्रीमती पार्वती कृष्णन् और श्रीमती रोजा देशपांडे . . . (द्वयवताना) . . . बनजी साहब, आप के संदेह को अभी दूर किये देता हूँ। 206 को पेश नहीं किया। उसकी जगह संशोधन संख्या 225 लाये हैं। संशोधन संख्या 206 के मुकाबले में 225 ज्यादा सुविधाजनक है। 225 के अनुसार तीसरी श्रेणी में इस तरह से आयेंगी :

"Acreas in relation to provident fund, salaries, wages and other amounts due to an employee."

'Provident Fund' was not mentioned previously. It is a better and more comprehensive language than the previous one.

अभी माननीय कुलकर्णी जी ने सन्देह प्रकट किया है कि जब तक मजदूरों की बकाया पर पहुँचेंगे पार्टी बी के तीसरे अंग तक पहुँचेंगे तब तक फंडिंग समाप्त हो जायेंगे। मैं उनको तथा दूसरे माननीय सदस्यों को विश्वास दिलाना चाहता हूँ कि तमाम पार्टी ए का भुगतान करने के बाद जब हम पार्टी बी में आयेंगे तो काफी धन मजदूरों को देने के लिए रहेगा, उस बकाया के लिए जो प्री टाक ओवर का है जिसमें प्रोविडेंट फंड शामिल है, जिसमें पगार शामिल है, स्माल किस्ड डिपॉजिट शामिल हैं वह जायेंगे। काफी धन इस हद तक आयेंगे और नाचे तक काफी हम जायेंगे।

SHRI RAJA KULKARNI: In category 1 and category 2 where the Government accepts liability and according to him thereafter also some funds will remain out of Rs. 40 crores, to remove our doubts the Minister can give an assurance that though the amounts will not be paid, the liability would be accepted. The liability for Government loans and bank loans should be accepted. It is not necessary they should be paid immediately. They can be paid later on and the workers' dues can be paid.

SHRI B. P. MAURYA: I am trying my level best to make the position clear that the two things are different. One is total amount and the other is of an amount regarding a specific mill. When we come to the total amount of the arrears of the workers it will be substantial amount and I can assure this august House that quite a substantial amount will go towards the arrears of the workers of the pre-take-over period.

श्री मधु लिमये : मैं अपनी अमेंडमेंट को प्रेस करूँगा।

MR. CHAIRMAN: Now, I will put amendment No. 102 of Shri Madhu Limaye to the vote of the House. Let the lobby be cleared.

MR. CHAIRMAN: I shall now put the amendment to vote.

SHRI MADHU LIMAYE: I want division on amendment No. 102.

MR. CHAIRMAN: The question is:

'Page 26,—

for lines 5 to 32, substitute—

"PART A

Pre-take-over management period
Category I,—

Wages and salaries and other dues to an employee.

PART B

Post-take-over management period
Category II,—

- (a) Loans advanced by a bank.
- (b) Loans advanced by an institution other than a bank.
- (c) Any other loan.
- (d) Any credit availed of for purpose of trade or manufacturing operations.

Category III,—

- (a) Revenue, taxes, cesses, rates or any other dues to the Central Government or a State Government.
- (b) Any other dues.

PART C

Pre-take-over management period.
Category IV,—

Secured loans.

Category V.—

Revenues, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

NOTE.—The dues under this category shall get priority over any other unsecured credit relating to the pre-

take-over management period.

Category VI.—

(a) Any credit availed of for purpose of trade or manufacturing operations.

(b) Any other dues.", (102).

The Lok Sabha divided:

Division No. 7]

AYES

[19.27 hrs.

Banerjee, Shri S. M.
Bhattacharyya, Shri S. P.
Deshpande, Shrimati Raza
Huda, Shri Noorul
Joshi, Shri Jagannathrao
Limaye, Shri Madhu
Mavalankar, Shri P. G.

Mishra, Shri Shyamnandan
Sambhali, Shri Ishaque
Sequeira, Shri Erasmo de
Sezhiyan, Shri
Singh, Shri D. N.
*Suryanarayana, Shri K.

NOES

Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Babunath Singh, Shri
Barupal, Shri Panna Lal
Basumatari, Shri D.
Chandrika Prasad, Shri
Chhotey Lal, Shri
Daga, Shri M. C.
Darbara Singh, Shri
Dhamankar, Shri
Dixit, Shri G. C.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Gangadeb, Shri P.
Gokhale, Shri H. R.
Gopal, Shri K.
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jamilurrahman, Shri Md.
Kailas, Dr.
Kale, Shri
Mahajan, Shri Vikram

Majhi, Shri Kumar
Malaviya, Shri K. D.
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Murmu, Shri Yogesh Chandra
Negi, Shri Pratap Singh
Painuli, Shri Paripoornanand
Pandey, Shri Krishna Chandra
Pandit, Shri S. T.
Peje, Shri S. L.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Ram Dhan, Shri
Ram Prakash, Shri
Ram Swarup, Shri
Rathia, Shri Umed Singh
Ray, Shrimati Maya
Richhariya, Dr. Govind Das
Roy, Shri Bishwanath

Saini, Shri Mulki Raj
Satish Chandra, Shri
Satpathy, Shri Devendra
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.

MR. CHAIRMAN: The result* of
the division is:

Ayes: 13; Noes: 53

The motion was negatived.

MR. CHAIRMAN: I am going to
put Government amendment Nos. 207,
208, 209, 210, 211, 225, 226 to Second
Schedule moved by Shri Maurya to
the vote of the House.

The question is:

Page 26, line 19,—

for "Category III", substitute—
"Category IV". (207).

'Page 26, line 21,—

for "Category IV" substitute—
"Category V". (208).

'Page 26,—

omit line 22.' (209).

'Page 26, line 23,—

omit "(b)". (210).

'Page 26, line 29,—

for "Category V" substitute—
"Category VI". (211).

'Page 26,—

after line 18, insert—

"Category III

Arrears in relation to provident
fund, salaries and wages, and
other amounts, due to an em-
ployee." (225).

'Page 26,—

omit lines 26 to 28.' (226).

Sharma, Shri A. P.

Shashi Bhushan, Shri

Shastri, Shri Sheopujan

Stephen, Shri C M.

Yadav, Shri R. P.

The motion was adopted.

MR. CHAIRMAN: I shall put all
the other amendments to the Second
Schedule to vote.

*Amendments Nos. 97, 136, 176, 190,
191 and 193 were put and negatived.*

MR. CHAIRMAN: Now, I shall put
the Second Schedule, as amended, to
the vote of the House.

MR. CHAIRMAN: The question is:

"That the Second Schedule, as
amended, stand part of the Bill".

The motion was adopted.

*The Second Schedule, as amended,
was added to the Bill.*

MR. CHAIRMAN: Now we take
up Clause 1. There is one amendment
by Shri D. K. Panda. He is not here.
The question is:

"That Clause 1 stand part of the
Bill."

The motion was adopted.

Clause 1 was added to the Bill.

MR. CHAIRMAN: The question is:

"That the Enacting Formula stand
part of the Bill."

The motion was adopted.

*The Enacting Formula was added to
the Bill.*

MR. CHAIRMAN: We will now
take the Long Title.

Amendment made:

*Shri K. Suryanarayana also recorded his vote for NOES. ,

Page 1,—

In the Long Title for "transfer of the right, title and interest", substitute "transfer of the sick textile undertakings, and the right, title and interest". (38).

(Shri B. P. Maurya)

MR. CHAIRMAN: The question is:

"That the Long Title, as amended, stand part of the Bill."

The motion was adopted.

The Long Title, as amended, was added to the Bill.

SHRI B. P. MAURYA: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Mr. Sezhiyan.

I would request you to take as little time as possible.

SHRI SEZHIYAN (Kumbakonam): Sir, before I make my observations on the Third Reading of the Bill, I would like to point out one thing. It is not that I am obstructing the passage of the Bill. But, I do not want that the Rules should be taken for granted. In this case, they should take the permission of the Chair before they move that the Bill, as amended, be passed. When a Bill is passed without amendments, it comes under Rule 93(1). But, Rule 93(2) says:

"Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made."

Therefore, in this case, they have to ask the permission of the Chair that the Bill, as amended, be passed. I am not obstructing the passage of the

Bill. But, I would like to say that the Rule should be observed.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I am very grateful to the hon. Member. Hon. Members are aware of the urgency in regard to the passing of this Bill. We have not been able to pass this Bill for a long time. It has to go to Rajya Sabha. Unless we pass it today, it won't reach there in time. So, Sir, May I request you to give your permission for the Third Reading to be taken and the Bill to be passed today?

MR. CHAIRMAN: I think there is no objection to the permission being granted.

HON. MEMBERS: Yes.

SHRI SEZHIYAN: Coming to the third stage of the Bill, my only submission is this. Long before the contemplation of this Bill and the Nationalisation Ordinance to be replaced by Bill that we are now considering under the Industries (Development and Regulation) Act and under the Sick Textile Undertakings Ordinance, State Governments have been taking over mills. For example, the Tamil Nadu Textile Corporation is a wholly Government owned concern. It is managing 12 textile mills, out of which, 7 mills have been taken over under the Industries (Development and Regulation) Act and 5 mills under the Sick Textile Undertakings Ordinance. In these cases, after the take-over, amounts have been drawn from public exchequer to modernise them, to improve them, to make the sick mills healthy and to make them profitable. Then, at this stage, to pay to the erstwhile owners, the amount in regard to modernisation which has been spent from the public exchequer is not a correct policy. I think Government will bear this in mind.

The second thing which I would like to mention is that when this Bill becomes an Act, I do not want that the

Central Government or the organisation to be established under this Act should take over all the mills that are now under the care of the State Textile Corporations. For example, in Tamil Nadu, the State Textile Corporation has been working well. They have worked so very well that the sick mills have become profitable. This view has been unanimously supported in the Tamil Nadu Assembly by all the parties there that the Tamil Nadu Textile Corporation Limited, which has been efficiently managing these textile mills should continue to administer them even after nationalisation. This is the only limited point on which I am appealing to the Government. In those cases where the State Textile Corporations have been functioning in an efficient manner, let us not disturb them. I would again appeal to the Government to accept my suggestion and implement it.

SHRI RAJA KULKARNI (Bombay—North-East): There were a lot of doubts regarding this Bill at the initial stage. No doubt during the course of discussion and consideration, improvements have been made by Government to a large extent so much so that it has come to an acceptable stage for the whole House as such.

With regard to the objective of the Bill, as was stated by a number of members earlier also, Government have taken over 103 mills, but it is not nationalisation of the textile industry as a whole. Hardly 20 per cent of the industry is being nationalised and that too, the mills taken over are sick mills. In October 1972 the number of such mills was 103; there has been no addition to it during 1973 and 1974. But one does not know what will happen in 1975 and whether the number will go up to 200 or 300. Also with these sick mills coming into the nationalised sector and Government not having a comprehensive integrated textile policy, will it be possible for the National Textile Corporation to serve the textile policy of giving cheap and adequate cloth to the poor? This apart, I would like to stress one point

about the management at this stage. I am not going into the aspect which has been covered regarding the take-over of liabilities, and all other things which have been discussed at length.

I would request Government to take the management aspect into account because nationalisation should not be treated as over-centralisation which will defeat the purpose of the textile policy as such. Where any of the mills are being run by any State Textile Corporation, that Corporation itself should be authorised as a subsidiary to exercise the power in regard to those mills. It should have not only 49 per cent of the shares, it should also have decisive power in decision-making in regard to the management and running of those mills. Thus the management should be decentralised as far as possible.

SHRI ERASMO DE SEQUEIRA: This is a unique occasion inasmuch as we are in the process of passing a Bill in which the Government itself has amended just about everything starting with the Title. This, I think, shows the Government's attitude to the drafting of legislation. It shows how these things are drafted in a great hurry and in a casual manner.

The Bill is also unique in that it shows the attitude of Government very clearly on various issues. In this Bill, Government is picking up Rs. 40 crores of liabilities created by the owners of the textile mills, many of whom have defrauded their own companies, and still Government is prepared to meet these liabilities. At the same time, it is not prepared to assume liability for the wages that the workers have earned and the provident fund they have contributed. This is the attitude of Government to the working class.

Not content with this, Government, with the amendments it has brought forward, has created discrimination between the workers themselves. Let me give an example. A worker in a

textile mill, for which the amount specified is Rs. 1000, no matter what you have put in the Schedule, is going to get nothing of his previous dues, but a worker in a mill where the amount specified is Rs. 2½ crores is going to get something. Both these workers have worked for their money and both of them are not responsible for not having been paid. But one of them is going to be paid and the other one is not going to be paid. In this, the Government has sown the seed of industrial strife among workers who today are its own employees. How do you expect these mills to work properly? If I were a worker working in one of the mills and I was not going to be paid while the other fellow in the next mill was going to be paid, certainly I would start an agitation. This is how Government itself has sown the seed of industrial strife in this Bill.

It is very fine to have beautiful slogans and preach from the roof tops: we are on the side of the workmen but it is in the drafting of the law that real attitudes are shown. In this law, as far as the working class is concerned, the Government has indicated itself in a manner that I have never in my life seen before.

बी बरबारा सिंह : (होशियारपुर) :

मुझे तो सिर्फ यही कहना है कि जो बीमारी है उसके लिए डाक्टर भी अच्छा मुकर्रर करें, क्वैन्स अस्पिटल न करें।

SHRI ERASMO DE SEQUEIRA: If the hon. Minister will stop glaring at me across the well of the House, I may add just one thing that as far as he personally is concerned, I should like to give him kudos for having tried very hard to defend an indefensible case.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I think it is a happy augury that the Bill is going to become an Act. Experience in the textile industry has already shown that where the Government has come forward and conceded the demand for

taking over the sick textile units, the workers have proved by dint of their work that textile units were not sick units except by the making of the textile magnates. Those textile units have started showing profits within a very short time and perhaps this is what has given encouragement and that little push that was necessary to the Government that the mills should be taken over and a public sector bought into being in this very vital industry.

Now, why should you penalise those very workers, all the time saying that it will be discrimination if workers' dues are protected before vast sums of money are given as compensation to those who had been thieves and scoundrels in the textile industry. The hon. Minister has been consistently saying that all his sympathies were there. But we do not want such assurances and crocodile tears. We want action as otherwise, as has been pointed out, you will be pitching a worker against a worker. You are demoralising those workers who had been bringing profits to you. Why should the profits be drained off somewhere else instead of being ploughed back into the national exchequer for further industrial development and growth?

There are still many mills that are on the sick list and if they continue the way they are going, the textile industry will get more and more into doldrums. For instance, here is the closed Walaja Mills in Tamilnadu. We have been demanding that it should be taken over. It belongs to one of the top 75 houses were, Karumuthu Thiagaraja Chettiar. Why are they hesitating? When we gave amendments, we were told that there should be President's sanction to the financial memorandum. Therefore, I should request the hon. Minister Mr. Pai and Shri Maurya to look into this matter. Where there are mills which are on the verge of closure precisely because of the same reasons that led the 103 mills into the doldrums, they should take steps to protect the textile industry and the workers to ensure that

the handloom industry also flourishes by having yarn given to the weavers at remunerative prices. They should take steps to stabilise those mills. Those that you have already taken over should be a precursor to nationalising the textile industry as a whole. It is a vital industry for our country's plans.

Finally I should once again appeal to the hon. Minister to carry out those assurances that have been given by him and by his senior colleague Mr. Pai both inside and outside the House that the interest of the workers and the small tax payers who have put in their savings into preventing this industry going away, would be protected and money should be given to them: it is their due which they have given towards building up an industry which is vital to our country.

SHRI K. GOPAL (Karur): The Committee on Public Undertakings has taken up the National Textile Corporation for detailed examination this year. The Committee consists of members from all sides. Until such time that they give their recommendations on the structural changes of management, I request the minister not to make any change.

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, this Bill has had a peculiarly chequered passage. I do not recall many such bills having gone through such a crop of amendments. Although I would like to congratulate Mr. Maurya for his good home work, it would have been much better had it been done before the Bill was originally drafted. Though the amendments have made the Bill better, yet the overall picture one gets of the Bill at the end of it is not an organically well-integrated unit. Regarding the dues of labour like P. F. etc., the unanimous demand of this House has not been adequately met. I say this because quite a few of the textile mills are in my constituency of Ahmedabad.

Let the House not make the mistake of believing that this is a Bill for nationalisation. You must make a distinction between restoring health to

sick units and nationalisation. All that the Government have done is to restore health to the sick units. I would have liked the Government to come forward with a model Bill for nationalisation. I hope they would do that at least in future whenever they come forward with such measures.

I had raised a point to which he never replied. In the 103 undertakings he has mentioned, there are some units which are neither sick nor textile. They are hosiery units. Why did you include them unless you wanted to extend the definition of 'textile'? If the Government are keen to give a good amount to the owners of the sick mills, why is it that they are hesitating when it comes to the question of labour? I hope all these matters will be taken into consideration. I congratulate him on the manner in which he has tried to improve the Bill.

श्री राम सिंह भाई : (इन्दौर) समापति महोदय, पहली बात तो यह है कि मैं माननीय मंत्री जी को मुबारकबाद देता हूँ कि उन्होंने इस बिल के लिये बड़ी मेहनत की है और मजदूरों के प्रति बड़ी सहानुभूति दिखाई है। जितनी भी रकम मजदूरों की बची है वह तो हम ले लेंगे। वह हम छोड़ने वाले नहीं हैं।

दूसरी बात यह है कि यह जो माननीय सदस्य ने राज्य सरकारों के टैक्सटाइल कारपोरेशन को सौंपने की बात की है, मैं निवेदन करना चाहता हूँ कि मेहरबानी करके उनकी न सौंपिये। यह मैं अपने अनुभव से कह रहा हूँ।

तीसरी बात—मैं कहना चाहता हूँ कि इन 130 मिलों की वरिय कंडीशन अच्छी नहीं है। आप को प्राइवट सेक्टर से काम्पायंटेशन में उतरना है। इनके लिये आवृत्ति मशीनरी मंगाइये, वर्किंग कैपिटल का इन्तजाम कीजिये। जैसा कुछ माननीय सदस्यों ने कहा था कि इन मिलों में जनता के लिये अम्ब्रोल का सस्ता कपड़ा बनवाइये, मैं चाहता हूँ कि इन मिलों को उस कपड़े को बनाने में मत

डालिये, जो माल हमें एक्सपोर्ट करना है, वह माल इन मिलां में बनाइये। जनता का कपड़ा बनाने के लिये उन मिलां को लगाइये जो काइन और सुपर-काइन कपड़ा बना रहो हैं उनको मीडियम कपड़ा बनाने पर लगाइये। हम चाहते हैं कि हमारा ये मिलें कपायें और हमारे मजदूरों का हालत अच्छा है।

SHRIMATI ROZA DESHPANDE (Bombay Central): In clause 2(k) you have defined 'textiles' to include yarn or fabrics made wholly or partly of cotton, wool, jute, synthetic and artificial (man-made) fibres. I would suggest that 'silk' should also be included because nowadays we find that in the borders of sarees silk thread is used.

SHRI K. RAGHU RAMAIAH: They are putting silver in dhothis also.

SHRI B. P. MAURYA: Sir, there have been regular objections from certain quarters regarding the dues of the workers. Up to the last moment they had been feeling, at least a majority of the members who took part in the debate had been feeling, that the dues of the workers of the pre-take over period are not taken care of, they are not being protected, by the Bill. I have been saying repeatedly that we have done the maximum that we could do in the case of the dues of the workers for the pre-take over period. We have said that workers' due should be given top priority without disturbing the pre and post take over structure. That we have done in spite of the fact that it goes against the established law of the land that a secured loan should have priority over the workers' dues. In this case, the workers' dues are given priority over the secured loans. By doing this a substantial amount will go to meet the dues of the workers for the pre-take over period.

Shri Raja Kulkarni has been all the time arguing that the State should be included, so far as management is concerned. There would be subsidiary

corporations and in those subsidiaries when the Managing Directors are appointed, the State should be taken into confidence. Just now Shri Ram Singh Bhai said that he is opposed to this idea and whatever good is done by the National Textile Corporation will be undone if the management is transferred to the State Textile Corporations.

SHRI RAJA KULKARNI: But do not do the reverse also.

SHRI B. P. MAURYA: My hon. friend, Shri Sequeira raised objection to the title of the Bill. The amendments that we have brought in are for making it more clear and specific. The term 'sick mill' has also got its significance. In view of certain observations in the judgments of different High Courts and the Supreme Court, in order to make it more clear, the term "sick textile undertakings" has been used so that the interests of the owners may be abundantly clear. When we are taking over these sick textile mills, we are taking them as they are and are also taking the right and title and all assets of the ownership.

This amendment was essential in order to make it more clear. But I do not know why my hon. friend, Mr. Erasmo de Sequeira has some sort of a feeling that, when the Government comes with amendments, something is wrong with the Government. I would like to submit most humbly, Mr. Chairman, that most of the amendments were because of the Ordinance. This Ordinance was promulgated on 21st September 1974 and because of that, most of the amendments are by way of adding 'promulgation of Ordinance' in place of 'the assent of the President'. Some other amendments are only verbal amendments. Whatever specific amendments Government have come forward with, we have done so keeping in view the interest of the working class, the interest of the workers who should not suffer. When we come with amendments, I do not know to what extent the hon. Member is justified in criticising that

there is something fishy or wrong on the part of the Government. But if we do not come forward with amendments according to the wishes of the hon. members and the house, then we are blamed, we are criticised that we do not bother about Parliament, we do not bother about the feelings of the hon. members, and so on. And when we come forward with amendments, then also we are criticised....

MR. CHAIRMAN: Will the Minister not thank the hon. members at the end for having showered praises on him?

SHRI ERASMO DE SEQUEIRA: He has misunderstood me. I was only objecting to the light attitude of the Government to the original drafting of law.

SHRI B. P. MAURYA: Mr. Chairman, I can understand, your honour is more than satisfied. Irrespective of party affiliations, all the members of

this august House agree that this is an ideal Bill. It is not only that this august House agrees that this is an ideal Bill behind them the entire nation and the entire people agree with this Bill that this is the ideal approach. I would like to express my gratitude to all the hon. members for all the good feelings expressed. I hope, with the blessings that I have from elderly people like them, things will go on well.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MR. CHAIRMAN: The House stands adjourned till 11.00 a.m. tomorrow.

20.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 12, 1974|Agrahayan 21, 1896.