19.14 hrs.

STATUTORY RESOLUTION RE: BIRD AND COMPANY LIMITED (ACQUESTION AND TRANSFER OF UNDERTAKINGS AND OTHER PROPERTIES) ORDINANCE

AND

BIRD AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS AND OTHER PROPERTIES) BILL

श्री फूलचन्द वर्मा (शाजापुर) : सभापति महोदय, मैं प्रस्ताव करता हूं :

> "यह सभा राष्ट्रपति द्वारा 25 अक्तूबर, 1980 को प्रख्यापित बर्ड एण्ड कम्पनी लिमिटेड (उपक्रमों और अन्य सम्पत्तियों का अर्जन और अन्तरण) अध्यादेश, 1980 (1980 का अध्यादेश संख्या 18) का निरनुमोदन करती है।"

सभापति महोदय, अभी हम मारुति लिमिटेड और हिन्द साइकल्स के राष्ट्रीयकरण पर चर्चा कर चुके हैं। वही सब बातें बर्ड एण्ड कम्पनी पर भी लागू होती हैं। इस कम्पनी को भी सरकार ने अपने पिंजरे में बन्द कर लिया है। इस कम्पनी का राष्ट्रीयकरण कर के जनता तथा संसद् के साथ एक बहुत बड़ा धोखा किया गया है। इस राष्ट्रीयकरण के द्वारा सरकार देश की जनता के धन को अपनी पार्टी से सम्बन्धित लोगों की जेबों में पहुंचाने का प्रयास कर रही है। अगर सरकार समझती है कि बीमार कम्पनियों की समस्या का एक मात्र इलाज उनका राष्ट्रीयकरण है, तो यह उसकी भूल है। मैं समझता हूं कि इस कम्पनी में जो खराबियां हैं, उनके सुधार की काफी गुंजायश है। इसमें जो भ्रष्ट लोग बैठे हुए हैं, उन्हें वहां से हटाना चाहिए। यदि सरकार ने इस तरफ ध्यान दिया, तो निश्चित रूप से लाभ होगा।

बर्ड एण्ड कम्पनी का राष्ट्रीयकरण करने के लिए सरकार को 3.1 करोड़ रुपये का मुआवजा देना पड़ेगा। इस कंपनी के राष्ट्रीयकरण का यह कारण बताया गया है कि उसमें काम करने वाले 1500 कर्मचारियों की रोजी-रोटी बचाना इस सरकार का प्रमुख काम है, इसलिए यह जरूरी हो गया है कि पंद्रह साल से चलने वाली इस कम्पनी को, जो कि अब दिवालिया है, सरकार अपने हाथ में ले ले।

इस बिल के उद्देश्यों में बताया गया है कि यह कंपनी उर्वरक, पेट्रोलियम उत्पाद, इस्पात, पेट्रो-रसायन और विद्युत् उपकरण आदि ऐसे माल का उत्पादन करती है, जिसकी देश को काफी जरूरत है। इस कम्पनी का आवर्त 1975–76 में 15.38 करोड़ रुपये था, जो 1979–80 में घटकर 4.28 करोड़ रुपये रह गया। मार्च, 1980 तक संचित हानि बढ़ कर लगभग 5.68 करोड़ रुपये तक पहुंच गई है। यह भी कहा गया है कि भारतीय औद्योगिक विकास बैंक ने इस कंपनी के पुनरुद्धार हेतु 1.40 करोड़ रुपये की मांग की है, परन्तु अन्ततोगत्वा वह रुपया भी भारत सरकार को देना पड़ेगा।

सरकार ने जो कारण बताये हैं, वे भ्रम में डालने वाले हैं। असली बात यह है है कि जो लोग इस कम्पनी से सम्बन्धित हैं, सरकार उनको फायदा पहुंचाना चाहती है और इस देश की जनता के खून-पसीने के पैसे को उन लोगों की जेब में डालना चाहती है। इस दिवालिया कम्पनी का अधिग्रहण

[श्री फूलचन्द वर्मा]

करना ही पर्याप्त नहीं है । इस कम्पनी को चालू रखना चाहिए, इस बात से मैं सहमत हूं । यह भी जरूरी है कि उसमें जो कर्मचारी काम कर रहे हैं, उनकी रोजी-रोटी की सुरक्षा हो । किन्तु इस कम्पनी के प्रबन्ध को सुधारने की ओर सरकार का विशेष ध्यान देना चाहिए । ऐसा करने से ही इस राष्ट्रीयकरण का कुछ लाभ होगा, अन्यथा नहीं ।

कम्पनी के कर्मचारियों के बारे में सरकार ने कहा है कि 25 अक्तूबर, 1980 से, जब कि सरकार ने इसको अपने हाथ में लिया है, कर्मचारियों की सारी लायबिलिटीज़ सरकार पर आ जायेंगी । मैं यह जानना चाहता हूं कि उस तारीख से पहले कर्मचारियों के वेतन, प्राविडेंट फण्ड, ग्रैचुइटी और बोनस आदि की जो रकम बकाया है, उसकी लायबिलिटी कौन लेगा । मैं क्वोट करना चाहता हूं कि किस तरह एक कर्मचारी ने, जिसको छः महीने तन्ख्वाह नहीं मिली, सुसाइड कर ली :—

"In the latter half of 1979, an employee of Bird & Co. committed suicide. He had not received his salary for six months."

इस कम्पनी की एक महिला कर्मचारी भी मानसिक रूप से विक्षिप्त हो गई, क्योंकि उसे नौ महीने से तनख्वाह नहीं मिली थी । इन दो एग्जाम्पल्ज़ से पता लगेगा कि इस कम्पनी के मैनेजिंग डायरेक्टर ने किस तरह से कर्मचारियों का शोषण किया, कम्पनी को जितना घाटा हुआ, वह सारा पैसा अपनी जेब में डाल लिया और उसके बाद भी कर्मचारियों की तन्ख्वाह और प्राविडेंट फंड आदि का रुपया नहीं दिया । इस स्थिति में सरकार को कर्मचारियों की पिछली बकाया रकम की भी जवाबदेही लेनी चाहिए ;

इस बिल की धारा 19(7) में कहा गया है :—

"कोई दावेदार, जो आयुक्त के विनिश्चय से असंतुष्ट है, उस विनिश्चय के विरुद्ध अपील उस उच्च न्यायालय में कर सकता है उसकी अधिकारिता की स्थानीय सीमाओं के भीतर कम्पनी का रजिस्ट्रीकृत कार्यालय स्थित है :

परन्तु जहां कोई ऐसा व्यक्ति, जो किसी उच्च न्यायालय का न्यायाधीश है, आयुक्त नियुक्त किया जाता है, वहां ऐसी अपील कलकत्ता उच्च न्यायालय को की जाएगी और वह उस उच्च न्यायालय के कम से कम दो न्यायाधीशों द्वारा सुनी और निपटाई जाएगी ।"

मेरा निवेदन यह है कि यदि दो जजों में आपस में मतभेद हो, तो फ़ैसला किस तरह होगा । इस लिए दो के बजाये तीन जजों की नियुक्ति करनी चाहिए ।

दूसरी बात मैं यह निवेदन करना चाहता हूं कि कमिश्नर को सरकार ने असीमित अधिकार दिए हैं । मैं चाहता हूं कि उन अधिकारों का भी विकेन्द्रीकरण होना चाहिए । एक स्थान पर उन्होंने कहा है कि कमिश्नर को सरकार नियुक्त करेगी और सरकार चाहेगी तो कमिश्नर से सलाह कर के अन्य व्यक्तियों की भी नियुक्ति कर सकती है । मेरा यह निवेदन है कि इस कम्पनी में जब भी किसी व्यक्ति को नियुक्त करने का विचार सरकार करे तो ऐसे टेक-निकल और स्किल्ड हैंड को नियुक्त

करे जो इस के जानकार हों । अगर ऐसे व्यक्ति की नियुक्ति की गई तो निश्चित रूप से इस कम्पनी को लाभ पहुंचेगा और जनता की गाढ़ी कमाई की पूंजी बेईमान और भ्रष्ट लोगों की जेब में जाने से बचेगी ।

लेकिन सरकार जिस उद्देश्य और भावना को ले कर यह बिल लाई है इस के पीछे मुझे सरकार की नीयत साफ नहीं दिखाई देती । अभी मारुति के मामले में जो मंत्री महोदय ने जवाब दिया है उसे सुनकर मुझे आश्चर्य हुआ । दस घंटे की बहस का जवाब तीन मिनट में उन्होंने दे दिया । हमें ऐसी अपेक्षा उन से नहीं थी । विरोधी पक्ष के लोगों ने बहुत से ऐसे तथ्य रखे थे जिन का जबाब उन को देना चाहिए था लेकिन मंत्री महोदय ने एक का भी जवाब नहीं दिया । या तो मंत्री महोदय समझते नहीं या जान-बूझ कर जवाब नहीं देना चाहते थे ।

इस कम्पनी का जब आप राष्ट्रीयकरण करने जा रहे हैं और इस के लिए बिल प्रस्तुत किया है तो कर्मचारियों की लायबिलिटीज़ को आप को लेना पड़ेगा, साथ ही जो फिजूलखर्ची है उसको रोकना पड़ेगा , जो फालतू स्टाफ वहां पर उन लोगों ने भर रखा है ऐसे लोगों की छंटनी भी करनी पड़ेगी । यदि आप ने सारी बातों को ध्यान में रखा तो निश्चित रूप से काम वहां होगा । लेकिन मुझे ऐसा लगता है मंत्री महोदय कोई बात सुनने के लिए तैयार नहीं हैं और न वह कुछ करने के लिए तैयार हैं क्योंकि अभी जो उन्होंने वक्तव्य दिया उस को मैं बड़े ध्यान से सुन रहा था । मेरा यह कहना है कि इस प्रकार का राष्ट्रीयकरण करना कोई इस बात का इलाज नहीं है । उन को अच्छी तरह मालूम होगा कि एन० टी० सी० ने देश की कितनी मिलों को अपने हाथ में लिया लेकिन उन की स्थिति आज क्या है ? सरकार को 100 करोड़ का घाटा हो रहा है । यह जो बर्ड एण्ड कम्पनी आपने हाथ में ली है इसके पीछे आप की यही भावना है कि आप अपने चहेतों को, अपनी पार्टी के लोगों को और ऐसे भ्रष्ट लोगों को फायदा पहुंचाना चाहते हैं जिन्होंने इस कम्पनी के और कर्मचारियों के पैसे को लूटा है मेरा निवेदन है कि ऐसे बेईमान और भ्रष्ट लोगों के खिलाफ कार्यवाही करनी चाहिए और इस बात को मंत्री जी को यहां कहना चाहिए ।

इन्हीं शब्दों के साथ मैं इस बिल का घोर विरोध करता हूं ।

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): I beg to move:

"That the Bill to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakings the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified compa-

[Shri Charanjit Chanana]

nies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto, be taken into consideration."

PROF. RUP CHAND PAL (Hooghly): Sir, I rise to support the nationalisation of Bird and Company Limited ... (*Interruptions*) We always support any principled nationalisation in public interest, in the interests of the country. We oppose any unprincipled nationalisation for petty or private interests ... (*Interruptions*) It is a matter of pleasure that ultimately, although very very belated, Bird & Company is being nationalised.

It should have been nationalised long ago; it should have been nationalised in 1973-74. Even though the employees of this concern repeatedly made so many appeals to the Government to take it over, to nationalise, that was not done. What was done? Government appointed five directors and, later on, one Managing Director, to rehabilitate this concern, to invigorate the company to run it, because it is a concern engaged in the production of goods vital to various industries, such as fertilizers, petroleum products, steel, petro-chemicals and power generation. Ultimately, the Government adopted the process of nationalisation, for which we congratulate them. At the same time, we have something to say regarding this.

If we look at the working of the industries, the sickening process has become a regular feature, rather a part of the industry. In the fifties, the Bird & Company was a very remarkable company, a very big company, in fact, perhaps the only company in India which declared the highest dividend of 25 per cent. Then how did this process of sickening start? It is a story of loot. It is a story of daylight dacoity, and this was allowed by the Government in spite of repeated requests, appeals and memoranda submitted by the employees. After the appointment of Government directors, crores of rupees were provided to this concern. At that time the employees had given the warning that if you allow them to continue in that manner, there will be further loot, because it is the experience that the Government officials submit themselves to the vested interests when you appoint them in these posts. So, there will be further loot on the company, and this is exactly what has happened in the case of Bird & Company.

Even though crores of rupees were provided for the rehabilitation of this Company, that money has gone into the pockets of some individuals. We know the story of the foreign investors shifting their capital by various underhand methods and continuing their loot. Yet, the Government remained a passive spectator and allowed them to continue their loot, and acted only belatedly.

Since there are provisions for compensation in this Bill, we would say that not a single farthing should be paid to these dacoits, who have robbed our people, who have ruined our economy by looting the whole country. There are 1,500 or more employees in this company; they have not received their salary, their wages for a long time. They have been deprived of their just dues in different ways. If any payment is to be made the claims of the employees should be settled first. That should be taken as a priority after nationalisation of the Company. The employees, the poor but loyal employees, who have rendered their service to this Company, should not be deprived of their dues.

In this connection, I want to mention that in 1978 the Government appointed a Study Group to study the process of sickening in several industries in our country to study how this deliberate loot was being perpetrated by different concerns. They have made certain recommendations. When this Bill was prepared, the Govt. should have taken into account the recommendations of that Committee of 1978 where different national trade unions had been represented. They had made the recommendation that this process of loot will not be allowed, but I find that the Government is only an onlooker. In spite of the recommendations, they have not just given even a casual look to the recommendations when they have prepared this Bill.

Bird and Company, as I have said, is in a very vital sector. A few units of this concern were taken over earlier—two or three of them. There are 23 groups under this company, some of which are very important in our national economy and when this nationalisation is taking place, it is the request of my party that those looters should not be given even a farthing, and some inquiry should be instituted to see how this loot has been done, how the nation's money has been looted by them. The workers have also been deprived of their dues. When this Bill comes into effect, we request the Government to see that the employees get their dues as early as possible and let us hope for the best that after nationalisation—this did not take place for the last 7-8 years—it will be a very very vital sector which will be helpful to our economy, which will survive, which will flourish and which will serve the interests of the employees, the interests of the country and the interests of the economy as a whole.

DR. KRUPASINDHU BHOI (Sambalpur): Mr. Chairman, Sir, at the outset I must congratulate the dynamic Minister, Mr. Chanana for having brought this Bill to replace the Ordinance.

My hon. friend from the Opposition has supported the cause of nationalisation. (*Interruptions*). At the same time, my friend has delivered his speech on the flood of Parliament in political language. But I am not going to the political side of this nationalisation. I am going to express my view about the nationalisation of Bird and Company which is a primary concern for mining, trading and investment activities. This Bird and Company has got so many mining concerns in the country for the development of mineral resources, mineral exploration and exploitation. At the same time, research and development is badly required for our country and our industrial policy generally should be to direct that this raw material should be provided for the requirement of this industry whether it is in the private sector or in the public sector. So, this Bird and Company was enjoying the facilities for using the raw material, for exploiting the raw materials and mineral resources of the country because our internal resource reserve can be increased, our non-tax revenue can be achieved only if we know the position of mineral resources of our country. So, out of that. Bird and Company holds a maximum part of the mineral resources. They hold the maximum mineral resources that they have acquired. So, I must congratulate the hon. Minister for nationalising this company.

My hon. friends from the CPM were criticising the Government for taking over this company at a late hour. Since this company is Calcutta-based and it has acquired vast property in No. 2 Accounts, may I know from them if the West Bengal

[Shri Krupasindhu Bhoi]

Government, which is led by their party, ever approached the Government of India to nationalise this company before 1975? Never. So, they should not adopt double standards. Some of the top brass in Bird & Co., are their card-holders. So, we should tell the truth in this august House and support nationalisation, because after assuming power, Mrs. Gandhi has taken so many steps to nationalise raw materials, industry, essential commodities etc. We should welcome her proposals and not criticise the Government merely for the sake of opposition as they did at the time of passing the Maruti Bill.

Serveral safety values have been provided in the Bill for workers. The margin of profit from the Bisra Lime Stone quarry to the company has been great, but they have shown very little profit in their accounts. So, the black money which they have accumulated out of the exploitation of these mineral resources as also out of Titaghur Paper Mills and other jute mills should be probed into in detail, and the profit they have accumulated should be made known to the public.

There is sufficient possibility of locating a cement plant near the Bisra Lime Stone quarry using its production. This has not been done by the company due to lack of research and development. The hon. Minister has also not come forward with such a proposal. In view of cement scarcity in the country, I would urge upon him to explore this. We must have a research and development wing in the Department of Industry so that we can achieve self-sufficiency in cement, steel and power.

I support the Bill with the utmost vigour which I can command.

SHRI INDRAJIT GUPTA (Basirhat): I fully support this Bill. My main criticism of it is that it is long over-due. If one recalls the past history and record of this company, I think the Minister will agree that it is a long record of mismanagement and malpractices of various kinds.

This is one of the old managing agency groups which used to be there in the British days, well established in West Bengal. At one time its predominant interest was perhaps in the jute industry.

Only a few days ago, two of the mills which the hon. Members of this House have been pleased to nationalise were former mills belonging to the Bird group. There was a time when these two gentlemen who were well-known Directors of this Company, not nationals of India, of course—I do not know whether I am permitted to name them because they are now somewhere in their own country, I suppose—Mr. Pilkington and Mr. Michelmore, these two gentlemen were on the point of being caught red-handed for having indulged in very heavy under-invoicing of jute products which were exported from India and several other things also and ultimately, I believe, that in order to evade the arm of the law, these two gentlemen suddenly disappeared from this country ostensibly on leave and never returned again.

After that, the control of the Company passed into the hands of Indian Directors and the Chairman became Mr. Pran Prasad who also has been the subject or object of quite a large number of inquiries and so on. But no action has ever since been taken against him. A few years ago, I remember, we had raised it in Parliament. The Income-tax authorities and the Enforcement Branch also had carried out raids on the office premises of Bird & Co. in Calcutta and those raids created quite a sensation in the city because they went on for several days. The whole office was sealed off and all the papers, the files, the

records and everything was being searched. The private residences of these gentlemen were also subjected to searches and it was admitted in reply to questions in this House and in the other House that quite a large amount of unaccounted money, of wealth and various kinds of properties which were unaccounted for were found. A list of all these things was also supplied in this House and we were assured that proper measures would be taken, including penalties, prosecutions and all that for violation of the law. Nobody knows what happened subsequently to those proceedings.

We know that there are ways and ways of getting these things hushed up. It cannot be done, of course, without the collusion of those Government departments concerned. But, in any case, Mr. Pran Prasad and Mr. S. K. Ghosh who were the objects of these raids and searches and so on and who admittedly had been found to be keeping quite a lot of unaccounted wealth with them managed to escape scot-free. So far as I know, nothing has ever been done to them. This in brief is a kind of thing in which this Company has been indulging in the past.

I do not want to take much time of the House. There is only one aspect on which I really want to say a few words. Of course, Bird and Heilgers later on was separated into two companies and Mr. Pran Prasad made all sorts of efforts to gain complete control over both these companies at one time. But I wish to say one thing here, again, that an amount of Rs. 310 lakhs in clause 8(1) and 8(2) has been provided for as payable to Bird. The specific point that I want to raise here is that there does not seem to be any specific provision for any payment to the savings trust. The savings trust was a peculiar institution of this Company. The savings trust of Bird was constituted by a section of the staff of Bird and its group of companies. About 1100 people are concerned who were employees and staff of Bird. One of the conditions of employment stipulated by the company was that every member of the staff will have to be a member of the savings trust, and would have to contribute the monthly membership subscription at rates which were made applicable under the rules of the Trust. And these subscriptions were really enforced in the sense that they were deducted at source from the salary and deposited with the Savings Trust for credit to the Membership Account. At one time, this Savings Trust itself was holding near about 50 per cent of the equity shares of Birds. The Board of Directors of Birds was controlling only eleven per cent of the equity shares at that time. The Savings Trust was holding 49.8 per cent of the equity shares. Then, later on, attempts were made to wind up this Trust. Two of the then Directors of Birds were very anxious to buy up the shareholdings of the Trust; and the shareholdings, I would remind, were nearly 50 per cent, valued then at about Rs. 51 lakhs—the book value was about Rs. 51 lakhs. These two Directors were trying to purchase these shares for a sum of Rs. 39 lakhs. But there were trustees appointed by the Government, and one of these trustees approached the High Court and later on the Company Law Board and tried to prevent this transaction from going through. Ultimately, in May, 1976, the management was taken over by the Central Government. Subsequently it was found that, under the management of the government-nominated Directors also, the losses of Birds had run to several crores of rupees. These losses, it is submitted, have seriously prejudiced the interests of the Members of that Savings Trust.

[Shri Indrajeet Gupta]

In July, 1977, that is, after the Government takeover, the Company Law Board, under section 237(b) of the Companies Act, ordered an investigation into the affairs of 22 companies which belonged to the erstwhile Bird & Heilgers Group. Why was this order of investigation passed? The grounds were that the persons concerned in the then management were guilty of fraud and various sorts of misconduct, mal practices, misteasance and other misconduct towards the Savings Trust and its members. All these had been going on, and ultimately in 1978 it was decided to wind up the Trust and to allow Birds to have the right of pre-emption. Sale notice was issued. There was no response, and the time limit expired; and the Savings Trust has been deprived of the opportunity to sell its investments to the highest bidder.

The point I am making is that it will be evident from this brief history that, both prior to the management take-over and after the management take-over, the way in which the Central Government acting through the Company Law Board has moved—I am, here, charging the Company Law Board—the way they have managed the affairs, they have really been responsible for non-recovery of the balances which are lying outstanding in the books of the Savings Trust to the credit of those members and retired members of the staff, numbering about 1100. Actually these balances constitute a sort of arrears of salaries because they were deducted every month from their salaries and put in the Savings Trust. I am told that such arrears amount to about Rs. 45 lakhs whereas the cost of Bird's equity shares and preference shares held by the Savings Trust is about Rs. 44.38 lakhs. So, I would appeal to the Minister that some special consideration should be given in respect of the Savings Trust. But there is nothing provided for in this Bill at all. Schedule II of the Bill which gives the order of priorities for the discharge of liabilities of the company makes no provision whatsoever. Therefore, I am advocating here that this Schedule should be modified and an insertion should be added here in category I at the suitable place—including under the liabilities which are to be discharged, the balances which are outstanding in the books of the Savings Trust to the credit of the members, the retired members and other loans and advances upto a maximum limit of Rs. 45 lakhs' Sir, if this is not done, these 1100 members of the staff and employees of the Bird & Co. who, for no fault of their own, have been landed in such a severe crisis now, where all all arrears of their salaries have disappeared or have been taken away from them. This should at least be provided for and this should be counted as one of the liabilities of the company and it should be given priority in Category I of the Bill.

This is what I have to say. Otherwise, we welcome the nationalisation measure and, of course, we hope that the affairs of these companies will be better managed now, which, of course, remains to be seen. I am not willing to say that automatically everything will run well now. That is the responsibility of the government We shall watch its performance.

With these words, I conclude.

श्री मूल चन्द डागा (पाली) : सभापति जी, एक बात मैं आप से कहना चाहता हूं, अभी जो हमारे पहले बोलने वाले वक्ता महोदय ने बात कही कि एक आपका सेविंग ट्रस्ट बना था और कंपनी ला के अन्तर्गत बनाया गया था, उस में 1100 मेम्बर करीबन थे, जो एंप्लाइज थे वहां के और बराबर उन से सब्सक्रिप्शन लिया जाता था, यह आपकी कंपनी ला बोर्ड मानती है

और उन्होंने अपना इन्कम टैक्स देते हुए अपनी सैलरी से पैसा दिया था । आज उन 1100 मजदूरों का रुपया जो कम से कम 50 लाख हो गया होगा। आज आप कंपनी लेने जा रहे हैं, राष्ट्रीयकरण करने जा रहे हैं, जिसका इधर और उधर बैठने वाले सभी ने समर्थन किया है, लेकिन जो बड़ा सवाल है, कि जो सेविंग-ट्रस्ट एक कायम किया गया और जिस के इम्प्लाइज मैम्बर बने और जिन्होंने अपना सब्सक्रिप्शन दिया और कितने साल तक बराबर दिया और देने के बाद उनका इक्विटी शेयर करीबन 50 परसेंट हो गया, उसका क्या होगा और जब आपने अपने शेड्यूल 2 के अंदर दिया है :—

"Wages, salaries and other dues payable to the employee s of the company."

मैंने आज तीन बजे से पहले अमेंडमेंट दिया दिया था, मैंने सोचा कि यह कल चलेगा, आप शायद लेंगे नहीं मेरा अमेंडमेंट, इंसाफ आपके हाथ में है, आप चाहें तो ले सकते हैं।

I have already given my amendment before 3 p.m. but I do not think the Chairman is in a mood to accept it now. Generally, on the basis of equity and justice, the Chair accepts such amendments.

लेकिन अब मैं चाहता हूं कि आपका अगर इरादा हो तो जो मैंने अमेंडमेंट दिया है...

सभापति महोदय : आपने बोल तो दिया है।

श्री मूल चन्द डागा : बोल तो दिया है, ठीक है, लेकिन मैं आन रिकार्ड चाहता हूं। मेरा यह अमेंडमेंट था कि —

"Balance long outstanding in the books of the Savings Trust to the credit of the members the retired members and other advances upto a maximum limit of Rs. 45 lakhs."

मैंने बोल तो दिया है, लेकिन मंत्री जी जब उत्तर दें तो आप उन से उत्तर दिलवाएं कि वह जो 45 लाख रुपया एंप्लाइज का है, उस का क्या होगा ? क्या आपका नेशनलाइजेशन करने का जो परपज है, वह परपज आपका फुल-फिल होगा या नहीं होगा, क्योंकि आपने अपनी गलती के कारण एक कंपनी के पूरा बरबाद हो जाने के बाद इसका राष्ट्रीयकरण किया है। राष्ट्रीयकरण क्यों किया तो आपने और लिखा है :—

"....Production of the company had been going down in the recent years and the Company started incurring losses since 1973-74. The Company Law Board, who had received complaints regarding mismanagement of the Company, came to the conclusion in 1976 that the affairs of the Company were being conducted in a manner oppressive to the members and prejudicial to the interests of the Company its employees and the public interest, and appointed under section 408 of the Companies Act, 1956, five Government Directors on the Board of the Company' and subsequently also a Managing Director...."

"Appointment of Government Directors however, did not improve the functioning of Bird and Company Limited..."

पांच डायरेक्टर होने के बाद

Then, it had a turnover which rose from Rs. 15.38 crores to Rs. 15.58 crores.

[श्री मूलचन्द डागा)

यह तो सरकारीकरण हुआ, राष्ट्रीयकरण नहीं। मैं चाहता हूं कि मैं ने जो एमेंडमेंट दिया है उस को आप देख लें और शेयरहोल्डर्ज जिन्होंने शेयर्ज में पैसे लगाए हैं और जिनका इक्विटी शेयर था उन को पेमेंट करने की भी आप व्यवस्था करें। जो उनका क्लेम है मैं चाहता हूं कि उस को भी आप एक्सैप्ट करें।

19.55 hrs.

[*MR. DEPUTY SPEAKER in the Chair*]

SHRI CHARANJIT CHANANA: Mr. Deputy-Speaker, Sir, in spite of the fact that we see contradictory stand being taken by the members on the other side, I appreciate the points raised by the Members of both sides.

Shri Indrajit Gupta's point had, in fact, been replied to yesterday in reply to a question. The government does not appreciate the sickening of the running institution at all. We are working on the process; we are on the exercise of amendment of the I appreciate your comments on Bird and Co. as one of the unfortunate exercises that has taken place. allowing such things from happening. earlier Act to see how we can give the proper treatment and can avoid-ance. The hon. member has raised

Nobody is going to allow that at all. ther point. I can only say that we have all the sympathies for the savings of the people which have created a separate entity of the Savings Trust. Since Bird and Company is a separate entity, the question at this time is one of nationalising the Bird and Company and we are giving due importance to the priority schedule as such where the wages and the dues of the workers are given 1st priority; the second priority is to the institutional finances.

SHRI INDRAJIT GUPTA: The arrears of the salary kept in the savings Trust can be claimed by the employees which they are entitled to.

SHRI CHARANJIT CHANANA: He understand this better. The arrears of salaries here are equal to the arrears deposited in a bank but the savings trust is a separate entity altogether. We will not question that at all. I agree with the hon. Member's sympathy but my sympathies might be much more than theirs. The most unfortunate thing is that legally this is a separate entity. I cannot help it. I thank the Members very well in supporting the Bill.

SHRI INDRAJIT GUPTA: He is not in a position to do anything. It may be a separate entity. The Government has all the sympathy for it. That is all right.

श्री चरणजीत चानना : आप इलाज बताएं।

श्री इन्द्र जीत गुप्त : आप बताएं। म मंत्री बन जाता तो मैं बताता। आपको नौकरी मिल गई है मैं इलाज बतलाऊं ?

SHRI CHARANJIT CHANANA: I would like the hon. Member's coming over here.

MR. DEPUTY-SPEAKER: Shri Phoolchand Verma.

श्री फूल चन्द वर्मा : मैंने दोनों पक्षों के माननीय सदस्यों के भाषणों को बहुत ध्यानपूर्वक सुना है। सारी चर्चा का निचोड़ अगर निकाला जाय तो यह निकलता है कि सभी पक्षों के माननीय सदस्यों ने इस बात पर जोर दिया है कि कर्मचारियों का जो सेविंग्ज ट्रस्ट में पैसा है और जो लगभग पचास लाख है उस को देने की जवाबदेही सरकार को लेनी चाहिये। इस के साथ ही मैंने इस आर्डिनेन्स के निरनुमोदन के समय बोलते हुए कहा था कि कर्मचारियों का प्राविडेंट फंड का भी पैसा है, पिछली सेलरीज भी हैं, ग्रेचुइटी का पैसा भी है, बोनस तथा दूसरे फंड के भी पैसे हैं।

20.00 hrs.

सारे पैसों की जवाबदारी शासन को लेनी चाहिये मगर मंत्री जी ने अपने बिल में कहा है, मैं याद दिलाना चाहता हूं कि 25 अक्तूबर, 1980 से इस बात की जवाबदारी मंत्री महोदय ले रहे हैं, सरकार ले रही है ।

मेरा कहना यह है कि कर्मचारियों के हित में आप कहते हैं कि 1500 कर्मचारी बेकार हो जायेंगे, इसलिये इस कंपनी का राष्ट्रीयकरण कर रहे हैं मैं मंत्री जी की भावना का आदर करता हूं और निवेदन करता हूं कि उन की पिछली बकाया को देने की जवाबदारी भी वह लें और यहां उस की घोषणा करें अगर वह यहां घोषणा कर देते हैं तो मैं अपना निरनुमोदन का प्रस्ताव वापस लें लेता हूं ।

MR. DEPUTY-SPEAKER: I shall now put the Statutory Resolution to the vote of the House....

श्री फूल चन्द वर्मा : उपाध्यक्ष महोदय, मंत्री महोदय को मेरी बात का जवाब देने दीजिये ।

MR. DEPUTY-SPEAKER: The Minister need not reply. It is statutory resolution. It cannot be withdrawn. I have to put it to the House....

The question is:

"This House disapproves of the Bird and Company Limited (Acquisition and Transfer of Undertakings and other Properties) Ordinance, 1980 (Ordinance No. 18 of 1980) promulgated by the President on the 25th October, 1980."

The motion was negatived.

MR. DEPUTY-SPEAKER: Now I will put the consideration motion to the vote of the House.

The question is:

"That the Bill to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakigs the facilities and advarntages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified companies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We take up clause-by-clause. There are no amendments to Clauses 2 to 7. I will put them to vote. The question is:

"That Clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

Clause 8—(*Payment of amounts to the company and specified companies*)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, lines 26 and 27—

for "two hundred and eighty-three lakhs" *substitute* "twenty-five lakhs". (1)

Page 6, line 32,—

for "twenty-seven lakhs *substitute* "ten lakhs". (2)

[Shri Ramavatar Shastri]

These amendments are innocent amendments. I am not speaking.

MR. DEPUTY-SPEAKER: All your amendments are innocent.

SHRI RAMAVATAR SHASTRI: Because I am innocent.

MR. DEPUTY-SPEAKER: I will now put the amendments moved by Shri Ramavatar Shastri to Clause 8to the vote of the House.

Amendments 1 and 2 were put and negatived.

MR. DEPUTY-SPEAKER: Now the question is:

"That Clause 8 stands part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—(*Management etc. of the Undertakings of the Company*).

श्री रामावतार शास्त्री : उपाध्यक्ष जी, क्लाज 9 पर मैं अपने तीनों संशोधन पेश करूंगा और इन पर बोलूंगा भी ।

I beg to move:

Page 7, line 20,—

after "individual" *insert*

"who believes in the philosophy of Public Sector undertakings". (3)

Page 7, lines 25 and 26,—

for "such remuneration as the Central Government may fix".

substitute "not more than two thousand rupees per mensem". (4)

Page 7, line 26,—

for "during the pleasure of the Central Government'

substitute "for not more than three years'. (5)

मेरा बड़ा इन्नोसेंट अमेंडमेंट है, अगर मंत्री जी मान लें तो मैं बोलना बन्द कर दूंगा ।

बिल के पृष्ठ संख्या 7 की पंक्ति 8 को देखिये, जो मैं पूरी की पूरी पढ़ देता हूं—

"(2) केन्द्रीय सरकार, कंपनी के उन उपक्रमों के लिए, जिन के सम्बन्ध में धारा 7 की उपधारा (1) के अधीन उस ने कोई निदेश नहीं किया है, किसी व्यष्टि या किसी सरकारी कंपनी को अभिरक्षक या अभिरक्षकों के रूप में नियुक्त कर सकेगी ।"

मैं चाहता हूं कि "व्यष्टि" के बाद यह जोड़ दें—

"जो पब्लिक सैक्टर उपक्रमों के सिद्धान्त में विश्वास रखता है ।"

यह बहुत साधारण सा संशोधन है ।

इस कंपनी को चलाने के लिये सरकार ने उपाय किये और निदेशक मंडल बहाल किया । इस बिल के उद्देश्यों में बताया गया है कि निदेशक मंडल के सदस्यों की संख्या को पांच से बढ़ा कर छः कर दिया गया, लेकिन वे लोग उस कंपनी को ठीक तरह से नहीं चला सके । घाटे पर घाटा होता रहा, उत्पादन में कमी होती रही और लूटने वाले लूटते रहे । ऐसा क्यों हुआ ? इसलिए कि उन लोगों का विश्वास पब्लिक सैक्टर की फिलासफी में नहीं था ।

पब्लिक सेक्टर के बहुत से उपक्रम घाटे में चलते हैं । सरकार सारा दोष मजदूरों पर मढ़ देती है । लेकिन वास्तव में व्यवस्था

इस के लिए सब से ज्यादा जवाबदेह होती है। अगर व्यवस्था ठीक रहे, तो मजदूरों का कोआपरेशन और सहयोग भी प्राप्त किया किया जा सकता है। लेकिन व्यवस्था में पूंजीपतियों और इजारेदारों के प्रतिनिधि घुसे रहते हैं और आप घुसाते हैं। केन्द्र और राज्यों के नेता अपने चहेतों और समर्थकों को निदेशक-मंडल में डाल देते हैं, जो तरह तरह से गड़बड़ी कर के घाटा करवाते हैं और पब्लिक सैक्टर को बदनाम करते हैं। इसलिए मेरा संशोधन है कि यह क्लीयर कर दिया जाये कि ऐसे लोगों को लिया जाये जिन का सचमुच पब्लिक सैक्टर की फिलासफी में विश्वास हो। तभी सरकार पब्लिक सैक्टर के कारखानों को ठीक तरह से चला सकेगी, उन्हें मुनाफा हो सकेगा, देश की तरक्की हो सकेगी और तभी हम समझेंगे कि सरकार राष्ट्रीयकरण की नीति को सचमुच मानती है।

अभी मंत्री महोदय ने हम लोगों पर बड़े जोर से हमला किया। चूंकि सरकार गलत तरीके से काम कर रही है, इस लिए हम ने विरोध किया। अगर सरकार सही तरीके से काम करेगी, तो हम बराबर उसका समर्थन करेंगे। हम इस का भी समर्थन कर रहे हैं।

श्री चरणजीत चानना : डिपुटी स्पीकर साहब, माननीय सदस्य ने एक बहुत बहुमूल्य आदर्श की बात कही है। परन्तु सब से ज्यादा दुख की बात यह है कि आध घंटा पहले यह कुछ और बात कर रहे थे। तब [मुझे लगता था कि .... (**व्यवधान**) जहां तक पब्लिक सैक्टर की फिलासफी में विश्वास की बात है, हम ने तो अपने पालिसी स्टेटमेंट में कहा है कि वह एक बहुत आवश्यक बात है। परन्तु जैसे आज एक घंटे के अन्दर यह बात हुई है तो इसे देखने के लिये हमें कोई ऐसा बैरोमीटर या थर्मामीटर बनाना पड़ेगा जिस से पता चल सके कि यह विश्वास कितने घंटे रहता है और कितने घंटे में चला जाता है। .... (**व्यवधान**) ....

With due regads, the first thing that we have to do is that we may have to introduce some Bills to nationalise some political thoughts. Once that is done, then their confidence and faith in the public sector will be a genuine one.... (*Interruptions*).

वह हम नहीं चाहते। हम चाहते हैं कि गवर्नमेंट की तरफ से वह बिल न आए। किसी फ्राइडे को प्राइवेट मेम्बर बिल में लाइये और अपनी फिलासफी को नेशनेलाइज कीजिये। उस के बाद इस की आवश्यकता नहीं रहेगी।

MR. DEPUTY-SPEAKER: Mr. Ramavatar Shastri belongs to a no-change group.

SHRI INDRAJIT GUPTA: It is not proper for him to oppose the philosophy of Mr. Sanjay Gandhi.... (*Interruptions*).

MR. DEPUTY-SPEAKER: I shall now put amendments No. 3, 4 and 5 to Clause 9, moved by Shri Ramavatar Shastri to the vote of the House

Amendments Nos. 3, 4 and 5 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 9 stands part of the Bill.'

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 31 were added to the Bill.

The First Schedule and the Second Schedule were added to the Bill.

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

SHRI CHARANJIT CHANANA: I beg to move:

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

20.13 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF FOREST (CONSERVATION) ORDINANCE, 1980

AND

FOREST (CONSERVATION) BILL

MR. DEPUTY-SPEAKER: The House will now take up statutory resolution and Forest (Conservation) Bill together for which two hours have been allotted.

SHRI SATYANARAYAN JATIYA (Ujjain): I beg to move:

"That this House disapproves of the Forest (Consevation) Ordinance, 1980 (Ordinance No. 17 of 1980) promulgated by the President on the 25th October, 1980."

उपाध्यक्ष महोदय, जहां तक मामला यह है कि डिफारेस्टेशन हो रहा है, इस बात से कोई इनकार नहीं कर सकता है । हिन्दुस्तान की आबादी दिनों दिन बढ़ रही है, जंगल कम हो रहे हैं और जंगल कम होंगे । होते रहेंगे, इसको कोई रोक नहीं पाएगा जब तक कि जंगलों को ठीक तरह से प्लाण्टेशन कर के उनकी ग्रोथ को बढ़ाने की कोई योजना नहीं बनाई जाती । जंगल के कम होने के और भी कारण हैं । जंगल के नीचे छिपे हुए धातुओं के भण्डार हैं, अयस्क हैं । वहां नदियां बहती हैं, बांध बांधने के लिए जंगल कटते हैं । अनेक प्रकार के कारण हैं जिन से जंगल का कम होना अवश्यम्भावी और निश्चितप्राय है ।

ऐसी स्थिति में सरकार की यह मंशा कि जंगलों का कम होना रोका जाना चाहिए इस बात से इन्कार नहीं किया जा सकता । देश की सारी प्राकृतिक स्थिति को बनाए रखने के लिए, देश की जलवायु को स्थिर रखने के लिए, वर्षा समय पर हो और वर्षा होने पर जो बाढ़ की स्थिति पैदा हो जाती है या सूखे की स्थिति पैदा हो जाती है, उस को नियंत्रित करने के लिए जरूरी है कि प्राकृतिक जलवायु को ठीक से बनाए रखा जाय । किन्तु मेरी समझ में नहीं आता है, यह सरकार कहती है कि प्रदेश सरकारें इस बात के लिए अक्षम हैं कि वह डिफारेस्टेशन को रोक सकें । क्या ये सरकारें नाकाबिल हैं, अक्षम हैं ? क्या ये सरकारें जो अब तक करती रही हैं, वह गलत करती रही हैं ? 33 साल में जो कुछ किया गया है उसके बाद आज उसे इन्कार करना और यह समझना कि केन्द्रीय सरकार ही सक्षम है, केन्द्रीय सरकार ही काबिल है, वही डिफारेस्टेशन को रोक सकेगी, मैं समझता हूं कि यह उचित नहीं है । प्रदेश सरकारें भी संविधान के अनुसार चुनी हुई प्रजातन्त्रीय सरकारें हैं । केन्द्रीय सरकार द्वारा सारे अधिकारों का केन्द्रीयकरण अपने हाथ में करना और अन्य प्रदेशीय सरकारों पर अविश्वास करना, उचित नहीं है । मैं समझता हूं कि सारे अधिकारों को केन्द्रीभूत करने से केन्द्रीय सरकार की मंशा पूरी नहीं होगी । मैं श्री वीरेन्द्र सिंह राव की योग्यता पर या उनके मंत्रालय की योग्यता पर कोई आक्षेप नहीं करता हूं, लेकिन मैं निवेदन करना चाहता हूं कि जिस बात का भी केन्द्रीयकरण अथवा सरकारीकरण हुआ है, वह असफल हुआ है । उसमें सरकार की मंशा पूरी नहीं हुई है । अगर सरकार चाहती है कि डि-फारेस्टेशन को रोका जाए, तो उसे देखना होगा कि जो जंगलों में वनवासी हैं, आदिवासी लोग हैं, वे कितनी परेशानी में हैं । उनको वन उपज