

[Shri T. A. Pai]

consequences of whatever mismanagement they might have been responsible for. So, I shall certainly see that whatever investigation are necessary are also ensured.

Now, however sympathetic I may be regarding the problem of wagon manufacture, all the units that we have now under us are enough to ensure, if they work well, and to meet the requirements of the railways. In fact, I am afraid we will be short of orders and we have to look for export orders also. The particular unit which my hon. friend Shri Shastri referred to,—I may say that I am sometimes very helpless because after taking action under the Industries (Development and Regulation) Act, the people can rush to the court and bring an injunction against me from even taking over. I think I have reached that stage when I shall be able to take it over and run it and put it on its rails.

My friend has also said that it is no use nationalising it if you cannot look after it. I entirely agree with him. Nationalisation is not often a solution unless you are able to work it better than these people who had worked it before. I assure him that this unit has not been nationalised merely because of doctrinaire purposes. Under these circumstances, we have no alternative but to take it over and run it properly. I have assured the House that we have taken care to see that the management prospects have been looked after very clearly before we took the decision of taking it over.

SHRI D.N. TIWARY: Consumer interests.

SHRI T. A. PAI: Yes; the consumer interests have also been taken care of. They said that because the wagon industry was allowed to get into difficulties; the price of wagons which was Rs. 39,000 in 1968-69 is now Rs. 79,000.

The Constitution of the wagon authority is well under way and we hope not only to press with the Railways but with others for orders to see that all these

wagon units are given enough work. The price, at the present moment, is Rs. 79,00 with possible escalation also. The decision to postpone buying wagon could affect in many ways, but merely because we have taken it over, I assure the House that our costs are not going to be more.

MR. DEPUTY SPEAKER: The question is

"That the Bill be passed."

The motion was adopted.

15.46 hrs.

ALCOCK ASHDOWN COMPANY
LIMITED (ACQUISITION OF UNDER-
TAKINGS) BILL

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): I beg to move*:

"That the Bill to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular; and for matters connected therewith or incidental thereto, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and Co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular, and for matters connected therewith or incidental thereto, be taken into consideration."

PROF. MADHU DANDAVATE (Rajapur): The Alcock Ashdown company is an 86 years old company and it has been decided to take it over. It is a welcome decision. But unfortunately right decisions

*Motion with the recommendation of the President.

are always delayed decisions and as a result whatever advantage can accrue if things are done in proper time is lost. This particular company has been making profits till 1965. After that they started incurring losses. In 1971 it was closed down. The Engineering Mazdoor Saba, which is the representative organisation in this particular kind of engineering industry, has submitted a number of memoranda. One memorandum indicates that in the various books of account of the old company there is reference to Rs. 3.5 crores of orders. If orders worth so much were placed on this company, there was obviously a lot of expectation from this company. Quite a substantial part of these booked orders related to the Defence department, that indicates that this company was defence-oriented. Therefore, many of us insisted that the Government should take an early action. But unfortunately time was allowed to lapse as a result a number of workers of this particular undertaking who had agricultural roots, have left to join agricultural activities in the interland. Some of the competent members of the supervisory staff who have considerable interest in this particular undertaking and have established their worth have taken up assignments in some other companies and we have thus lost competent and expert personnel which would have been available to this company.

Therefore, we insisted that it should be taken over early. So many legal complications were placed before us and Shri H. R. Gokhale, the Law Minister, gave his advice. In spite of that action was delayed. I have pointed out the difficulties that have been created as a result of the delay in action.

Now, we are told that at the time of acquiring this undertaking Rs. 1 crore will be paid. When Mr. Limaye raised this question at the introduction stage the Minister assured that he would spell out the details. The Minister should now spell out the details of this Rs. 1 crore. It appears we are putting a premium on bad management. It seems to be the equation in this country that nationalisation of those industries has to be brought about where there is corruption, mis-

management and other complications. I do not feel that nationalisation should mean nationalisation of losses, of corruption, of fraudulent practices and of mismanagement. Once they have taken a decision let them ensure healthy development of labour relations.

In clause 3 of this Bill it says: "from the appointed day the undertaking of the company shall, by virtue of this Act, be transferred and would vest in the Central Government." I would like the Minister to clarify that from the appointed day the undertaking of the company which would include "ownership, management and control" would vest with the Government. If it is amended that way probably the scope of the Bill would be widened.

When it is taken over, there is no guarantee that the workers will have a voice in the running of the undertaking and, therefore, on the board of management, there should be representatives of workers who should be elected by secret ballot. If this is done, the workers would get adequate representation in management.

What will happen to those supervisory staff as well as the ordinary labour who were connected with this industry and who have left this industry and gone over to some other industry? It may happen that after this company is taken over, some members of the old staff may join this particular company at a later stage. This company should be controlled and directed in such a manner that when the old employees seek to join this undertaking at a later stage all the facilities that were extended to them should be made available to them.

We are told that the Bank of Maharashtra and the State Bank of India, which were the creditors, went to the Bombay High Court and insisted that this particular undertaking should be liquidated. It was then handed over to the liquidator and the High Court has already given a decision and as per the decision the liquidator has called for tenders for auction of the property of this

[Shri Madhu Dandavate]

company. This is another complication. So, they should take proper precaution to see that the entire machinery is available to the new management. It should be modernised and streamlined.

If the old employees are allowed to return, as suggested by me, and if there is proper labour representation on the board of management, I think this company will be able to play a constructive role and the Government will be able to run this undertaking in a better manner with better participation of workers in the affairs of this undertaking. If all this is done I am sure this company will be able to contribute its share to the developmental activities as well as to the defence-oriented activities.

SHRI P. R. SHENOY (Udipi): Sir, the decision to take over Alcock Ashdown Company Ltd. is welcome. This company was engaged in ship repair, boat-building and construction of marine engines. After the Bombay High Court ordered the liquidation of this company, there is no production activity at all. I am sure after it is taken over, production activities will revive.

This Bill should have been introduced years ago. Everybody knows that when a matter goes to court and the court orders the winding up of a company, the liabilities of the company will go up, the management will put forward false claims and the construction activity will stop during the pendency of proceedings. I am told the liabilities of the company run into crores and includes amounts due to public financial institutions, nationalised banks and also arrears of wages to the workers. In the light of this, we have to see whether the amount fixed for payment to the company is adequate. It is no good saying we have acquired a company for very low compensation if the liabilities I have just mentioned are not met in full. The shareholders or management need not be paid any compensation, but at least the dues I have mentioned above should be fully met. In this light, we should see whether the amount of Rs. 1 crore fixed is adequate. If the value of the assets is more than Rs. 1 crore and if the liabilities to creditors is also more than Rs. 1 crore, it is

the duty of the Government to increase the compensation.

SHRI S. P. BHATTACHARYYA (Uluberia): Sir, I support this Bill, but we should see whether the payment of this amount of compensation is justified. Upto 1965 both Burn & Company and Alcock Ashdown were running profitably. Afterwards, they began running at a loss. What is at the root of this? Is there any attempt purposely to destroy these industries by foreign interests? If that be so, we must see to it that we do not pay for the sabotaging activity of those persons.

16 hrs.

Coming to the workers, when the Government take over a concern, they should set an example by giving justice to the working class. As the Minister has very rightly stated, they are the real producers of wealth. So, the Minister should take them into confidence and see to it that their interests are not affected by the taking over, because it is only the contented workers who can help you get over the difficulties so that the factory can start production soon. As Shri Madhu Limaye mentioned, Government should try to get the full co-operation of the working class so that this undertaking can start functioning soon. With these words, I support the Bill.

16.01 hrs.

[SHRI K. N. TIWARY in the Chair]

SHRI RAJA KULKARNI (Bombay—North-East): Mr. Chairman, the take over of Alcock Ashdown Company by Government through acquisition is no doubt a right step. This company was functioning very well but somehow or other, mainly due to mismanagement, it was closed down in January 1971. Since the products of this company are needed for defence, the workers and public of Bombay were demanding for a long time the take over of this concern in the national interest. In fact, this company should not have been allowed to stop production three years ago. Government came into the picture only when an auction was about to take place. In January 1972 the High Court ordered the winding up of the concern and one of the secured creditors made an applica-

tion for liquidation and auction of the factory. It is only then that the Government decided to take over the concern, which was the demand of the workers all along. This decision is no doubt welcome.

While welcoming this step, I would like to point out one or two lacunae in the measure. There are employees who have served this concern for the last 20 or 30 years. What happens to their employment. Will they also be taken over along with the other equipments and assets of the company? That is not made clear in the definition of "establishment". Even if it is not implicit in clause 4, I would like to say that an assurance is needed by the Minister on behalf of the Government that along with the equipments and assets, the Government would be prepared to take over the services of all the workmen who were on the register of the company on the date of closure of the company, namely, January 1970. Also, even if the Government asks the company to do so, will it pay the workers for their past services? The claims of the workers have accumulated. I am told that even regular wages for a period of one year is pending, amounting to about Rs. 45 lakhs or 50 lakhs. I do not know whether the Government is prepared to take over this liability to the workers. On behalf of the thousands of workers of Alcock Ashdown Company I request that an assurance be given that their past services will be counted and that they will be taken in with their past services and that the arrears due to them in the form of wages will be paid. Their provident fund accounts are to be kept up-to-date. Their gratuity account has to be kept up-to-date. It is to be assured that their gratuity account is also safe. The bonus which was declared in the past but not paid to the employees and the contribution to the Employees State Insurance are also to be assured and paid.

All these claims of the workers need to be assured by the hon. Minister if the undertaking is to be made a success with the cooperation of the employees.

Secondly, the lacuna or the defect that we see in a good action is about the man-

agement that has to come up now. In clause 8 which deals with the future set-up of the management, on behalf of the Government, nothing has been stated about the workmen. The Government should make it quite clear. In the process of passing this Bill, the future set-up, the character, of the management should be made quite clear, whether the Government wants this to be established as a new Company, an independent Company a Public Limited Company or whether the Government wants to make it as a division of the Mazagaon Docks or something else.

We would like that workers should be associated. Even the workers have made a demand to the Government. They have in a deputation met the Minister saying that they are prepared to take over themselves, form an association, and they have also said that they have got technical experts to run the whole undertaking. Why not the Government consider the proposal given by the workmen that they would like to run it on behalf of the Government through a cooperative of workmen and that the management should be handed over to them?

I would then come to another important point about the compensation to be paid, that is, an amount of Rs. 1 crore. I agree with the suggestion that this amount needs to be spelt out; it needs to be detailed out. What are the considerations on the basis of which the Government has come to a conclusion that Rs. 1 crore is a reasonable amount? One does not know. If it is on the basis of the book value of the fixed assets, well, it is known that the book value of the fixed assets, in 1973, is estimated at about Rs. 40 lakhs only. The last balance-sheet of 1969 showed the book value of the fixed assets as Rs. 56 lakhs. In 1973, it is estimated at only Rs. 40 lakhs. Now, if Rs. 40 lakhs is the book value of the fixed assets and the current assets are practically liquidated from Rs. 3 crores and odd to hardly Rs. 40—50 lakhs or so, definitely, Rs. 1 crore compensation to be paid is on the high side.

Then, the Government also says in sub-sections (2) and (3) of clause 7 that in paying off this amount of Rs. 1 crore,

[Shri Raja Kulkarni]

they are depositing this amount of Rs. 1 crore which is by way of compensation to meet all the liabilities. Here, the Government must take the Parliament into confidence about deciding the reasonability of Rs. 1 crore. Through papers and other things, it is known that the liabilities of this Company, both secured and unsecured, are more than Rs. 3 crores. About Rs. 3.37 crores are the total liabilities and most of them are secured liabilities. There also, two banks, the Bank of Maharashtra and the State Bank of India have given loans. Bank of Maharashtra—Rs. 60 lakhs and State Bank—Rs. 110 lakhs. Now, if Rs. 1 crore is to be paid, then what is the Government going to do about the liabilities to these two financial institutions belonging to Government? This is all that is needed and I, therefore, would request that a detailed account of the reasonableness of paying Rs. 1 crore should be given by the Minister.

With these observations, I support the Bill.

SHRI D. K. PANDA (Bhanjanagar): Of course, I welcome this Bill because it is a complete acquisition of the Alcock Ashdown Company.

The point that agitates every thinking man in India is this. As far as the Alcock Ashdown factory is concerned, it was giving profits, but, after sometime, when Mr. Haridas Mundhra entered—he has been controlling more than 70 per cent of the shares—because of the frauds played by him and others who were in management and who were in administration, it has been brought to this ruinous condition and now everything has been eaten away by such managers.

As far as the workers' union there, they have once sent a report on the basis of which I raised a question here that when there is so much mismanagement, why the Government should not appoint a commission of inquiry to inquire into the mismanagement and misappropriation. After that, the previous Minister just appointed one commission and that commission was only called upon to inquire into the fall in production, nothing

beyond that. At that time also, all these mischievous moves of Mr. Haridas Mundhra who was controlling the major shares have been brought to light and several representations were sent by our union there. In spite of that, the Government did not take any further action and, therefore, he got the advantage of eating away more and more and harvested rich profits.

Now, as far as the compensation, I want to lay stress on one point and I fully support some of the members of the Treasury Benches who have said that actually nothing need be paid. I want to know to whom it should be paid. It is said that this Rs. 1 crore will be kept in deposit to the credit of the company. Who represents that company? Here, certain facts will clarify that it is not justifiable to give a single copper. But, as under the Constitution, some compensation has to be paid, it may be reduced to Rs. 1000 which may be given to the ordinary share-holders who were never in the management and who were never in the administration.

You will kindly consider one aspect. Here, since almost February 1971, this company had no validly appointed Board of Directors because one Mr. Gopalakrishnan died in or about 1970, one Mr. A. K. Roy resigned in January 1971, Mr. Abdul Latiff Hazra Khan resigned in February 1971, Mr. B. P. Mody was not validly appointed and Mr. K. Tapuriah resigned in March 1971. So, only Mr. Haridas Mundhra remained and he appointed one Mr. M. C. Lakhota, to conduct the affairs in October 1970 without any remuneration. Therefore my point is, to whom it has to be paid? If at all we are to benefit by nationalisation what we have to do is, we have to create some sense of confidence among the people, to get more and more of support in favour of nationalisation. That feeling needs to be created, Sir. Share holders are there out of whom more than 75 per cent is controlled by Haridas Mundhra. He has played a fraud and he got all the benefits. Now, there is another thing here. There is not even a properly, legally, validly, constituted Board. Who is to get this money, Sir? Who is to take

this compensation or this amount? Therefore, my submission is this. Nothing has to be paid. There should be only formal payment of Rs. 1,000 to those shareholders simply to avoid the constitutional difficulty. Only they can be paid. It should not be for such of the shareholders who should never have been in administration. They are ordinary shareholders.

The second point which I want to mention is about the loans of Mr. Mundhra. I will quote one or two instances. On one occasion he took loan of Rs. 35,000. This amount of Rs. 35,000 has not been paid. On another occasion he took another loan of Rs. 1.50 lakhs. As I have no time I am not giving details of all the loans taken. I am giving only certain instances. Very many times he has taken loans and under his influence so many other persons were given loans. There must be some provision in the Bill to recover all those loans which were illegally taken and which have been given to persons related to Mr. Mundhra and so on.

Regarding viability, I would say, this is quite profitable, because, till 1971 February, though technically one may say closed, yet, it has not been closed. It was working upto 1971 February. Those workmen who were there should be re-employed.

Thirdly what I demand from the Minister is this. Those very officers who have been conniving with Mundhra, who have allowed money to be taken, who have ignored all the rules and regulations, who have committed fraud, should not be taken, they should be turned down. They should not be given any chance or opportunity to be there in the management. The management should be rid of those persons. They have everted some finance also in the name of purchasing or receiving some goods. They have paid advances to the tune of not thousands but lakhs. Absolutely no goods have been received. They were all done at the instance of Mr. Mundhra. Efforts should be taken to realise such amounts. These are all the things which I wanted to mention.

Then, Sir,...

MR. CHAIRMAN: Your time is over. Please conclude.

SHRI D. K. PANDA: I am giving only main points. I am not intervening saying this amendment should be accepted or that amendment should be accepted.

MR. CHAIRMAN: The time to your party is over. Please conclude.

SHRI D. K. PANDA: I am concluding. Regarding unemployed workers they have to be re-employed immediately.

MR. CHAIRMAN: How many times I have to say? Please conclude. Shri B. V. Naik. I have called the next speaker please.

SHRI D. K. PANDA: I am concluding, Sir. There should be a joint committee composed of the workers within three months.

There should be some arrangement for forming a joint committee of workers and Government so that from the shop level to the top level, there could be proper management and they should be conducted in such a way that they have a rightful place to play their role.

Finally, what I want to say is this. Salaries and provident fund amount have also been eaten away by these officials and also by Shri Haridas Mundhra. Therefore, the responsibility to pay the salaries and provident fund amount all other arrears that are due to them should be that of the committee.

SHRI B. V. NAIK (Kancra): Mr. Chairman, Sir, I have heard the brief speech made by the hon. Minister on the taking over of Alcock Ashdown and Company from the previous management. More and more I see the happenings, I have a feeling that there are no defined economic laws in operation in this country. We have, after 1966 Industrial Policy Resolution, accepted the pattern of mixed economy. But, if we take a sort of an objective look at the economic map of our country, it looks more like bazar economics—the economics of the Indian bazars rather than the mixed economy. Why I say is this. When we see the autonomy of

[Shri B. V. Naik]

the private sectors or the public sector limited companies, the whole autonomous body—corporate company—comes into a disrepute or comes to grief. Again a tremendous amount of pressures is exercised on the Government and the Government again has to foot the bill. They have nationalised the banks. There are definite responsibilities of the bankers. The hon. Minister and the Ministry of Banking know it very well as to the collateral security and others that the bankers should be able to enforce from their clients. I see no reason as to why even the Bank of Maharashtra or the other Banks could finance such adventure which led them to the soup—the loss to the extent of Rs. 1½ crores. I do not know whether there is any supervision being exercised on the banks or not. Well, here is the Company Law Administration which has got ample powers. It would not be correct to say that they do not have the powers. But, these powers of the Company Law Administration are being observed in their breach rather than in their observance. And ultimately, whether it is the Government or any other autonomous corporation or financial institution, we are left with holding this baby most of the time—it is a dead baby.

In these circumstances, I would join in the sentiments expressed here by many other speakers that we will have to have a very definite line of action when we deal particularly with the irresponsible sector—the private sector. Unfortunately, for good or for bad or for doctrinaire reasons, even the mismanagements have been clubbed with the bad managements and we classify everything as a sort of monopoly—good or bad monopoly. . . but I would not subscribe to this point of view. I would like to refresh the memory of the hon. Minister to what the late Shri D. R. Chavan said on the floor of this House. It has unfortunately been not caused by the bad monopoly houses but he would try to classify the monopolies in this country into good or bad management rather than good monopoly or bad monopoly houses. If their management is bad, punish them for the

bad management; but, if they are good, then give them encouragement. Unfortunately, soon after the demise of Shri D. R. Chavan, this policy had been given the go-by and there is adequate reason for this, and I hope this can be substantiated, but I shall come to that later.

The hon. Minister had stated that approximately anywhere between 22 to 40 per cent of the stocks in one form or the other, in the form of loan or equity participation or deferred shares or debentures is being held by our public financial institutions. Though I might not have agreed, and the House might not have agreed at that time, a question had been asked by Shri M. R. Bhide, the chairman of the LIC once, 'If we have to convert all these holdings into equity participation in all the private sector concerns, how many directors have we got to go and sit on the boards of management of these concerns and conduct them properly?'. Again, whether we take over the undertakings or we take over only the management, it will be a problem of the crucial role of the managerial element in respect of these undertakings whether they are taken over from the private sector or they are initially born in the public sector. I feel that particularly in the Ministry of Heavy Industry, there is need to built up a group of people—I would not call it a cadre—as soon as possible; they may be taken out from anywhere; they may be taken out right from the labour force or they may be taken out from the open market or they may be taken from various walks of life, but this group should be built up as soon as possible. I congratulate the hon. Minister on having done so and on his having posted his people in respect of every undertaking the management of which he has taken over.

There has been a considerable amount of anxiety and agitation in the minds of hon. Members, right from Mr. Kulkarni to Shri D. Pande and Prof. Dandavate that there should be participation by labour in management. I would like the labour to earn its participation in the management. I am not speaking like a reactionary when I say this. Let not hon. Member rush to the judgement that I am a reactionary when I say this.

The first thing that I would suggest is this. Whether it be the management of the Indian Airlines or Alcock Ashdowns or Martin Burns, or in respect of the enhanced remunerations or bonuses applying to almost all the sectors, may we expect that the labour be issued stocks in the holding of the company? If there is an enhancement in respect of remuneration or bonus, in respect of the Airlines or any other undertaking,—particularly the lead will have to be given by the public sector undertaking—I would suggest that this should be done.

When we ask labour to participate, it would not be in the fitness of things, as was stated by Prof. Dandavate that a secret ballot should be held in order to put a member of the labour into the management. I would submit that that would be disastrous. In that case, politicians like us who are able to muster the votes of the people, irrespective of their managerial skills or their commitment to the concern, will come on the management. So, I would like to have it that way. We should like to issue either the bonus or other types of shares which will be earned out of the bonus or other remuneration due to the labourers to them and they should be able to have a separate constituency to come on their own and also have a stake in the advancement or development of the concern.

So far, we have had some excellent examples of the success of the private undertakings which we have undertaken. I would mention particularly the field of shipping. What was once the reprehensible Jayanti Shipping Co. has now become a wonderful Government of India undertaking under the Shipping Corporation of India. It has made phenomenal or record profits, and it has increased the tonnage so much that today we have got about 70 per cent total tonnage in the Indian shipping lines held by the Shipping Corporation of India. I see no reason why we should not be able to make a success of this.

Finally, I would say a word about compensation. If it is the intention to rob Peter to pay Paul, if it is to deplete funds of the public exchequer of India to the

extent of Rs. 1 crore because of the error done by our public sector nationalised banks which must be able to carry their own responsibility and bear their own losses for their errors to judgement and be accountable for them to Parliament ultimately, I see no reason why the exchequer of this country should be made to pay so much money. One crores of rupees is not a small sum.

Now, it may be late for this Bill to be amended, but I would submit that hereafter, it should not be left to Parliament as an onerous and unpleasant duty to write off the mistake committed by the management of our public sector managements.

श्री भारत सिंह चौहान (धार): सभापति महोदय, सरकार ने आज जिस कम्पनी को लेने का निर्णय किया है, मैं उस का स्वागत करता हूँ। स्वागत इसलिये करता हूँ कि इस कम्पनी के उत्पादन से हमारी रक्षा संबंधी आवश्यकताओं का संबंध है। यह निर्णय वास्तव में बहुत सराहनीय है। यदि रक्षा उत्पादन सामग्री के महत्व की दृष्टि से देखा जाय तो यह कदम बहुत पहले ही उठाया जाना चाहिये था, इस में अभी तक काफी विलम्ब हुआ है जिस से देश को भारी हानि हुई है और हो रही है इसलिये मैं मंत्री महोदय से यह निवेदन करना चाहता हूँ कि रक्षा संबंधी तथा बेसिक इण्डस्ट्रीज से सम्बन्धित देश में जितना उत्पादन होता है, उस के संबंध में सरकार सतर्क रहे और जब भी कभी इस तरह से नुकसान देश में होते हैं, शीघ्र से शीघ्र उन नुकसानों से देश को बचाया जाय। दिन प्रति-दिन ऐसे बहुत से वाक्यात भारत सरकार की जानकारी में आयेंगे, भारत सरकार का कर्तव्य हो जाता है कि ऐसी फर्मों या संस्थाओं का तुरन्त राष्ट्रीयकरण करे।

[श्री भारत सिंह चौहान]

वैसे तो सरकार ने बहुत से संस्थानों का राष्ट्रीयकरण किया है, लेकिन इस संस्थान के राष्ट्रीयकरण का महत्व इस लिये भी बहुत ज्यादा है कि इस का संबंध रक्षा से है, लेकिन इस में सावधानी रखने की जरूरत यह है कि जो कम्पैन्सेशन किया जा रहा है उस का पूरा खयाल रखने की आवश्यकता है। इस में टैकनीशियन्स काम करते थे, जिन को इस कला का अनुभव है, उन को पूरी तरह से लाभ मिले। कोई भी व्यक्ति एक दिन में अनुभव प्राप्त नहीं कर सकता, काम करने से धीरे धीरे अनुभव होता है। इस लिये जिन का अनुभव है उन को इस कम्पनी में फिर से लगाने का प्रयत्न करें उन की सेवाओं को वापस लें।

डा० कैलाश (बम्बई दक्षिण) : सभा-पति जी, एलकाक एशडाउन कम्पनी लि० (एक्वीजीशन आफ अण्डरटेकिंगज) बिल, 1973 के प्रिमेम्बल को आप देखेंगे तो आप को मालूम होगा, उस में लिखा है

"Whereas the company was formerly engaged in boat building, ship repairs and the production of marine diesel engines and light and heavy structural, transmission line towers....

उस के बाद चौथे पैराग्राफ में लिखा है

"And whereas it is urgently necessary to bring the undertakings owned by the company into operation so that the interests of the country in general....."

लेकिन 1971 में यह कम्पनी बन्द हुई जनवरी के महीने में और 13 जनवरी, 1972 को हाई कोर्ट ने फैसला दे दिया और शायद जनवरी, 1974 तक इस को लेने की बात कर रहे हैं, जब कि प्रीमिअल में आप कह रहे हैं अर्जेन्टली मिलेगी। तो इन दोनों में कहीं मेल बँटता है ?

यह कम्पनी 1965 तक लाभ में चल रही थी। 1969 से घाटा शुरू होने लगा। माननीय मंत्री जी को कागज देखने चाहिये कि 1969 में श्री मूंदड़ा ने इस कम्पनी को लिया था क्या। मेरी सूचना यह है कि उन्होंने लिया था और उन के ऊपर इतने मुकदमे चल रहे हैं इस सदन में भी उनकी चर्चा हुई, और शायद मंत्री जी को भी मालूम है, जब उस ने कम्पनी को हाथ में लिया तो उन्हें थोड़ा सतर्क होना चाहिये था। चौधरी साहेब जब मंत्री थे माननीय उमाशंकर दीक्षित को मई 1972 में मैं ने पत्र लिखे थे कि वर्कर्स चाहते हैं कि यह कम्पनी सरकार ले ले। लेकिन चूँकि महाराष्ट्र बैंक हाई कोर्ट में चला गया था इस लिये सरकार के हाथ बंध गये थे। अच्छा होता वित्त मंत्री जी यहाँ होते, मैं मंत्री महोदय से पूछना चाहता हूँ कि 60 लाख रु० तो बैंक आफ महाराष्ट्र ने उधार दिये। और मेरा अंदाजा है कि शायद नेशनलाइज होने के बाद यह रुपया दिया है। मूंदड़ा साहब किसी को भी खरीदने में माहिर हैं इसलिये बैंक आफ महाराष्ट्र को खरीद कर लिया है क्या यह ठीक है 1 करोड़ 10 लाख रु० स्टेट बैंक आफ इंडिया ने 1970 में उधार दिये हैं। इसलिये श्री पाई साहब का वित्त मंत्रालय को सूचना देनी चाहिये थी कि इतना रुपया मूंदड़ा जैसे व्यक्ति को, उस ने चाहे लखाटिया को रखा हो या पखोटिया को, इतने रुपये उनकी उधार क्यों दिये गये ?

अब आप 1 करोड़ रु० मुआबजे का देने जा रहे हैं। 1 करोड़ 10 लाख रु० स्टेट बैंक आफ इंडिया को और 60 लाख रु० बैंक आफ महाराष्ट्र को कैसे दिया जायगा, तो आप सोचिये कि वर्कर्स की क्या हालत होगी जिन का प्रोवीडेंट फंड और बचती का रुपया मेनजमेंट के साथ पड़ा है ?

मन्त्री जी यह भी देखें कि मूघड़ा ने अपने नाम से या अपने रिश्तेदारों के नाम से सेक्योर्ड या अ नसेक्योर्ड के नाम से जो रुपया इस कंपनी से लिया है उस का अलग से आडिट कराइये। मैं मानता हूँ मूघड़ा जानता था कि यह कम्पनी आखिर में नेशनलाइज होने वाली है और कम्पेन्सेशन भी मिलने वाला है। इसलिये उस रुपये को, जो मूघड़ा ने अपने नाम से या अपने रिश्तेदारों के नाम लिया है, दावा करके उस के खिलाफ कम्पनी में जमा करना चाहिये जैसा कि इस क्लोज में आपको हक है।

प्रोफेसर दंडवते ने क्लोज 3 के बारे में कुछ बातें कहीं हैं, लेकिन क्लोज 4 में यह सब कुछ कहा हुआ है, मैं पढ़कर बताता हूँ, "The undertaking shall by virtue of this Act be transferred to. के बाद assets, rights, powers, authorities, privileges and all that. वह जो चाहते थे वह क्लोज चार में निहित हैं।

मैकेन्जी और ब्रिटानिया के बारे में हालांकि उन का इस बिल से कोई संबंध नहीं है, लेकिन मंत्री महोदय ने जब जवाब दे दिया कि बेजक हैं और उन को लेना ठीक नहीं है। परन्तु मैं मांग करता हूँ कि आप के पास रिपोर्ट तो आयी है, फिर भी आप दूसरी रिपोर्ट मंगाइये कि ब्रिटानिया और मैकेन्जी कम्पनियां लेने लायक हैं या नहीं। अगर वह रिपोर्ट बताये तो उन को भी लेना चाहिये।

गुजरात सरकार ऐलंकाक ऐशडाउन कम्पनी क भावनगर यूनिट को लेना

चाहती है। बैंगन अथारिटी आफ इंडिय अगर नहीं बनायी जाती और उस के साथ भावनगर की शाखा को बिना रखे काम चल सकता हो तो उस यूनिट को गुजरात सरकार को देने में हिचकिचाना नहीं चाहिये मैं मानता हूँ कि गुजरात सरकार उस को भली प्रकार चला सकेंगी।

श्री मधु लिमये (बांका): सभापति महोदय, सब से पहले एक कर्तव्य को मैं पूरा करना चाहता हूँ जिस को वास्तव में मंत्री महोदय को करना चाहिये था। लेकिन समय बचाने के लिये उन्होंने नहीं किया। उन्होंने वायदा किया था कि इस कम्पनी की साम्पत्तिक स्थिति के बारे में वह सारा विवरण सभा के सामने रखेंगे। तो चूँकि उन्होंने इस विधेयक पर कोई भाषण ही नहीं किया इसलिये उन के द्वारा ही जो विवरण मिला है वह मैं पहले रखना चाहता हूँ। इन के बयान के अनुसार :

श्री शिवनाथ सिंह (मुम्बई): सभापति जी मेरा प्वाइंट आफ आर्डर है। माननीय मधु लिमये जी ने कहा कि मंत्री महोदय ने उन को दिया है। तो क्या ऐसा है कि मंत्री महोदय उस को रखना नहीं चाहते थे। माननीय लिमये जी को ये फीट क्यों दिये हैं जो कि सदन को नहीं दिये गये हैं?

श्री मधु लिमये: वह बोल सकते थे आधा घंटा लेकिन चूँकि माननीय दंडवते जी को जाना था इसलिये उन्होंने भाषण नहीं किया। इस में क्या आपत्ति की बात है?

श्री शिवनाथ सिंह: जो सूचना मंत्री महोदय को सदन को देनी चाहिये थी वह सूचना माननीय मधु लिमये जी को देना ठीक है? आप क्लियर दें।

सभापति महोदय: यह जान और वह जानें। इस में क्या क्लियर दी जाय। दोनों के बीच की बात है।

Shri Madhu Limaye :
Value of the current assets, loans and advances According to the last audited balance, these came to Rs. 337 lakhs as on 31-12-69

Assessment done by ISCON Private Ltd., a firm of Consulting Engineers, in September 1970 about the value of fixed assets.Rs. 126.8 lakhs for the Bombay Unit and Rs. 54.5 lakhs for the Bhavnagar Unit.

Assessment done by Mazagon rocks in January and June 1973 about the value of fixed assets,Rs. (5 lakhs for the Bombay plant and Rs. 32 lakhs for the Bhavnagar Plant.

Assessment done by Mazgaon Docks about the value of current assets and loans and advances,Rs. 55 lakhs,

Extent of secured creditRs. 60 lakhs from Bank of Maharashtra and Rs. 110 lakhs from State Bank of India

Extent of Statutory liabilities and preferential payments like Bonus, provident fund, ESI, Income Tax, Sales Tax, Wages & Salaries, Gratuity etc.Rs. 64.10 lakhs.

Total estimated liabilities ...Approximately Rs. 340 lakhs.

Market value of Free-hold land held by the Company at Bombay. ...Approximately Rs. 40 lakhs (3 acres of land, calculated at Rs. 300 per sq. yard.)

इस संबंध में कई महत्वपूर्ण और सैद्धान्तिक प्रश्नों को उठाना चाहता हूँ इसलिये कि भविष्य में यह जो घटनाएँ ऐलकाक और एशडाउन के संबंध में हुई हैं उस से हम आवश्यक सबक लें और निष्कर्ष निकालें जिस से भविष्य में ऐसी गलती न हो।

"that the business of the company is being conducted with intent to defraud its creditors, members or any other persons, or otherwise for a fraudulent or unlawful purpose, or in a manner oppressive of any of its members, or that the company was run for any fraudulent or unlawful purpose".

सब से पहले कम्पनी कानून को लीजिये। हमने कम्पनी ला पास किया इस के तहत सरकार को बहुत व्यापक अधिकार कॉर्पोरेट सेक्टर के बारे में दिये गये। एक तो सभापति महोदय, मैं आप का ध्यान धारा 237 (बी) की ओर दिलाना चाहता हूँ।

इस में इस तरह और भी बातें कही गई हैं। मेरे कहने का मतलब यह है कि अगर किसी भी कम्पनी में घपला या चोटाला है, तो कम्पनी कानून मंत्रालय को उसकी जांच करने का पूरा अधिकार है। इस अधिकार का इस्तेमाल ऐलकाक एश-डाउन कम्पनी के संबंध में समय पर होना चाहिये था, जो नहीं किया गया।

(बी) में कहा गया है कि सरकार इस की जांच करने के अधिकार का इस्तेमाल कर सकती है। किस हासत में ?

सरकार को इसी कानून की दफा 408 के तहत दो सरकारी डायरेक्टर्स को भी नियुक्त करने का अधिकार है;

ताकि ये डायरेक्टर्ज बोर्ड की बैठक में हिस्सा ले सकें ; और अगर कोई गलत काम या गलत निर्णय हो रहे हैं, तो उन को भी रोक सकें। मंत्री महोदय इस बात का खुलासा करें कि इस अधिकार का भी इस्तेमाल क्यों नहीं किया गया है।

हमारी जो वित्तीय संस्थाएँ हैं, जिन में राष्ट्रीयकृत बैंकों का भी सावेश होता है, और जिन के प्रतिनिधि ऐसी कम्पनियों में रहते हैं, मैं जानना चाहता हूँ कि क्या वजह है कि वे समय पर अपने अधिकार का इस्तेमाल नहीं करते। मेरे सामने एक वित्तीय अखबार है। उस ने अपने सम्पादकीय में वित्तीय संस्थाओं के दायित्वों के बारे में लिखा है—मैं उसमें से एक पैराग्राफ पढ़ कर सुनना चाहता हूँ :

"Amidst all these down-to-earth problems, one may also be permitted to ask what exactly the representatives and directors of the public financial institutions are doing while sitting on the boards of large corporate enterprises. Even if they are not, say, technologists or production experts, they will not deny that they are there to safeguard the public money poured into them. In what manner, then, do they discharge their fundamental function in this respect? By definition, they ought to be as good a watchdog and representative of the public interest as any future bureaucrat or administrator will ever be."

केवल एक कम्पनी की बात नहीं है, कई कम्पनियों की बात है। जब मंत्री महोदय एल० आई० सी० के चेयरमैन थे, तो कापड़िया ग्रुप के लोग अहमदाबाद और सूरत की बिजली कम्पनियों को हथियाना चाहते थे। मैंने उन को पत्र लिखा और वह इस बात को काट नहीं सकते हैं कि उन के हस्तक्षेप की वजह से उन लोगों के हाथ में ये कम्पनियाँ पूर्णतया

नहीं जा सकीं। इस के लिए मैं उन को श्रेय और धन्यवाद देता हूँ। लेकिन क्या वजह है कि दूसरी वित्तीय संस्था अन्य कम्पनियों के बारे में समय पर इस तरह का हस्तक्षेप नहीं करती हैं ?

हमारे यहां मजदूर मंत्रालय है। हम उन की अनुदान की मांगों को कुबूल करते हैं। उन के अधिकारी होते हैं। जब मजदूरों पर संकट आता है, तो क्या मजदूर मंत्रालय का भी इसमें कोई दायित्व नहीं है ?

हो सकता है कि पहले यह मामला हैबी इंजीनियरिंग मिनिस्ट्री के अन्तर्गत आता था। मुझे पता नहीं है कि किस मंत्रालय के अन्तर्गत आता था। उस का भी इस बारे में दायित्व है।

इस के अतिरिक्त, जैसा कि इस कानून के उद्देश्यों और कारणों में कहा गया है, इस कम्पनी में ऐसे सामान का उत्पादन होता था, जिस का देश की सुरक्षा की दृष्टि से महत्व था। बोट्स, मैरिन डीजल इंजिन्ज का निर्माण और शिप रियेपेजिंग आदि काम उस में होते थे। प्रश्न यह है कि इस सम्बन्ध में सुरक्षा मंत्रालय क्या कर रहा था। जब इस तरह के कारखानों में घोटाला होता है और अकार्यक्षमता बढ़ती जाती है, तो सुरा मंत्रालय का भी यह दायित्व है कि वह समय पर इस सदन को, और सरकार को, आगाह करे कि इन बातों से देश की सुरक्षा के लिये खतरा पैदा हो सकता है।

इस बारे में सरकार के विभिन्न मंत्रालय/मंत्रालयों के जो दायित्व होते हैं, मैंने उन के बारे में यह अर्थ किया है।

लायबिलिटीज आदि के आंकड़े सरकार के सामने आ गये हैं। तो फिर वह एक करोड़ रुपया मन्नावज के रूप में क्यों देना चाहती है ? मंत्री महोदय का मुद्दा यह है कि सुप्रीम कोर्ट के कारण ऐसा हो रहा है। तो

[श्री मधु लिमय]

मौलिक अधिकारों के बारे में सुप्रीम कोर्ट का जजमेंट मेरे पास है। उसमें बहुमत का जो निर्णय है, उस का सारांश स्वयं जजिज ने दिया है। इस में इलुजरी कम्पेन्सेशन की कोई बात नहीं है।

जज कहते हैं :

"The view by the majority in these writ petitions is as follows:

1. Golak Nath's case is overruled;
2. Article 368 does not enable Parliament to alter the basic structure or framework of the Constitution;
3. The Constitution (Twenty-fourth Amendment) Act, 1971 is valid;
4. Section 2(a) and 2(b) of the Constitution (Twenty-fifth Amendment) Act, 1971 is valid;"

(जिस का सम्बन्ध इस विधेयक से है।
यह वाक्य महत्वपूर्ण है।)

"5. The first part of section 3 of the Constitution (Twenty-fifth Amendment) Act, 1971 is valid. The second part, namely, 'and no law containing a declaration that it is for giving effect to such policy shall be called in question in any Court on the ground that it does not give effect to such policy' is invalid;"

उन्होंने कांस्टीट्यूशन (ट्वेन्टी-फ़िफ्थ एमेंडमेंट) एक्ट के सैक्शन 2(ए) और 2(बी) को वैध घोषित किया है। मैं ने सब जजमेंट्स देखे हैं। मैजोरिटी की—सात जजिज की—इलुजरी कम्पेन्सेशन के बारे में वह राय नहीं है, जो मंत्री महोदय ने दी है। हेगड़े और उन के साथी मुर्कजी ने इलुजरी कम्पेन्सेशन के बारे में फ़ैसला दिया है, चन्द्रचूड़ ने भी, परन्तु बहुमत ने नहीं। इस लिए मैं मंत्री महोदय की इस बात को मानने के लिए नैयार नहीं हूँ कि एमार्जेंट, यानी रकम,

इलुजरी नहीं होनी चाहिए, यह सुप्रीम कोर्ट की राय है। बहुमत का इस तरह का कोई फ़ैसला नहीं है, बल्कि बहुमत ने कहा है कि इस के बारे में अदालतों को दखल देने का कोई अधिकार नहीं है। तो बहुमत के फ़ैसले की आड़ में छिप कर इन नालायक लोगों को सरकार जो एक करोड़ रुपया देने जा रही है उस का मैं सख्त विरोध करता हूँ। यह एक करोड़ रुपया देने की कोई ज़रूरत नहीं है।

मेरी जानकारी के अनुसार इस कम्पनी के मूल शेयरज 35 लाख रुपये के थे और बोनस शेयरज 48 लाख रुपये के थे। सभापति महोदय, आप बड़ी-बड़ी वित्तीय कमेटियों के सभापति रहा करते हैं। आप को यह पता होगा कि बोनस शेयरज की प्रणाली कितनी खतरनाक है। एक जमाने में पूंजीवाद में विश्वास करने वाली जमात के लिए तो वह ठीक बात है, लेकिन जब समाजवाद, गरीबी हटाओ और बेकारी हटाओ के नारे चल रहे हैं, तो इस स्थिति में बोनस शेयरज की प्रणाली को जारी रहने देना उचित नहीं कहा जा सकता है।

आखिरकार बोनस शेयरज कहाँ से आते हैं? उपभोक्ताओं को चूस कर, देश को लूट कर, जो रिज़र्व इकट्ठे किये जाते हैं, उन्हीं को बोनस शेयरज के रूप में बांट दिया जाता है।

डा० कंलाश : वर्कज को बोनस शेयरज कोई नहीं दिये गये हैं। क्या यह सत्य है?

श्री मधु लिमये : मजदूरों को कौन देगा?

जब सरकार किसी कम्पनी को लेगी, और यह बोनस शेयरज का सिलसिला बढ़ेगा तो सरकार को मुआवज़ा देना पड़ेगा। इस लिए मैं बोनस शेयरज की कल्पना का विरोध कर रहा हूँ।

मेरे सामने यह जे० के० सिन्थेटिक्स की रिपोर्ट है। कैपिटल इस्चुज कमेटी ने अभी अभी कई कम्पनियों को बोनस शेयरज बांटने के बारे में अनुमति देने का निर्णय किया है। वह बहुत खतरनाक निर्णय है ? इस में से मैं दो वाक्य केवल पढ़ना चाहता हूँ। यह जे० के० सिन्थेटिक्स की वार्षिक सभा में चेयरमैन साहब का भाषण है। उस के मैं केवल दो हिस्से आप के सामने रख रहा हूँ। चेयरमैन साहब गोपाल कृष्णन कहते हैं :

"It will be observed that sales and fixed assets of the company have increased almost between 20—25 times over the last seven years."

कैम ? टैरिफ कमीशन की रपट दबाओ। दामों को बढ़ाओ, मुनाफा कमाओ। इस में तो ब्रैक का मुनाफा नहीं जोड़ा है, वह अलग है। मुनाफा कमाओ और बोनस शेयरस बांटो। मुझाव क्या देते हैं चेयरमैन साहब :

"The Board has greatly appreciated the support which the shareholders have always extended to the company and felt it only right that it should reward them suitably by recommending an issue of bonus shares in the ratio of 2 bonus shares for everyone existing equity share. This is subject to the consent of the Controller of Capital Issues."

सभापति महोदय, शेयर होल्डर्स कम्पनी को लूटने के काम में मदद करते हैं, एतराज नहीं करते हैं और उम का उपहार उन को मिलता है एक शेयर के पीछे दो बोनस। यह क्या हो रहा है इस देश में ? इसके ऊपर आप गौर फरमाइए।

मैं आप से इतना ही निवेदन करना चाहता हूँ कि इस एलकाक एशडाउन कम्पनी का शेयर कोटेशन 1966 में 304 ६० था और जैसे ही चारों के हाथ में, डकैतों के हाथ में यह कम्पनी चली गई, घटते घटते 127 हो गया और 1969 में 85 रह गया। सब

लोग सो रहे थे, वित्त मंत्रालय सो रहा कानून मंत्रालय सो रहा था . .

सिवाई और विद्युत मंत्रालय में उप-मंत्री (श्री सिद्धेश्वर प्रसाद) : किस कम्पनी के बारे में आप कह रहे हैं ?

श्री मधु लिमये : जिस पर चर्चा हो रही है।

मैं ने उदाहरण के तौर पर कहा कि एलकाक एशडाउन में ओरिजिनल शेयरस से बोनस शेयरस ज्यादा हैं और वही आज भी चल रहा है। दस साल के बाद ये सब मलाई खाएंगे और फिर आप ऐसा ही प्रस्ताव ले कर आएंगे। इसलिए मैं आप को आगाह करना चाहता हूँ। मैं आप को चेतावनी दे रहा हूँ। मैं यह कह रहा था कि क्या सरकार यह सब जब हो रहा था तब सो रही थी ? क्या मंत्री महोदय कम से कम भविष्य के लिए आश्वस्त करेंगे पूरी सरकार की और से, केवल अपने मंत्रालय की ओर से नहीं, कम्पनी कानून मंत्रालय, वित्त मंत्रालय, सुरक्षा मंत्रालय, मजदूर मंत्रालय, पूरे कारपोरेट सेक्टर पर ठीक निगरानी रखेंगे और इस तरह उन को लूटने और ठगने का मौका नहीं देंगे ऐसी आशा व्यक्त करते हुए मैं अपनी बात समाप्त करता हूँ।

श्री शिवनाथ सिंह (झुंझुनू) : सभापति जी, एलकाक एशडाउन के समूह को सरकार द्वारा लेने के संबंध में जो कानून बन रहा है सदन के सभी माननीय सदस्यों ने उस का स्वागत किया है। इस से यह भावना प्रकट होती है कि हमारा देश और हमारा पूरा सदन नेशनलाइजेशन के पक्ष में है। मुझे चिन्ता होती है और पीड़ा भी होती है, एक तस्वीर अभी दो दिन पहले हमारे माननीय मंत्री इंडस्ट्रियल डेवपमेंट ने रखी थी। जिस में उन्होंने स्पष्ट कहा था कि नेशनलाइजेशन के फंयर में या जैसे ही नेशनलाइजेशन नाम आता है तो लेबर ट्रबल

[श्री शिवनाथ सिंह]

हमारे सामने आती है और यह सिरदर्द हम नहीं लेना चाहते हैं। तो मैं माननीय मंत्री पाई साहब से निवेदन करना चाहूंगा कि इस का मैनेजमेंट टेक ओवर करने के बाद इस तरह का मैनेजमेंट-वह दें ताकि मुश्किलें साहब को फिर आगे इस तरह को चिन्ता व्यक्त करने का न मौका मिले और उन दिमाग में यह बैठे कि नहीं, नेशनलाइजेशन ठीक है।

इस कम्पनी को लेने के संबंध में निणय अभी हो रहा है। लेकिन जैसा सदन के सभी माननीय सदस्यों ने कहा है यह कम्पनी आज के आप के हिसाब से भी और 1969 से लास में चल रही है। जसा मधु लिमये जी ने कहा बहुत ठीक बात उन्होंने कही कि सरकार की बहुत बड़ी मशौनरी है, बड़े-बड़े आफिसर हैं; वह क्या करते हैं, यह हमारी समझ में नहीं आता। इसी एक कम्पनी का ही नहीं, हमने बहुत सी कपड़ा मिलों को लिया है, दूसरी कम्पनियों को लिया है, लेकिन जो सब कुछ उन्हें मिला हुआ था, बैंकर्स से, फाइनेंशियल इंस्टीट्यूशंस से वह सब कुछ खा जाते हैं उसके बाद हमारे आफिसर सरकार के ध्यान में लाते हैं कि अब सरकार इस को ले। इस से जिन लोगों का इन्टरेस्ट और सही इन्टरेस्ट होता है वह सेफगार्ड नहीं होने पाता है और देश का प्रोडक्शन रुकता है। इसलिए क्या मंत्री महोदय आगे से इस बात को चेष्टा करेंगे, अपने स्टाफ को, अपने कर्मचारियों को और आफिसर्स को सतर्क रखेंगे कि जैसे ही किसी कम्पनी का मामला गलत बैठे वह उस की ओर ध्यान दिलाएँ और ठीक समय पर सरकार उन को ले।

17.00 hrs.

दूसरी बात—इस में एक करोड़ रुपया कम्पेन्सेशन देने के लिए कहा है। मधु लिमये जी ने कुछ फिगर्स रखी है। उन के हिसाब से 3 करोड़ 40 लाख की इस की

लायबिलिटी है और 40 लाख के इस के असेट्स हैं। मुझे मालूम नहीं कि उन को जानकारी क्या है लेकिन मंत्री महोदय को यदन को कॉन्फिडेंस में लेना चाहिए था और यह बात जाना चाहिए था कि आज उसके असेट्स को बूक वैल्यू क्या है, रियल वैल्यू क्या है, उन की लायबिलिटी कितनी है और कितना वर्कर्स गा बोनस का रूपया बाकी है, कितना तनखाह का रूपया बाकी है..... (व्यवधान.....) अभी तो मैं शुरू किया है.....

सभ-पति महोदय: एक ही बात सभी लोग रिपेट कर रहे हैं एक ही बात को दोहराने से क्या फायदा है?

श्री शिवनाथ सिंह: मैं दूसरा पाइंट शुरू कर रहा हूँ।

मैंने यह निवेदन किया कि माननीय मंत्री महोदय ने सदन के सामने ये बातें नहीं रखीं, हम विनकुल अन्धेरे में हैं, इसलिए अपने भाषण में कम से कम इस एक करोड़ रुपये की जास्टिफाई करने के लिए जा भी बातें हों वह रखें क्योंकि जैसा कि बताया गया है एक करोड़ रुपये से अधिक राशियाँ एक बैंक का है, 60 लाख दूसरे बैंक का है। तो इस को किस तरह से वह जास्टिफाई करेंगे?

अब मैं इन बिल की कुछ क्लॉजेज की तरफ ध्यान प्राकषित करना चाहूंगा। आप ने क्लॉज 9 में पेनल्टीज रखी है। वह इस प्रकार हैं कि कोई भी आदमी जिन के कब्जे में इस का कंट्रोल हो, जिस के कब्जे में प्रार्टी हो, प्लान हो, एकाउंट्स हों, वह यदि उन्हें नहीं देता है, गवर्नमेंट को पजेगन हैड ओवर नहीं करता है तो उस को आप ने फाइन या दो साल की सजा या दोनों रखा है। मैं निवेदन करूंगा कि इन प्रकार के लोग जिन्होंने कम्पनी का सब माल

खाया है, पब्लिक मनी को खाया है, उन के लिए फाइन कोई चीज नहीं है। जब तक आप इस को पीनल क्लॉज नहीं रखेंगे तब तक यह काम होगा नहीं जो आदमी उस की प्रॉपर्टी को, असेट्स को, बुक्स को था और भी जो इन्फॉर्मेशन आप लेना चाहते हैं उनको नहीं देता है, उस के ऊपर आप पीनल क्लॉज रखें, उसको पनिशमेंट जरूर दीजिए। आप ने इस में रखा है :

imprisonment for a term which may extend to 2 years or with fine or with both.

आप ने फाइन भी साफ तौर से नहीं रखा है कि कितना फाइन करेंगे। इसलिए मैं मंत्री महोदय से निवेदन करना चाहूंगा कि इस में आप "और फाइन" मत रखिए और पनिशमेंट जरूर रखिये ताकि उन लोगों से प्रेजेशन मिल सके।

क्लॉज 10 में आप ने रखा है कि इस ऐक्ट के तहत कोई भी ऑफेंस कमिट किया गया तो—

he shall be guilty of offence and shall be liable to be proceeded against and punished accordingly.

आप ने इस में कोई भी पनिशमेंट प्रोवाइड नहीं किया है कि जो भी ऐसे ऑफेंस हो जाएं उन के लिए आप क्या पनिशमेंट देंगे। इसी तरह क्लॉज 10 सब-क्लॉज (1) और (2) में पनिशमेंट प्रोवाइड करना पड़ेगा। जब तक पनिशमेंट आप प्रोवाइड नहीं करते तब तक उस में नैक्यूता रहेगा।

आखिरी बात मैं निवेदन करना चाहता हूं कि 1 करोड़ रुपये के डिस्ट्रीब्यूशनल का आप ने प्राविजन रखा है और वह रखा है सिर्फ दो कंटेगरीज में। एक तो जो इस के क्रेडिटर्स हैं उन को देंगे दूसरे जो कांस्ट्र्यूटर्स हैं उन को देंगे। इस के साथ साथ वहां वर्क्स का कितना रुपया बाकी है वेजेज का, प्राविजेंट फंड का या और जो उन का बकाया है उस का पेमेंट करने के लिए आप ने इस में नहीं रखा है। यह एक लैक्यूना है।

मंत्री महोदय यह स्पष्ट करें कि आया यह उनका क्रेडिटर्स में आया या कहां किस तरह से आया? लैबरर्स के वेजेज वगैरह जो हैं उनको आप क्रेडिटर्स में किस तरह से ले लेंगे? तो इस ओर मैं आप का ध्यान दिलाना चाहता हूं कि इस लैक्यूना को भी दूर करने की आवश्यकता है।

अन्त में मैं पुनः मंत्री महोदय से निवेदन करूंगा कि जो आप ने एक करोड़ की रकम रखी है वह बिल्कुल बिना किसी आधार पर रखी है। कोई भी उसका आधार आप ने सामने नहीं रखा। इसलिए सदन को कम से कम वह स्पष्ट करें कि किस आधार पर इसे रखा है और भविष्य में इस का मैनेजमेंट ठीक चलेगा इस तरह का आश्वासन वह सदन को दें ताकि सुब्रह्मण्यम साहब को इस की शिकायत न हो।

SHRI POPATLAL M. JOSHI (Banas-
kantha): Mr. Chairman, Sir, I congratulate the Government for moving this Bill. In Clause 8,—

सभापति महोदय नहीं नहीं अभी मत मुव कीजिए अमंडमेंट। जब क्लॉज आयागा तब मुव कीजिएगा।

SHRI POPATLAL M. JOSHI: Sir, I am speaking on the Bill. Hon. Members have said already that the company was already at a loss since 1969. The Court ordered the Company to be liquidated and appointed Receiver in 1972. Two years have elapsed. I do not know why Government allowed two years to go.

When receivers have already been appointed, enough care should have been taken earlier. Had this been done, I think the country which has suffered so much of loss or so much of inconvenience could have been avoided.

The department has been hardpressed for time and it had also not got the facilities required by them.

[Shri Popatlal M. Joshi]

That is all.

SHRI C. M. STEPHEN (Muvathuphuzha): Mr. Chairman, Sir, there are only two points which I wanted to emphasise or rather to which I want to draw the attention of the House. I rise to support this Bill. The statement of the affairs of the company which was given to the House by Shri Madhu Limaye which he got from the hon. Member reveals certain alarming aspects which would be worth studying.

It appears that in September, 1970, the ISCON Private Ltd. Company made the valuation of the assets of the company which showed the following figures:

Bombay unit.	Rs. 126 lakhs.
Bhavnagar Unit.	Rs. 54 "

Together the amount comes to Rs. 180 lakhs. In June, 1973, the valuation was made by Mazagaon Dock, an equally competent authority—we may presume it. Their valuation of fixed assets was as follows:—

Bombay Unit.	Rs. 75 lakhs
Bhavnagar Unit	Rs. 35 "

Both total to Rs. 110 lakhs. The difference is to the extent of Rs. 70 lakhs in the course of three years. There are two aspects which are emerging out of this. If all the fixed assets as they were in 1970 remained in existence in 1973, then it speaks volumes about the so-called expertise of the evaluating agency which the ISCON Ltd. engaged. Probably, this company makes its evaluation to suit the company by inflating the figures. They evaluated the assets as Rs. 180 lakhs three years ago. But, the inflationary spiral has gone up in the country. The same stuff is evaluated by somebody else at Rs. 110 lakhs. This gives the sad picture and cheapness of the so-called expert agencies who did this sort of business. If the valuation was correctly done, then it definitely takes us to the conclusion that in the course of three years, the assets valued at Rs. 110 lakhs were removed by the management incharge of this company.

If the latter is the correct picture, there is a highway robbery; if the former is the correct picture, then the infallibility which we attribute is to the auditors, industrial engineers or the assessing authorities. And quite a lot of discount has got to be given.

This is the picture which I wanted to emphasise. Second is this. As I said yesterday, when I spoke on the takeover of Burn & Co., when the Government comes up before the House with a Bill which involves financial investment in the country, in justice to this House, the Government also owes to it to place before it the whole picture and to tell us how the amount to be given must be such and it need not be 'such and such'. If the whole picture is placed before us, we can vote for the Bill without jumping in darkness.

Under this Bill, Rs. 1 crore is to be given. After studying the figures, I feel that the amount which is to be sanctioned is on the low side. After all, we are taking over certain assets. The assets have a certain value. Whether Mundhra is managing or somebody else is managing it is irrelevant, because those fellows are not going to get a single pie of it. It is the secured liability which runs into a larger amount. The priority claim of the workers comes to about Rs. 6 lakhs; the State Bank of India must get Rs. 110 lakhs, and the Bank of Maharashtra must get Rs. 6 lakhs. All these amounts due to the secured creditors would come to about Rs. 234 lakhs. So, the banks and the workers together must get Rs. 234 lakhs. The assets of the company have been valued at Rs. 280 lakhs and also at Rs. 110 lakhs. These two different figures have been given to us. What exactly in the criterion by which Government have fixed the amount at Rs. 1 crore?

We are told that this matter was pending liquidation before the High Court, which means that the amounts which the secured creditors could get could have been collected by auctioning of the assets; and by auctioning the assets, these people could have got a higher amount. I am not pleading that higher amounts must

be given nor am I pleading the amount must be slashed down. I am only pleading that when this House is being asked to sanction a particular amount, we must be told the criterion under which it has to be Rs. 1 crore and not Rs. 1.1 crore. What exactly is the criterion? In this case, two sets of creditors are seeking relief. Secured creditors are there. The nationalised banks are also there, and they are seeking relief at the forum of the High Court. If the court proceeds with it, probably by the sale value of the assets, a larger amount could have been collected and the banks could have collected the entire amounts. When we intervene, the question is whether we should not be fair to the secured creditors including the workers and the nationalised banks. If we were to be fair, then fairness would demand the giving of a certain amount. What should be the amount to be given? All that I am asking is that definite and specific details must be given to the House in order to enable it to fix this.

An argument had been advanced by some hon. Members that banks had been giving money to a company which apparently was not fairing very well, but members on the board of directors and so on were giving away the money. On what basis did they give away the money? When things like this come to the surface, I would like to know whether any action has been contemplated against the people who have given away the money irresponsibly, if the giving away had been done irresponsibly.

My hon. friend Shri Naik was saying that if the workers were to be associated with the management, the worker must deserve it or earn it. Here are the members on the board of management of the nationalised banks, who have earned their right to be on the board of directors, and the earning of that right has demonstrated what has happened. I am absolutely sure that if the management is handed over to the workers in a concern where they are working, they will certainly prove much better than these fellows who have earned their right to be on the board of directors of the nationalised banks or the financial institutions. So, let not my hon.

friend plead that kind of thing. I would only plead that let the thinking be renewed and let the thing be rehearsed. We want nationalisation. But nationalisation means the association of the workers with the whole thing and the workers should do the job. If anyone thinks that we could just tell them that it is nationalised and after that, the workers would do their job under the crack of the whip, he is completely mistaken.

Merely because it is nationalisation, the workers are not going to be taken in or hypnotised, and they are not going to do your job. There must be an element of socialisation in every act of nationalisation. The worker must get associated with it. Otherwise, the attitude of the worker to you will be the same as his attitude to the private employer, no better. If you cannot be get confidence in the worker, there will be no response forthcoming. You will then be getting into greater and greater trouble. I am pleading that the experiment might start with this. When you expand your area of operation, you must start thinking as to how to secure the confidence of the workers. Do not demand of the workers: earn your right to be on the board. But I would ask you to earn your right to demand the response and confidence of the workers. Otherwise, the confidence will not be forthcoming.

With these words, I whole heartedly support this Bill.

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): I am very happy, listening to the comments of hon. members on both sides, that there is a greater consciousness that industries in this country should work, that they must produce, that they belong to the country and that they are national assets. Very often, conflicting attitudes towards this have resulted in complete confusion as to how these industries should be looked after.

Nobody says that the industries must be permitted to mismanage, that the assets should be allowed to be frittered away. But the attitude that the assets that we have created should be utilised to the

[Shri T. A. Pai]

maximum extent because they belong to the nation is an awareness that is now being felt. I am very happy about it.

So far as Alcock Ashdown is concerned, as one hon. member has pointed out, it is 86 years old. Now it must be realised that industry has also a lifetime, that industry requires to be renewed, that industry requires to be taken care of and saved from obsolescence and requires continuous investment, must sometimes be permitted to diversify and expand and if any rigidity of attitude is brought in this, ultimately the organisation becomes sick, and even government take over will not be of any help.

Alcock Ashdown was producing very useful articles. Perhaps in a seller's market, many of these units with old machinery are able to thrive, but the moment there is a recession, they become seriously affected. And when they are exposed to mismanagement, a situation develops very often when, may be, a Mundhra thinks that because there is profit in this unit, he would like to put his hands into it and perhaps exploit it fully. But the fact is that when it closes down and we inspect it under the Industries (Development and Regulation) Act, we do not find it worthwhile to take it over and run it, because the machinery is still obsolete. But the Bhavanagar unit is good. It has been producing barges and is capable of building small ships. Therefore, the Gujarat Government also has an investment in it.

Now it is strange that State Governments have been approaching the Central Government, pressurising us to take over all these units after they are closed down. I do wish State Governments look after some of these industries and see that they do not become sick, or the sickness is cured. If ultimately it is the Central Government's responsibility to look after all these sick units, taking over the junks and making more investment, it will only be at the expense of the nation and we will be deprived of a chance to create new assets in this country and perhaps new resources for building up something better. However, very often for the sake of labour which would like to be employed in the

very factory, we have been compelled to take over some of these units. Hon. members must make up their minds whether we should permit such units to fall sick. If we do not want them to fall sick, they must be given all facilities also to renew themselves. The matter had gone to the court, the company was about to be liquidated. If I have rushed to the House, it is because the assets are going to be auctioned shortly under court order and then I could not prevent its going into private hands as it is, because I thought that the land and the property held by this company adjoining the Mazagaon Dock would be a valuable assets even for the expansion of the defence industry.

Shri Madhu Limaye has asked me whether I asked of the Defence Ministry why they did not look into it. I persuaded them to look into it and see the value of these assets now, because as it is, they may not be interested in taking over junks.

SHRI MADHU LIMAYE: Now, underlined.

SHRI T. A. PAI: As to why the Law Ministry has not looked into it, I am unable to answer. I am not aware whether complaints were made about these units, whether they have been investigated. I was asked to look into it and see whether anything could be done to take over these assets and look after them. I have persuaded the Defence Ministry to see how the Bombay unit could be looked after. The Gujarat Government is very keenly interested in developing the Bhavanagar project because it has also advanced some money and is interested in reviving this unit which can be useful to the country. Therefore, I have come forward with a Bill for asking the permission of the House to acquire these assets.

Now, what shall be the compensation we shall pay, or what is the amount that we should pay? Shall we take into account the liability of this company? It runs to, as some hon. friends have pointed out, Rs. 340 lakhs. Should we pay Rs. 340 lakhs because they have made this? If the other calculation is that the nationalised banks have advanced Rs. 170 lakhs and

therefore that asset must be valued at Rs. 170 lakhs, I am afraid that would be a bad calculation. In fact, if the assets were worth Rs. 340 lakhs, the liability could be Rs. 170 lakhs; but I do not understand because the liability is Rs. 170 lakhs we should value the assets at Rs. 340 lakhs. In any case, there is no question of paying any compensation to cover the secured creditors, whether they are ours or anybody else's. So, it is right that we could not take that into consideration. For the same reason, is compensation to be paid, to be equal to whatever be the liabilities of the workers? If any management owes anything to the workers, any arrears, should that be the basis for calculating the compensation and we should say that we will pay the compensation so that the workers may be paid off? I think on that consideration also we should not proceed. Therefore, what we have to think of is, what was the reasonable valuation that we could think of if the assets could be auctioned today.

What Mr. Stephen pointed out was not correct. Perhaps he misread the figures. What ISCON in 1970 had estimated was Rs. 126.8 lakhs and Rs. 54.5 lakhs totalling Rs. 181.3 lakhs. This ISCON is an expert body. Thereafter Mazagon Docks was examining it from the point of view of being a buyer, and naturally, it wanted to see that it did not pay anything more. I do not consider there is much variation, because these assets were evaluated for the second time; they were three years old. The buildings had run down. Machinery, if not used, are much more worthless. It is only the running machinery which have any worth at all.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): The price of land has gone up.

SHRI T. A. PAI: I think we never considered the value of this machinery in terms of scrap now at the present market rate. In any case, we considered that Rs. 1 crore was reasonable enough to acquire the assets including the land. We found that we should provide for it. If out of this the preferential creditors like

gratuity liabilities, provident fund liabilities, and all that comes to Rs. 63 lakhs, according to the law, these liabilities will have to be met first, and the balance, whatever remains, goes to the shares of the secured creditors, the banks. So, I do not think that we have paid anything more unjustifiably. I think we have been quite reasonable in assessing the valuation at Re. 1 crore after taking all these factors into consideration, because if we had not taken up this, the assets would have been auctioned off and from the information that we have had that would have been approximately of the value that would have been realised. I am extremely sorry that our nationalised banks will have to lose some money in this.

SHRI C. M. STEPHEN: Even according to the Mazagon Docks valuation, it was conservative. The Mazagon Docks valuation says, Rs. 75 lakhs for the Bombay unit; Rs. 35 lakhs for the Bhavnagar unit; they together come to Rs. 110 lakhs. Then, current assets, Rs. 55 lakhs; land assets, Rs. 40 lakhs. If that is so, why should you put the evaluation which would land the nationalised banks in a loss? That is what I wanted to know. What is the criterion?

SHRI T. A. PAI: I would like to point out that in respect of the so-called current assets of Rs. 50 lakhs odd,—some work is in progress and all that—it may not be of any use to us. We are handing over these assets to the Mazagon Docks so far as Bombay is concerned only with one assurance that the workers will be taken care of and will be absorbed by them. So, under the circumstances, they were asking me that I may pay some more compensation so that the total loss of the banks may be reduced. Maybe. It may look very nice that we have been more generous. But I do not mind: the banks themselves should have taken care of this much before. But I also understand the difficulty of the banks in this country. In this country, a borrower is the king; and if you have borrowed more you are a better king, because to recover the money you will have to file a suit which takes years together to be heard, and therefore, the creditor tries every way out of the

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court to settle this as far as he can. Particularly when immovable property is involved, we will have to simplify our laws for the realisation of assets by the banking system.

My friends say, nationalisation without association of workers and without their being represented on the Board has no meaning. I entirely agree. Can I ask hon. members to prepare a scheme of participation by workers? In a unit like Kalamasery where Mr. Stephen is one of the leaders there are 19 unions. I do not know how any one of them can be put on the Board or how any one of them can be involved in the floor level. This country seems to be peculiar in some respects and what applies to the rest of the world does not apply to us. If hon. members give suggestions as to how to implement it, I shall be grateful. I accept in principle that the workers must be associated.

SHRI ATAL BIHARI VAJPAYEE: The scheme is there. You can ascertain the representative character of a union by secret ballot. Whoever commands majority support should be given representation on the board.

SHRI T. A. PAI: That would hold good even for recognition of a union. I do hope the Labour Ministry will be able to do something and we will solve the problem of having one union for one industry as representative of the workers. Wherever it is possible for us to do so in our ministry, we shall certainly try to experiment right from the floor level upwards. It is a continuous experiment. No country has got a ready-made solution. I entirely agree that involvement of people at all stages is more productive than their alienation.

With these words, I commend the Bill.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production

of goods essential to the needs of the country in general, and defence department in particular, and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We take up clause-by-clause consideration. There are no amendments to clause 2. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Undertakings of the Company to vest in the Central Government)

SHRI D. K. PANDA: I beg to move:

Page 2, line 15,—

after "company" insert—

"which includes the ownership, control and management of the company,"
(1)

I have categorically mentioned "ownership, control and management" and I request the Minister to accept it.

SHRI T. A. PAI: I am not accepting it. It is a superfluous amendment because the company has already gone into liquidation. I am only acquiring the assets.

MR. CHAIRMAN: I will now put amendment No. 1 by Shri D. K. Panda to the vote of the House.

Amendment No. 1 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 6 were added to the Bill.

Clause 7—(Payment of amount.)

SHRI MADHU LIMAYE: I beg to move:

Page 3, line 22,—

for "equal to the sum of rupees one crore"

substitute "not more than rupees ten lakhs," (5)

SHRI SOMNATH CHATTERJEE (Burdwan): I beg to move:

Page 3, line 22,—

for "equal to the sum of rupees one crore"

substitute "of rupees ten lakhs". (9)

Page 3, line 31,—

"for meeting all outstanding liabilities to the employees of the Company and then" (10)

Page 3,

after line 35, insert,—

"(4) For the purpose of distribution of the amount referred to in sub-section (1), the Court shall adopt such procedure as it may deem just and proper, so that the same may be completed within one year of the date of deposit of the amount in Court". (11)

Amendment No. 9 is with regard to the amount that is to be paid. The hon. Minister has said just now, if I have understood him correctly, that the amount has been arrived at on the basis of the price that would have been offered at the auction that was going to be held. It is not fixed on the basis of the fixed assets or current assets, nor even on the basis of the amount advanced by the bank, namely, Rs. 170 lakhs, based presumably on the valuation of the bank, but on the basis of the price that would be offered in the auctions. What was the material available to the Government to decide what would be the amount that would be offered at the auction that was going to be held? If I may say so with respect, this is an absurd standard which is being adopted. If one goes on the basis of the fixed assets or current assets minus liab-

ilities for fixing the compensation, one can understand it. After the recent amendment of the Constitution it is well-settled that the courts cannot go into the adequacy of the amount. But you do not take the valuation of the nationalised bank, you do not go on the basis of the balance sheet; you go on the basis of the auction price that would have been offered. I submit there is neither any standard nor any principle in this fixation. This is an *ad hoc* fixation of the amount and I think the Government has no right to play with the people's money.

Sub-clause (3) of clause 7 refers to how the amount which will be deposited in court will be utilized for meeting the liabilities of the company in relation to the secured and unsecured creditors. In order to clarify the matter fully, in order to safeguard the interests of the workers, I am providing in my amendment No. 10 that this amount shall be utilized first for meeting all the outstanding liabilities towards the employees of the company and then among the creditors who are secured or unsecured. It may be said that they are outstanding dues to the employees and, to that extent, they are in the category of unsecured creditors. But I want to make it clear that the liability towards the workers will be discharged first and then only the liability towards the others.

My amendment No. 11 says that the court will have power to fix its own procedure for the purpose of regulation of the amount. I find, in sub-section (3) of clause 7, it says:

".....the Court shall distribute the amount....."

But nothing has been said as to what procedure is being evolved. Who will be the petitioners? No petitioner will be there. The Judge himself will go and issue notices to the persons? At least, you give the power to the Court to evolve its own procedure. Otherwise, the Civil Procedure Code will not apply. There may

[Shri Somnath Chatterjee]

be difficulty. You make it clear that the Court may adopt its own procedure. A time-limit should be provided, as I have said in my amendment that within one year, the entire procedure should be completed.

SHRI C. M. STEPHEN: May I seek a clarification from the hon. Member? The liabilities of the company towards workers have been estimated at Rs. 63 lakhs. My hon. friend is now asking for insertion of amendment to the extent that only Rs. 10 lakhs should be given. Does it mean that he is pleading that workers may lose to the extent of Rs. 53 lakhs? Rs. 63 lakhs is their claim. He wants that the amount of Rs. 1 crore should be reduced to Rs. 10 lakhs which means that workers may lose to the extent of Rs. 53 lakhs. Is that what he is pleading for?

SHRI SOMNATH CHATTERJEE: There is no provision in the Bill for making the payment to workers in the first instance, at all. I am trying to make it clear. Therefore, if you are not accepting my amendment of Rs. 10 lakhs, then accept this amendment and say, out of Rs. 1 crore, Rs. 63 lakhs will go to workers. Why are you not accepting this amendment?

SHRI T. A. PAI: Sir, the presumption that the amount of compensation has been fixed in relation to tendered amount at the High Court, what is offered in the Bill, is perhaps not correct. We never meant that. I only said that we will not have realised more than that. It is on the basis of valuation of all the assets, including the written down value of the fixed assets, the market value of free-hold land, the condition of plant and machinery and the value of other assets. After all these things were taken into consideration, we found that Rs. 1 crore was reasonably enough.

Now, as regards the other argument that Rs. 1 crore is reasonable provided you make it payable to the workers or, otherwise, fix it only at Rs. 10 lakhs, it only means that what my hon. friend is suggesting in his amendment is rather very

strange. So far as we are concerned, we are only pointing out that the statutory liabilities, including the liabilities to the workers, come upto Rs. 63 lakhs. Therefore, out of the compensation that we give, this amount will go to meet all those liabilities. What he is suggesting is the incorporation of another principle, that is, forget about all others, out of the liabilities, the liability to workers must be met first. I am sorry I cannot accept the amendments. Whatever the provisions of law, as they exist today to look after the priorities, we stand by them.

MR. CHAIRMAN: Now, I am putting amendments Nos. 5, 9, 10 and 11 moved by Shri Madhu Limaye and Shri Somnath Chatterjee to the vote of the House.

Amendments Nos. 5, 9, 10 and 11 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Management and Administration of the Undertakings.)

SHRI D. K. PANDA: I beg to move:

Page 3, lines 40 to 42,—

for—

"and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Central Government in this behalf."

substitute—

"and workers' representatives of the said company; and all such representatives of both Central Government and the workers' representatives shall jointly carry on the management with equal rights of management in accordance with such regulations as may be made by the Central Government to ensure

effective participation of workers in the management at all levels including shop level." (4)

SHRI MADHU LIMAYE: I beg to move:

Page 3, line 41,—

after "persons" insert—

"including two representatives of the workers of the said company elected by workers through secret voting". (6)

MR. CHAIRMAN: Then, there are amendment Nos. 12, 13 and 14 given notice of by Shri Popatlal M. Joshi.

Does he want to move them?

SHRI POPATLAL M. JOSHI: Yes.

MR. CHAIRMAN: These amendments have been received very late at 2.35 P.M. According to the rules, these amendments should not be allowed. I was not in favour of allowing them. But the Minister wants to accept these amendments. He has also written that he is going to accept his amendments. This is becoming a practice.....

SHRI S. M. BANERJEE (Kanpur): On a point of order, Sir.

MR. CHAIRMAN: When I am on my legs, what point of order you have?

I am allowing these amendments as a special case. But I have to say that this has become a practice. I request all the hon. Members of this House not to send their amendments late because it embarrasses the Chair so much and in future, please be careful to send your amendments in time: Because they have not been circulated, the hon. Member may please read them.

SHRI S. M. BANERJEE: I do not mind his giving the amendments. But it is said that the amendments were given at 2.30 p.m. and now it is quarter to six. We do not know what his amendments are and as to what their implications are.

2572 LS—9

SHRI SOMNATH CHATTERJEE: You may shorten the time, but the copies of the amendments should be supplied to members. Otherwise, the House may discuss the amendments without knowing them.

श्री अटल बिहारी बाजपेयी : सभापति जी, एक बात और भी है। अमेंडमेंट आया, देखेंगे आया, मसला को उस बारे में पता नहीं है और मंत्री महोदय ने उसका स्वीकार भी कर लिया, यह क्या कोई घरलू मामला है सभापति महोदय; नहीं, घरेलू मामला नहीं है घरेलू मामला मैं नहीं कहता। लेकिन जब क्लॉक 8.8 आया तब तो मैं उसकी एलाऊ करूंगा पढ़ने के लिये कहूंगा, एंडमिट करूंगा, रसयुक्त कहूंगा.....

श्री अटल बिहारी बाजपेयी : लेकिन मंत्री महोदय ने उसे स्वीकार कैसे कर लिया ?

सभापति महोदय : उन्होंने कहा कि वह इसको मानने जा रहे हैं।

SHRI POPATLAL M. JOSHI (Banaskantha): I move:

Page 3, line 36,—

after "The" insert "whole or part of the" (12)

Page 3, line 37,—

for "shall" substitute—

"may, on such terms as the Central Government may determine, be transferred to and vested in a State Government or agency nominated by itself or by that State Government or" (13)

Page 3, line 38,—

after "including" insert—

"a State Government or agency nominated by itself or that State Government or" (14)

MR. CHAIRMAN: I have allowed him to move them.

श्री रामावतार शास्त्री (पटना) :
अगर सरकार इसे स्वीकार नहीं करती तो
उस वक्त आप क्या ऐटीट्यूड लेते ?

सभापति महोदय : उस वक्त हम क्यों
लेते या उस वक्त डिसाइड होता ।

SHRI SEZHIYAN (Kumbakonam)
What are their implications?

SHRI SHYAMNANDAN MISHRA
(Begusarai): These amendments have
been moved by a private member. The
Government can come forward with an
amendment at any stage but that is not
open to any private member. It cannot
come like this. This privilege belongs
only to the Government and not to a
private member.

SHRI T. A. PAI: I bow down to what
you have said. I do not, therefore, wish
that you are embarrassed and I am ask-
ing the Member not to press his amend-
ments so that there may not be any con-
troversy. If necessary, I myself will
move it.

MR. CHAIRMAN: I have allowed
him to move and he has moved. Whether
he is pressing them or not, that will be
seen at the time of putting them to vote.

Now, Shri Panda.

SHRI D. K. PANDA (Bhanjanagar):
Sir, the workers in the factory have been
taking great interest to set right the man-
agement and also to see that there is in-
creased production. They have pointed
out all the fraud played by the manage-
ments and they have brought out every-
thing regarding those persons like Mr.
Mundhra and others connected with the
administration and management. Now
also they have sent reports not only to
the Government....

MR. CHAIRMAN: Only speak on
your amendment, please.

SHRI D. K. PANDA: I am speaking
on my amendment. Sir, valuable sug-
gestions have been made by the workers.
Though we have got a small union there

and the INTUC is also having one union
there, all those unions, irrespective of
party affiliations, have been sending all
these papers. They have given one paper
regarding the economic viability of the
company. So, they have given the details
therein. And how many orders have been
placed with this company? Instead of
prosperity of the company, these people
who managed the company looked for
themselves and company's prosperity
inter alia means the prosperity for them-
selves. This is the position. That is why
this thing has happened. They have given
so many facts and figures. My only re-
quest to the hon. Minister is this. At
least let him set an example in this case
for taking action right from the begin-
ning. Let him accept this amendment of
mine. Let him accept it at least on prin-
ciple. I ask, why should you not imple-
ment it from the very beginning? We
have had so many failures. Let not such
failure be there this time also. Why can-
not you at least this time ensure the
partnership from the very beginning?
This is my plea. Why do you leave it to
some officers to run it? That is my whole
point.

श्री मधु लिमय: सभापति महोदय,
मुझे अधिक कुछ नहीं कहना है । इन्होंने
कहा है है कि मजदूरों के प्रतिनिधि लेने
के लिये हम तैयार हैं, लेकिन प्रतिनिधि है, इस
का निर्णय कैसे किया जाय ? मेरे संशोधन
के द्वारा मैं ने रास्ता बतलाया है—
मजदूरों से कहा जाये मैं यनियन्स को बीच
में नहीं ला रहा हूँ गुप्त मतदान के द्वारा वे
अपने दो प्रतिनिधि नामजद करें ।

MR. CHAIRMAN: Mr. Joshi, what
about your amendments?

SHRI POPATLAL M. JOSHI. I am
not pressing my amendments.

SHRI DINESH JOARDER (Malda): I
want to know what will be the fate of
these amendments?

MR. CHAIRMAN: At the time of voting you will know what will be the fate.

SHRI SEZHIYAN: Sir, once the amendment has been moved, it becomes the possession of the House. The leave of the House must be taken for withdrawing the amendment.

MR. CHAIRMAN: That will come.

SHRI SOMNATH CHATTERJEE: I rise on a point of order. Under Rule 87, an amendment moved may, by leave of the House, but not otherwise, be withdrawn, on the request of the Member moving it. The point is, he has not asked for the leave of the House to withdraw it. (*Interruptions*) He has not asked for the leave.

MR. CHAIRMAN: You see, I have not taken the vote. After he says that, I will take the leave, not before.

Unless he says whether he is moving or not or unless he says that he is moving, I cannot take the vote of the House.

SHRI RAMAVATAR SHASTRI: He has already moved.

MR. CHAIRMAN: Then, I am putting amendment Nos. 4 and 6 moved by Shri D. K. Panda and Shri Madhu Limaye together to the vote of the House.

The question is:.....

SOME HON. MEMBERS: We want a Division on this.

MR. CHAIRMAN: Should I order a Division on both amendments—Nos. 4 and 6?

SOME HON. MEMBERS: We want a Division on both the amendments.

MR. CHAIRMAN: All right. I shall put both the amendments separately. I shall first put amendment No. 4 moved by Shri Panda.

The question is:

Page 3, lines 40 to 42,—

for "and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Central Government in this behalf,"

substitute—"and workers' representatives of the said company; and all such representatives of both Central Government and the workers' representatives with equal rights of management shall jointly carry on the management with equal rights of management in accordance with such regulations as may be made by the Central Government to ensure effective participation of workers in the management at all levels including shop level."(4)

The Lok Sabha divided:

Division No. 14]

[17.58 hrs.

AYES

Bade, Shri R. V.

Banerjee, Shri S. M.

Bhagirath Bhanwar, Shri

Bhattacharyya, Shri S. P.

Chatterjee, Shri Somnath

Chowhan, Shri Bharat Singh

Dutta, Shri Biren

Gupta, Shri Indrajit

Joarder, Shri Dinesh

Limaye, Shri Madhu

Pandeya, Dr. Laxminarain

Ramkanwar, Shri

Sezhiyan, Shri

Shastri, Shri Ramavatar

Singh, Shri D. N.

NOES

Ambesh, Shri

Arvind Netam, Shri

Azad, Shri Bhagwat Jha

Barupal, Shri Panna Lal

Basumatari, Shri D.

Bhagat, Shri B. R.

Bheeshmadev, Shri M.

Bist, Shri Narendra Singh

Brij Raj Singh-Kotah, Shri
Chandrakar, Shri Chandulal
Chavan, Shri Yeshwantrao
Dalbair Singh, Shri
Darbara Singh, Shri
Das, Shri Dharnidhar
Dhamankar, Shri
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Godara, Shri Mani Ram
Gotkhinde, Shri Annasaheb
Hari Singh, Shri
Jagjivan Ram, Shri
Joshi, Shri Popatlal M.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kailas, Dr.
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kasture, Shri A. S.
Kedar Nath Singh, Shri
Kinder Lal, Shri
Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Laskar, Shri Nihar
Mahajan, Shri Y. S.
Malhotra, Shri Inder J.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Maurya, Shri B. P.
Mishra, Shri Bibhuti
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Nahata, Shri Amrit
Negi, Shri Pratap Singh
Pandey, Shri Krishna Chandra
Panday, Shri Sudhakar
Panigrahi, Shri Chintamani
Parashar, Prof. Narain Chand
Partap Singh, Shri
Patil, Shri E. V. Vikhe
Peje, Shri S. L.

Peje, Shri S. L.
Raghu Ramaiah, Shri K.
Ram Dhan, Shri
Ram Swarup, Shri
Rao, Dr. K. L.
Rao, Shri P. Ankineedu Prasada
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Sadhu Ram, Shri
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sathe, Shri Vasant
Satpathy, Shri Devendra
Shafce, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shankaranand, Shri B.
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shivnath Singh, Shri
Siddheshwar Prasad, Shri
Sinha, Shri Dharam Bir
Tayyab Hussain, Shri
Tiwary, Shri D. N.
Tula Ram Shri
***Vajpayee Shri Atal Bihari**
Yadav, Shri D. P.

MR. CHAIRMAN: The result** of the division is: *Ayes: 15; Noes: 81.*

The motion was negatived.

MR. CHAIRMAN: I shall now put amendment No. 6 moved by Shri Linaye to vote.

Amendment No. 6 was put and negatived.

*Wrongly voted for NOES.

**Shri Atal Bihari Vajpayee also recorded his vote for AYES.

MR. CHAIRMAN: As regards amendments Nos. 12, 13 and 14, has Shri Poptal Joshi leave of the House to withdraw them?

SEVERAL HON. MEMBERS: Yes.

Amendments Nos. 12, 13 and 14 were, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—(Penalties.)

SHRI MADHU LIMAYE: I beg to move:

Page 4, line 16, add at the end—

"and if they are directors of the said company they shall be punishable with imprisonment for a term which may extend to two years and with fine". (7)

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

Amendment No. 7 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12—(Power to make regulations)

SHRI MADHU LIMAYE: I beg to move:

Page 5, for lines 11 to 20, substitute—

"(2) These regulations shall have effect in the first instance for a period of three months within which they shall be placed before the Houses for ratification, and if the Houses agree to

ratify them with or without modification they shall continue in force; so, however that any ratification with modification or non-ratification shall be without prejudice to the validity of anything previously done under the regulations". (8)

सभापति महोदय मैं चाहता हूँ मंत्री जी इस संशोधन को मान लें क्योंकि इसमें एक नया सिद्धान्त मैंने रखा है कि किसी भी नियम को कार्यान्वित करने के पहले इस की आप मान्यता स्वीकृति प्राप्त करें। आजकल क्या होता है कि प्रस्वीकृत करना है तो मेहनत करनी पड़ती है और चर्चा के लिये साथ में नहीं मिलता है। इंग्लैंड में इस तरह की परम्परा है जो मैंने रखनी चाहो है। दो तिहाई बहुमत से सदन का जरा परीक्षा करने का मौका मिलेगा। समय बचाने के लिये माननीय शकधर साहब की किताब से मैं उद्धृत नहीं करना चाहता। आशा करूंगा कि मंत्री जी इसको मान लेंगे।

श्री अटल बिहारी वाजपेयी : मान्यवर,

ग्रन्था सुझाव है, मान लिया जाय।

18 hrs.

SHRI T. A. PAI: I am sorry I am unable to accept it.

MR. CHAIRMAN: I shall now put amendment No. 8 to vote.

Amendment No. 8 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI T. A. PAI: I move:

"That the Bill be passed".

MR. CHAIRMAN: Motion moved:
 "That the Bill be passed."

श्री राधाशंकर शास्त्री (पटना)

सभापति जी, यहां सब लोगों ने इस बात पर जोर दिया है कि ऐलकाक और ऐशडाउन कम्पनी के जो भी मजदूर रहे हैं फरवरी 1971 से जो काम करते रहे हैं उन का जो भी बकाया है कम्पनी के ऊपर, चाहे वह तनख्वाह के रूप से हो, प्रोवीडेंट फंड के रूप में हो या ग्रेजुटी के रूप में हो या उन से जो 9,000 रु० कम्पनी के मालिकों ने एल० आई० सी० के वेतन वचत स्कीम के मुताबिक उनके वेतन से लिया था और जो एल० आई० सी० को जमा नहीं किया और वह रुपया हरिदास मूंदडा साहब खा गये। उन्होंने ने अपने भतीजे मानेक सिन्धी को 33,500 रु० कर्जा दिया क्योंकि वह स्वयं प्रबन्धक भी रहे हैं और शेयर होल्डर भी रहे हैं। इसी तरह से उन्होंने 67,000 रु० एक मुकदमे के नाम पर कम्पनी से निकाले और उसे बर्बाद किया। तो मैं चाहता हूँ कि इन रुपयों को उन से वसूल किया जाय। जो जो कम्पनी के चलाने वाले लोग रहे हैं उन सब से वसूल कर के मजदूरों को पहले दे दिया जाय और एक भी पैसा सरकार की तरफ से मालिकों को नहीं दिया जाना चाहिये।

दूसरी बात यह है कि मूंदडा साहब, उन के भतीजे तथा और जितने लोग इस कम्पनी को लूटने में रहे हैं उन तमाम लोगों के खिलाफ मुकदमे चलाये जायें। मेरा विश्वास है कि उन पर मुकदमा चलाये और उन की सम्पत्ति को जब्त कर के तमाम मजदूरों की बकाया की वसूली कर के, बकाया चाहे जिस रूप में रही हो, उस चुकता करा देंगे। मेरा यही निवेदन है

SHRI T. A. PAI: My responsibility is to deposit this amount in the court. So far as the other offences that the party seems to have committed against the persons or any companies or against labour are concerned, we shall certainly see that the Government take necessary action.

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

18.05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 7, 1973/Agrahayana 16, 1895 (Saka).