

491 *St. correcting reply to USQ* MAY 7, 1985 *St. correcting reply to USQ* 492
 1085 dt. 26-3-85 re. *Industrial Units lying closed in W.B. and steps to reopen Nationalise them*
 1161 dt. 26-3-85 re *Management of the sick Industries taken over by Govt.*

(a) whether prosecution cases were initiated against some foreign companies for offences committed under the Companies Act during the last three years ;

(b) if so, the number of prosecution cases initiated against such foreign companies during the past three years 1982, 1983 and 1984 as compared to the prosecution cases initiated against such companies in the preceding three years 1979, 1980 and 1981,

(c) the number of such prosecution cases against decided and the total fines imposed on such companies ; and

(d) the number of prosecution cases against such foreign companies pending as on 31st March, 1985 ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : (a) Yes, Sir.

(b) to (d). The information will be collected and laid on the Table of the House.

STATEMENT CORRECTING REPLY TO U.S.Q. NO. 1085 GIVEN ON 26-3-1985 RE. INDUSTRIAL UNITS LYING CLOSED IN WEST BENGAL AND STEPS TO REOPEN NATIONALISE THEM

[English]

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : In answer to part (d) of the Lok Sabha Unstarred Question No. 1085 on the 26th March, 1985 the reply was given as under :

“(d) No such general stipulation has been made. However, whether pre-takeover liabilities of any unit proposed to be nationalised by the State Government have to

be protected by them would depend on the nature of such liabilities.”

In view of the clarification given by Ministry of Finance that the pre-takeover liabilities of banks and financial institutions are to be protected at the time of nationalisation, the answer to part (d) of the Question may please be corrected as under :

“(d) Whether pre-takeover liabilities of any unit proposed to be nationalised by the State Government have to be protected by them would depend on the nature of such liabilities.”

The error is regretted.

STATEMENT CORRECTING REPLY TO U.S.Q. NO. 1161 GIVEN ON 26-3-85 RE. MANAGEMENT OF THE SICK INDUSTRIES TAKEN OVER BY GOVERNMENT

[English]

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : In answer to part (a) of the Lok Sabha Unstarred Question No. 1161 on the 26th March, 1985 the reply was given as under :

“(a) In principle, pre-takeover liabilities of a taken over industrial undertaking, which are the liabilities of the company, need not be protected by the Government. However, the question as to whether pre-takeover liabilities should or should not be protected in specific case depends on the individual merits of the case, depending on the nature of the liabilities.”

In view of the clarification given by Ministry of Finance that the pre-takeover liabilities of banks and financial institutions are to be protected at the time of nationalisation, the answer to part (a) of

the Question may please be corrected as under :

“(a) The question as to whether pre-takeover liabilities should or should not be protected in specific case depends on the Individual merits of the case, depending on the nature of the liabilities.”

The error is regretted.

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[English]

12.00 hrs.

PROF. K.K. TEWARY (Buxar) : Sir, in today's newspapers, we have read a news item.

MR. SPEAKER : What is it ?

PROF. K.K. TEWARY : It is a very serious matter.

MR. SPEAKER : What is the matter ?

PROF. K.K. TEWARY : It is a very serious judgment of the Supreme Court and this judgment is a** (*Interruptions*). It has** the whole judicial system. There is an attempt to ** the whole judicial system. Sir, it is a very important matter.** He was appointed during the Janata Party Government. He has been delivering such judgments. (*Interruptions*).

MR. SPEAKER : I have to make it clear.

PROF. K.K. TEWARY : He was also appointed by the same process. This House must express concern over this ... (*Interruptions*)

MR. SPEAKER : I am on my legs. Please sit down. Please take your seat.

PROF. P.J. KURIEN (Idukki) : Why are you getting angry ?

MR. SPEAKER : I am getting angry because you must sit down when I am on

my legs. I would like to make it clear to the House time and again that there are definite rules and we must pursue them. I must make this clear to you (*Interruption*). Please sit down. Why don't you listen to me ?

PROF. P.J. KURIEN : Sir, why are you talking like a school headmaster ? We are Members of Parliament.

MR. SPEAKER : Please sit down.

PROF. P.J. KURIEN : You can request us and we will always obey you.

MR. SPEAKER : It is because you don't listen to me that I have to shout.

PROF. P.J. KURIEN : Don't treat us as school children.

MR. SPEAKER : We are always students throughout our life. I am myself a student. I will always remain a student.

PROF. P.J. KURIEN : So am I.

MR. SPEAKER : You are a Professor. So, you must be a student first and then afterwards you can become a professor. If you don't learn that, you will never become a good professor, either.

I shout because you just don't listen to me. It is abhorrent to me to shout, but I have to make myself heard. One thing is sure that we must know what the rules are. The President, Governors, Chief Justice or other Justices of the High Courts, whatever they are... (*Interruptions*). I am making it clear so that it will not be difficult to understand each other. I have read that judgment.

PROF. K.K. TEWARY : The judgment can be discussed in the House.

MR. SPEAKER : Let me explain. I have read that judgment.