

(viii) DEMANDS OF TEACHERS OF DELHI UNIVERSITY.

SHRI RAMAVATAR SHASTRI (Patna): The teaching community has been facing innumerable problems for the last so many years. The Delhi University Teachers Association has often referred these problems to the University authorities, the University Grants Commission and the Ministry of Education, on more than one occasion. But, unfortunately, no concrete steps have been taken to initiate the process of finding a lasting solution to their pressing problems.

The Delhi University Teachers Association has submitted a 38-point character of Demands comprising category 'A', category 'B' and category 'C'. The demands include end of victimisation of teachers, judicial enquiry into the functioning of the Principal of Shri Aurobindo College and his suspension pending enquiry; immediate take-over of Rao Tula Ram College, justice to DPFs and the librarians, enforcement of University rules; democratization of University bodies and increased representation of teachers on the basis of election, free education to college/university employees and their wards, book allowance to teachers, adequate facilities for evening classes, statutory security of service, revision of pay scales, improved housing facilities, increased house rent allowance, i.e. 30% non-discriminatory extension of service up to the age of 65 years, publication of the Manoj Das Enquiry Report, ban on the use of police for suppressing democratic movement, preservation and protection of the University autonomy, creation of machinery to look into cases of corruption and nepotism, etc.

The teachers of Delhi University have been agitating for the realisation of their demands for a long time. They have been made to run from pillar to post. But the Government did not pay any heed to the demands of the teachers.

I would request the Government to immediately settle the matters with the DUA for establishing normalcy in the University. The Education Minister should give a statement to the House in this regard.

12.40 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL OF MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ORDINANCE, 1980 AND MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL

MR. DEPUTY-SPEAKER : The House will now take up (i) Statutory....

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH) : I have to make a submission on the this....

MR. DEPUTY-SPEAKER : Not now.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : if You can have anticipatory valuation of bank finance of future stock of Maruti for late Shri Sanjay Gandhi why can't I make a submission on that? This man is a party. This man has been trying to sell this property to his private company friends. I know all the details ... (Interruptions).

MR. DEPUTY-SPEAKER : The House will now take up (i) Statutory Resolution seeking disapproval of the Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 and (ii) Maruti Limited (Acquisition and Transfer of Undertakings) Bill, 1980, for which 4 1/2 hours have been allotted. If the House agrees, we may have 3 hours for the Statutory Resolution and General discussion on the Bill and, 1 1/2 hours for clause-by-clause consideration and third reading of the Bill. (Interruptions)

श्री मनी राम बागड़ी (हिसार) :
मारुति को बनाने में बेचारों ने पंद्रह साल लिये थे। इसको तीन घंटे में कैसे खत्म करेंगे? यह बहुत बुरी बात है

SHRI JYOTIRMOY BOSU : All the Opposition Members have submitted that this is a serious matter. The whole thing is nothing but a fraud. Therefore, we require a minimum of eight hours to discuss the matter to reveal the whole thing. All these three Ministers, Finance, Law and the Industry Ministers, have been giving us** evasive replies. We have been trying to elicit information as Members of Parliament. Particularly, the Industry Minister has been telling us* altogether.

**Expunged as ordered by the Chair.

MR. DEPUTY-SPEAKER : The words used which are unparliamentary will not go on record.

SHRI JYOTIRMOY BOSU : I say it is unmissed untruth. (*Interruptions*).

MR. DEPUTY-SPEAKER : This is not the way. I am telling you. I said that on behalf of all Mr. Jyotirmoy Bosu wants eight hours. Now I am asking the Government (*Interruptions*) He has asked for eight hours. I said four and half hours. (*Interruptions*).

श्री रामाबतार शास्त्री (पटना) :
 इसके लिए आठ दस घंटे रखने चाहिए ।

SHRI P. VENKATASUBBIAH : Sir, Mr. Jyotirmoy Bosu can raise any question and get away with it. I am confining myself to the recommendations made by the Business Advisory Committee and which was adopted by this House. According to the Business Advisory Committee's recommendation which was later adopted by the House, four and half hours have been allotted to this statutory resolution as well as the Bill. So, I would request, Sir, the Hon. Member to submit themselves to the recommendations made by the Business Advisory Committee as well as adopted by this House. (*Interruptions*).

SHRI JYOTIRMOY BOSU : Let it go to the Select Committee and we have no grievance.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE (Jadavpur) : The private Member's resolution was scuttled although Sir, the decision of the House was there. Sir, you were in the Chair at that time. (*Interruptions*).

MR. DEPUTY-SPEAKER : It is not scuttled.

(*Interruptions*)

MR. DEPUTY-SPEAKER : It was not scuttled... (*Interruptions*)

SHRI P. VENKATASUBBIAH : My friends had referred to this matter; that was private members resolution. Government has got nothing to do with it. As Presiding Officers, you had taken the pleasure of the House and the House agreed to extend it by another two hours. How does the government come in? I would like to ask. Every time, this is the only instance he is quoting. It is private Member's business and Government has nothing to do with it.

SHRI JYOTIRMOY BOSU : On a point of order. Mr. Venkatasubbiah is an old Member of this House, not in age but he has lived in this House for a long time. How does he justify this matter? The ICAR debate was fixed by the Business Advisory Committee and approved by the House also but it has been shifted to another day. How does it happen? Circumstances? We are victims of circumstances? We have seen that for Moradabad riots the time allotted was 4-5 hours and it took 7 or 8 hours. For National Security Bill seven hours were allotted. How much time did it take?

MR. DEPUTY-SPEAKER : From seven, it went to seventeen.

SHRI JYOTIRMOY BOSU : You are a knowledgeable person. Let the learned Minister not show his ignorance.

SHRI P. VENKATASUBBIAH : Ignorance is not the monopoly of Mr. Bosu alone. For the information of the House, Government has got nothing to do with ICAR debate being shifted. Mr. Bosu must have spoken to the Hon. Speaker and it should have been rearranged Government does not come in the way. I would like to share his ignorance.

PROF. MADHU DANDAVATE (Rajapur) : Sir, you will agree that the National Security Ordinance, the Ordinance on Maruti Limited—these are highly controversial issues. From the way reports are going on, not only in the House but also outside, it is very clear and you can judge. How much time did the National Security Ordinance take? This issue is equally controversial. Therefore, even if you technically fix up 4 and 1/2 hours I can assure you that this debate will never be over in 4 and 1/2 hours.

MR. DEPUTY-SPEAKER : You should put the question to your representative in the Business Advisory Committee. What did he do? Why not oppose it there?

PROF. MADHU DANDAVATE : As far as those committee proceedings are concerned, they are not supposed to be revealed. Since you are sitting in the Chair and asked the question, let me tell you what I said: you may put it on paper this time but every time on controversial issues the time is bound to escalate. I told the Speaker. Many of the Members had told him. Therefore, do not try to throw it at us that the time has been fixed up.

MR. DEPUTY-SPEAKER : It has been accepted by the House.

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SHRI CHARAN SINGH (Baghat) : It is a very controversial question in which the honour of the Government is involved, there can be no doubt about it. Personalities in the Treasury Benches are involved in it. It is in their own interest, that the question is fully thrashed out and the public is satisfied that there was a full debate and everything came to light and put on record. Why should they oppose it? It is in their own interest.

SHRI P. VENKATASUBBIAH : We are not opposing a discussion.

SHRI SATISH AGARWAL (Jaipur) : A reference has been made to the discussion in the Business Advisory Committee. I was one of those who strongly pleaded with the Speaker that it will not be possible to conclude this debate within four and half hours. He said: let us tentatively decide about it, we shall see in the House. Many time, we allocate time, and we cooperated. It is only tentatively we decided this. Generally in such matters the time is extended, from government side also there is no opposition and sometimes the Chair is also very permissive. It is not that we made a commitment for four and half hours. That is not the position. We made it quit clear that it will not be possible to conclude the debate on Maruti Ltd. within four and half hours, this allotment was a tentative decision.

SHRI INDRAJIT GUPTA (Basirhat) : Since the Business Advisory Committee is meeting again at 3 o'clock—two hours from now—let the debate continue and at that meeting this afternoon, we propose to suggest that the time should be extended, because we are not bound by any hard and fast rule.

MR. DEPUTY-SPEAKER : The Business Advisory Committee has fixed 4-1/2 hours. There is a proposal from the opposition that it should be extended to 8 hours. Let us start. The Business Advisory Committee is meeting again in the afternoon.

SHRI GEORGE FERNANDES (Muzaffarpur) : I heard the hon. member who made the suggestion I am observing that you are trying to accept that suggestion. The Minister pointed out that he has no objection to the time being extended. That is the impression I got—Government had no objection.

SHRI P. VENKATASUBBIAH : I never said it.

SHRI GEORGE FERNANDES : I have some reservation about the Business

Advisory Committee looking at it again at 3 P. M. There will be speakers during these 2 hours and 10 minutes.

MR. DEPUTY SPEAKER : There is lunch interval.

SHRI GEORGE FERNANDES : If the debate starts at 2 o'clock, there will be speakers who will be called upon to speak before the Business Advisory Committee meets again. A member who is called upon to speak would like to know how much time he is entitled to. If it is going to be 8 hours then he will be entitled to twice as much time as he will get on the basis of 4-1/2 hours. So, you must take a decision on this that we are extending the time to 8 hours, but beyond 8 hours you can consider it at the meeting of the Business Advisory Committee at 3 o'clock.

SHRI K. MAYATHEVAR (Dindigul) : Are the decisions taken by the Business Advisory Committee Bible Koran or Thirukural that it cannot be amended? We can amend it.

SHRI JANARDHANA POOJARY (Mangalore) : I am drawing your attention to Rule 288 which says :

“It shall be the function of the committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills....”

There are responsible Members of Parliament in the Business Advisory Committee. They knew the importance of this Bill and they also knew when they allotted the time that the honour of the Government is also involved in it. After considering all the aspects, they fixed the time. If it is the conclusion of this House that here after there should not be any value for the recommendation of the Business Advisory Committee, let it be laid down like that. The question involved here is whether hereafter we have to give importance to the recommendations of the Business Advisory Committee which have been adopted by the house.

MR. DEPUTY-SPEAKER : The time allotted is 4-1/2 hours. The demand of the opposition is for 8 hours. Will the opposition give the assurance to the Chair that they would complete it in 8 hours ?

SOME HON. MEMBERS : No, no.

SHRI JYOTIRMOY BOSU : As far as we are concerned, Yes.

SHRI GEORGE FERNANDES : We do not want to bind the Chair. If the Chair finds it necessary to give more time, the Chair can do so.

MR. DEPUTY-SPEAKER : Now, we take up the Statutory Resolution. Shri N.K. Shejwalkar.

SHRI N.K. SHEJWALKAR (Gwalior) I have already authorised Shri Satish Agarwal to move this Resolution.

SHRI GEORGE FERNANDES : I do not want to bind you with 8 hours.

MR. DEPUTY-SPEAKER : This is some sort of a gentleman's agreement.

SHRI KRISHNA CHANDRA HALDER (Durgapur) : The House should sit upto 6 O' clock.

SHRI SATISH AGARWAL : Mr. Deputy-Speaker, Sir, I am thankful to my friend Mr. N. K. Shejwalkar, for giving me this opportunity to move this Statutory Resolution. I am also thankful to you that you have permitted him for this authorisation. I move :

"This House disapproves of the Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 (Ordinance No. 13 of 1980) promulgated by the President on the 13th October, 1980."

Sir, before making my observation with regard to the Ordinance and the points, in favour of my Resolution, I wish to put on record my stronger protest against this Government for not making available to the Members of the opposition parties the relevant documents with regard to the Maruti Limited. Despite our persistent efforts to approach the Government through the Speaker and our keen desire to have an on-the-spot study of the Maruti Limited, I am sorry to say that the hon. Minister for Industry could not arrange for a visit of the Members of the opposition parties to the site. This would have been very much helpful in a very purposeful debate so far as this House is concerned. I am sorry to say that I do not know why the Government is behaving in this shabby manner.

The Maruti Limited has been discussed and debated in this House on a number of occasions. I am sure, once again we have an opportunity to discuss in detail certain aspects of the Maruti Limited which found place in the press, in the House and the walls and the building is

echoing those observations even now. For the last one decade, if there is one company connected with one person in the country, which has been debated so hotly, if there is any one who deserves award for this it is the Maruti Limited.

So far as the Ordinance which has been issued in this particular case is concerned, I may be permitted to say that since independence, the Government of India has nationalised and taken over managements of hundreds of companies. But this is for the first time that this nationalisation of the Maruti Limited has been done in an unusual and extraordinary manner. No company, no factory or no mill was ever taken over by this Government during the last 33 years in the manner in which this particular nationalisation has been done.

I am going to dwell so far as other points are concerned on how this has been done, how the people of this country are being cheated and how the Parliament is being deceived. This is a fact I put on record.

MR. DEPUTY-SPEAKER : You continue your speech after lunch. The House is adjourned to meet at 2 O' clock.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER IN THE CHAIR]

STATUTORY RESOLUTION RE
DISAPPROVAL OF MARUTI LIMITED
(ACQUISITION AND TRANSFER OF
UNDERTAKINGS) ORDINANCE, 1980

AND
MARUTI LIMITED (ACQUISITION
AND TRANSFER OF UNDERTAKINGS
BILL—Contd.

श्री राम विलास पासवान (हार्जीपुर)**

MR. DEPUTY SPEAKER : This will not go on record.

SHRI RAM VILAS PASWAN : Why?

**Expunged as ordered by the Chair.

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MR. DEPUTY-SPEAKER : I Will not permit this discussion about the other House.

SHRI GEORGE FERNANDES : It is not about the other House. He is raising a constitutional point.

SHRI JYOTIRMOY BOSU : We have a convention in this House that we do not mention the Rajya Sabha by name. But we have every right to say "the other House".

MR. DEPUTY-SPEAKER : He should have at least informed the Speaker that he is going to raise it. I cannot be taken by surprise.

SHRI JYOTIRMOY BOSU : Try to understand it. The practice is to give notice. But there are unusual circumstances when notice has not been given.

MR. DEPUTY-SPEAKER : I am sorry, I am not permitting.

(Interruptions)**

MR. DEPUTY-SPEAKER : Before you raise this, you should have sent me this information. (Interruptions)** I am not permitting you. There are many rules you can quote. Unless I permit you to get up from your seat, you cannot speak anything. All these things shall not go on record also.

(Interruptions)**

PROF. AJIT KUMAR MEHTA (Samastipur) : Sir, I am on a point of order.

MR. DEPUTY-SPEAKER : Under what rule?

PROF. AJIT KUMAR MEHTA Article 79 of the Constitution. It says: "There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People".

MR. DEPUTY-SPEAKER : Point of order should be based on the rules of the House.

SHRI JYOTIRMOY BASU : You are bound to abide by the Constitution. He is quoting an article from the Constitution. Therefore, he is within his right to draw the attention of the House to certain problems arising out of....

(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Paswan and Mr. Jyotirmoy Bosu, if I am not misunderstood, we are wasting the time of the House. (Interruptions). You waste the time like this and then we go for 17 or 18 hours debate.... (Interruptions). I would tell you straight that you behave in a more responsible manner as representatives of the people of this country. Now Mr. Satish Agarwal, you continue your speech.

(Interruptions)

SHRI SATISH AGARWAL : Mr. Deputy-Speaker, Sir, before the House rose for lunch I had moved my Statutory Resolution seeking disapproval of the Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance.

(Interruptions)

SHRI JYOTIRMOY BOSU : Sir, I am on a point of order. This is official gallery. There is a strict rule that you can not allow any body except the Minister to consult the officials in the gallery.

(Interruptions)

MR. DEPUTY-SPEAKER : That is what I said. These are not big issues (Interruptions) Let us discuss things a good friends.

SHRI SATISH AGARWAL : Mr. Deputy-Speaker, Sir, this House is well aware that since Independence, Hundreds of companies had been nationalised and their management taken over by the Government in public interest. But there is a certain procedure for taking action under the Industrial Development Act.

That procedure has to be undergone and only then the Government takes over the management of the company concerned or nationalises it. I would like the hon. Ministers to tell this House why no action was taken under the Industries (Development and Regulation) Act for taking over the management of Maruti Ltd., when it came to the notice of the Government that its affairs were being mismanaged, or that its funds were not enough to meet the obligations of the company, or that Government interference was necessary at that stage. Government did not choose to investigate, to conduct any enquiry into the affairs of Maruti Ltd., under the Industries (Development and Regulation Act) at any point of time, as they did in the case of Hind Cycles

Ltd., S in Raleigh Ltd., Bird & Co., Ltd., or the Jute Mills that we nationalised recently, which I also supported. The management is taken over, Government directors are appointed, and then if Government comes to the conclusion that nationalisation is necessary and that is the only way out, then they go in for nationalisation.

But in this particular case I am surprised to see that the Cabinet took a decision, without an official item on the agenda, for nationalisation of Maruti Ltd., Things are done in a casual way. Without discussing the pros and cons of the measure, they decided on nationalisation. Not only that.

AN HON. MEMBER : Are you a Cabinet Minister ? How do you know ?

SHRI RAVINDRA VARMA (Bombay North) : Let them contradict it.

SHRI SATISH AGARWAL : Much more than that, what are the reasons given for issuing the ordinance ? The hon. Minister or the Government has placed on the Table of the House the reasons necessitating the issuance of this ordinance. I would, for refreshing the memory of hon. Members, with your permission, seek to refer to only this much :

“Since an order for the winding up of the company has been passed by the hon. High Court of Punjab and Haryana, there was a possibility of the undertaking being broken up into smaller units and sold to third parties, it was considered that it would be against the public interest to allow such a possibility to materialise. As parliament was not then in session, it was considered necessary to take immediate action for the acquisition of the assets and liabilities of Maruti Ltd., and to promulgate an ordinance to nationalise Maruti Ltd., before the Official Liquidator took any irreversible step.”

There was a possibility of some kind after the order of the Punjab and Haryana High Court was passed; and on the basis of certain possibilities, Government has chosen to nationalise this particular project. Has the Government ever done so in the past, that only on the basis of possibilities or probabilities they choose to nationalise a particular project ? I am not mentioning the fact that it relates or it belongs to Mr. Sanjay Gandhi, I am talking of principles, and asking whether, in view of the fact that proceedings are pending in the High Court, Government has nationalised any economy.

Not only that. I am really shocked at one thing. I hold Dr. Charanjit Chohan in high esteem, but I would like to know from him what material was available with the Government on 13th October, 1980, when they took a decision with regard to the nationalisation of this particular project. What was the position of assets and liabilities on that date ? Government is not in a position to tell the House what the position was on that date. In answer to a question by Shri Atal Bihari Vajpayee on 10th December, they have given certain facts with regard to the assets and liabilities which existed on 22nd July, 1977.

AN HON. MEMBER : The assets have gone up.

SHRI SATISH AGARWAL : That is a different point. I would come to that later on, whether it has been inflated or deflated.

The Government has not furnished so far the latest available figures of assets and liabilities on 13th October, 1980. Are you going to nationalise the company on the basis of available figures of assets and liabilities of 22nd July, 1977 ? What is the reply given by the hon. Minister in this House ? In reply to Question Nos. 3270 and 3271 the hon. Minister stated :

“The details of assets and liabilities of the Company as furnished in the Statement of Affairs as on 22-7-1977 filed under Sections 454 of the Companies Act with the official liquidator attached to the Punjab High Court are furnished in the enclosed statement.”

This statement contains that the assets are Rs. 684 lakhs and the liabilities are Rs. 628 lakhs. By giving this information you are giving an impression throughout the country that the assets are more by Rs. 56 lakhs and the liabilities are less. Is this not an impression that is given to everybody ? What is the latest position on 13th October, 1980 when you are going to nationalise the Company ? The House is entitled to know and the country is entitled to know. You have not given these figures.

There is one more flow. These are the details of assets and liabilities of the Company as furnished in the statement of affairs as on 22nd July, 1977 filed under 454 of the Official liquidators ? By whom ? Who has filed it with the official liquidator ? On whom are you relying ? How have you verified ? This is not the statement of the official liquidator. It is not an inventory prepared by the Official Liquidator. By whom has it been given ? This Government is very well aware that the proceedings are going

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[Shri Satish Agarwal]

on in the Punjab and Haryana High Court. I would like to inform the hon. Minister that in those proceedings, an application was submitted in 1977 some where in the month of May/June and the orders were passed by the hon. High Court. In this application I may also state here that there is a Company Petition No. 126 of 1977 in the matter of Companies Act 1956—Delhi Automobile Private Limited V/S Maruti Limited, Palam. This is the title of the case. The application was filed in this case. Para 9 of this reads :

“That on 18th May, 1977 Shri Sanjay Gandhi tried to remove certain records and articles from the factory premises.....

(Interruptions)

SHRI JAGDISH TYTLER (Delhi Sahar) : Even the Shah Commission proved that all these are lies and are manipulated. It is all manipulation. It is not something which is new.

SHRI SATISH AGARWAL : I am not referring to Gupta Commission's Report. I you go through the Gupta Commission Report....

SHRI JAGDISH TYTLER : Shri Jethmalani knows what he did with the witnesses and what you all did with the C.B.I.....(Interruptions)

SHRI SATISH AGARWAL : That is not relevant.

SHRI JAGDISH TYTLER : I was a witness (Interruptions), These are lies and lies can be challenged in the House, The House will not accept lies. (Interruptions), Shri Jethmalani knows that I am a witness to that when he took over things to himself and when he tried to put all these things.

MR. DEPUTY-SPEAKER : He is not yielding. If he is not yielding, you cannot talk. (Interruptions). Mr. Tytler, what is the parliamentary procedure?

SHRI SATISH AGARWAL : This is a copy of the application filed in the High Court. (Interruptions)

MR. DEPUTY-SPEAKER : It is for the information of all Members, whenever any Member is delivering his speech and if anybody wants to interrupt him, he will get up in his seat and see whether the Member gives his consent.

Therefore, if he does not yield, no interruption please. This should be followed by all sides of the House.

THE MINISTER OF STATE IN THE DEPARTMENT OF SCIENCE AND TECHNOLOGY AND ELECTRONICS (SHRI C.P.N.SINGH) Sir, I want a clarification. Will the Chair permit any member to make accusations and you will not allow interruption if accusations are made? He has been reading out something which has not been proved.

MR. DEPUTY-SPEAKER : If you address the Chair and say that some allegations are being made, I will definitely allow.

SHRI C.P.N. SINGH : He is making unnecessary accusations. (Interruptions)

MR. DEPUTY-SPEAKER : No interruptions please. We want to complete it within the time allotted.

PROF. MADHU DANDAVATE : Please remember, the time expands with the heat in the House. That is law of nature.

MR. DEPUTY-SPEAKER : You have to pour some cold water also. Shri Satish Agarwal to continue.

SHRI SATISH AGARWAL : Sir, the hon. Minister is there to contradict me on this score. I am not referring to any fact which is not borne out by record. He may contradict it. It is within his competence. I have given the title of the case, the name of the court and the application filed therein herein, in paragraph 6, it was alleged—I quote :

“That on 18th May, 1977 Shri Sanjay Gandhi tried to remove certain records and articles from the Factory premises of the respondent-company....

(Interruptions)

SHRI RAM SINGH YADAV (Alwar) : On a point of order, Sir. (Interruptions)

AN HON. MEMBER : Under what rule?

MR. DEPUTY-SPEAKER : It is for me to see.

SHRI RAM SINGH YADAV : A portion of the decision of the High court may be referred to, may be read out by the hon. Member. But the allegations in the application made by certain individuals in a

case cannot be referred to here. When a party has moved an application in the High Court, its contents cannot be referred to in his speech. Till that cannot be read out by him.

SHRI JAGDISH TYTLER : The Supreme Court has given a decision that it is all lies and fabrication. *(Interruptions)*

SHRI SATISH AGARWAL : It is only on the basis of these applications that an Official liquidator was appointed by the Punjab and Haryana High Court. So, naturally. When in the statement of Objects and Reasons, when in the reasons given for issuing the Ordinance, the hon. Minister has himself referred to the proceedings in the Punjab and Haryana High Court, I am entitled to state in the House as to how an official liquidator came to be appointed by the High Court.

An application was moved in the Punjab and Haryana High Court wherein, in paragraph 6, it was alleged :

(Interruptions)

MR. DEPUTY-SPEAKER : Please take your seats. All of you, please take your seats. *(Interruptions)*. Please go to your seats first. This way, it is not possible. *(Interruptions)*

SHRI RAM SINGH YADAV : What is your point of order ?

SHRI RAM SINGH YADAV : The proviso says :

“Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.”

This allegation he is making is not the observation of the High Court. *(Interruptions)*.

MR. DEPUTY-SPEAKER : Please sit down. The rule is very clear :

“No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister

concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply ;.

(Interruptions)

How, he has raised a point of order....

SHRI S. P. UNNIKRISHNAN : (Badagara) : Please read the Whole thing.

MR. DEPUTY-SPEAKER : Yes.

“Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation..”

Please listen.

Because of the big noise and all that, I have not heard his speech fully and, therefore, I will go through the proceedings and if any speech has been made against the rules it shall be removed from the records of Parliament.

Please sit down.

SHRI JYOTIRMOY BOSU : I am on a point of order.

SHRI K. P. UNNIKRISHNAN : If they continue like this they will make it impossible for the House to function.

MR. DEPUTY-SPEAKER : That is your opinion. I cannot help it.

SHRI K. P. UNNIKRISHNAN : Please pull him up.

SHRI JYOTIRMOY BOSU : That rule applies to any abrupt defamatory remarks made on the Floor of the House. But the document is a published document which is in possession of the Government.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Mr. Deputy Speaker Sir, you have already given your ruling. There is no need for the expression of Mr. Jyotirmoy Bosu's opinion.

MR. DEPUTY-SPEAKER : Let us hear Mr. Jyotirmoy Bosu.

SHRI MALLIKARJUN : You have given your ruling, Sir. *(Interruptions)*

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MR. DEPUTY-SPEAKER: Mr. Ramalingam, please sit down. I will allow you also.

SHRI MALLIKARJUN: The House should accept the ruling given by the Chair.

SHRI JYOTIRMOY BOSU: Rule 353 applies to the allegations made which are not mentioned in governmental documents which are already in possession of the Ministry of Industry or, for that matter, any department of the Government. If he says something abruptly, that so and so had stolen something from such and such a place, which is not borne out by a judgment or a petition before a court of law or finding of an Inquiry Commission, then rule 353 does apply there: it applies only when somebody makes a defamatory allegation without any basis... (Interruptions)

MR. DEPUTY-SPEAKER: Where is that provision in the rules?

SHRI JYOTIRMOY BOSU: I am telling you... (Interruptions)

MR. DEPUTY-SPEAKER: Please read that rule. If a rule is there, I will accept.

(Interruptions)

MR. DEPUTY-SPEAKER: I have given my ruling. All of you may please sit down. I have given my ruling.

SHRI SOMNATH CHATTERJEE (Jadavpur): If a competent court of law gives a finding, then it is not a matter which comes under this rule. Only derogatory remarks, unsubstantiated or unproved allegations, can be brought. If a competent court of law gives a finding, then that is not a derogatory remark... (Interruptions)

MR. DEPUTY-SPEAKER: The rule is very clear; it says: "No allegation..."

From where this allegation is made, from which report this allegation is made, is not mentioned here. It only says 'allegation': the rule reads:

"No allegation of a defamatory..." (Interruptions)

AN HON. MEMBER: It is a finding; it is not an allegation.

MR. DEPUTY-SPEAKER: I have drawn Mr. Agarwal's attention to rule 353. Now, Mr. Satish Agarwal will continue his speech. It is all over. (Interruptions)

SHRI SATISH AGARWAL: I have made it amply clear that I on my own behalf, am not alleging anything against anybody. I am simply quoting from the High Court... (Interruptions)

MR. DEPUTY-SPEAKER: You avoid allegations... (Interruptions) According to this rule you cannot read allegations also. It may even come from heaven. Please don't do that.

SHRI MALLIKARJUN: The Chairman has given ruling that you cannot read it... (Interruptions)

PROF. MADHU DANDAVATE *rose*.

MR. DEPUTY-SPEAKER: He is on a point of order. Please sit down.

SHRI KRISHNA CHANDRA PANDAY (Khalilabad): There cannot be any point of order on your ruling.

PROF. MADHU DANDAVATE: I would request you to please note that whatever observations and interpretation of the rule that you may make from the Chair will become a precedent for the future. Therefore, I would also like to quote a precedent. When the 24th Constitution Amendment was discussed in this House to which I extended my support, in the fifth Lok Sabha, at that time there were a number of events that had taken place. A number of witnesses had appeared in the court of law, certain remarks were made by the Judges—all that were quoted by myself, Mr. Mohan Kumaramangalam and a number of other members and the Prime Minister of the country at that time was Mrs. Indira Gandhi... (Interruptions). The landlords whose socio-economic interests were affected by their right to property being curtailed had raised certain issues and certain allegations were made against them. Those allegations had become part and parcel of the proceedings of the court. They were referred to and therefore, in a similar manner, if my colleagues, Mr. Agarwal refers to them, unless you feel that it violates the procedure, no member can say that it cannot be quoted.

SHRI K. LAKKAPPA (Tumkur): No defamatory matter was quoted in the House.

SHRI N. KUDANTHAI RAMALINGAM (Mayuram): The hon. Member spoke about precedents. A decision given by the Speaker is a precedent—I agree. Sir, at the time of the Janata rule, we, the members of Parliament, were beaten

by the Police at the Janpath but we were not allowed to move a privilege motion. Then our Party came to power. Then the Janata Party members were arrested and these people wanted to move a privilege motion. . . (Interruptions)

MR. DEPUTY-SPEAKER: I have permitted him. Nobody can question me.

SHRI N. KUDANTHAI RAMALINGAM: The decision given by the ex-Speaker, Mr. Hedge was changed and we have allowed it. That is the precedent. Under Rule 353,

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given or previous intimation to the Speaker. . ."

MR. DEPUTY-SPEAKER: Rama has come to the help of Laxmana. . . (Interruptions). You please adhere to this rule. That is my final ruling. No allegation of a defamatory nature shall be made. If anything is like that, it will be expunged from the proceedings. The rules are very clear. I cannot deviate from the rules. . . (Interruptions) Mr. Unnikrishnan, I am not permitting you to speak. Please sit down.

SOME HON. MEMBERS *rise*.
(Interruptions)**

MR. DEPUTY-SPEAKER: Excepting Mr. Agarwal, nobody also will go on record.

(Interruptions)

MR. DEPUTY-SPEAKER: I have given my ruling that only his speech will go on record. Nothing else will go on record. Nobody should get up without my permission. It will not go on record. Mr. Agarwal.

SHRI SATISH AGARWAL: I quote

"From the various reports appearing in the reliable newspapers, as a result of the enquiries and investigations made by their correspondents, huge amounts of the respondent-company were diverted by the management thereof to its sister concerns—Maruti Technical Services Private Ltd. and Maurti Heavy Vehicle Private Ltd. in the form of commission etc. and thus a huge loss has been caused to the creditors of the respondent-company."

(Interruptions)

** ** *

MR. DEPUTY-SPEAKER: Nothing will go on record. Don't worry. Mr. Agarwal, you go on.

SHRI SATISH AGARWAL: May I go on? **

MR. DEPUTY-SPEAKER: Nothing has gone on record. Don't worry.

SHRI SATISH AGARWAL: **

. . . (Interruptions)

MR. DEPUTY-SPEAKER: Again you are making allegations Mr. Agarwal. (Interruptions)

PROF. MADHU DANDAVATE: Why are you objecting to it? You have clearly given your ruling. (Interruptions) kindly check up the records. No name has been mentioned by him. (Interruptions)

MR. DEPUTY-SPEAKER: Let him continue.

SHRI SOMNATH CHATTERJEE: Can you not go into what is going on here? The company has gone into liquidation. (Interruptions).

MR. DEPUTY-SPEAKER: I shall go through the proceedings.

SHRI SATISH AGARWAL: Sir, can I not refer to the management of the company? I am not referring to the name of any individual. (Interruptions)

PROF. MADHU DANDAVATE: Tomorrow you may say that you do not refer to the government also. (Interruptions)

SHRI ARIF MOHAMMAD KHAN (Kanpur): Sir, I rise on a point of order.

MR. DEPUTY-SPEAKER: He is on his legs. Please sit down. (Interruptions) I am not allowing anybody. All of you please sit down. Mr. Arif Mohammad Khan, what is your point of order?

SHRI ARIF MOHAMMAD KHAN: My point of order is: whether he can quote from the judgment of a high court which has been rendered invalid by the decision of the Supreme Court. He is quoting from that document which has been rendered as invalid by the decision of the Supreme Court. If the decision of the high court had not been rendered invalid by the Supreme Court, than his quoting from that document would have

**Expunged as ordered by the Chair.

**Not recorded.

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been valid. But it has been rendered invalid by the decision of the Supreme Court. (Interruptions)

MR. DEPUTY-SPEAKER: Now all of you sit down. Shri Agarwal, you may continue.

SHRI SATISH AGARWAL: I may clarify the objections raised by Shri Arif Mohammad Khan. Sir, I am quoting from the copies of the application on the records of the Punjab and Haryana High Courts—not decision on them is there of the Supreme Court.

(Interruptions)

श्री हरीश कुमार गंगवार (पीलीभीत) : आप हमेशा ** की तरफ ध्यान देते रहे हैं और आज आप उन को कंट्रोल नहीं कर सके हैं। इसलिए इस समय इस हाऊस को एजॉर्न कीजिए ताकि आपस में बातचीत कर के इस मसले को हल किया जा सके।... (व्यवधान)... आप हमेशा** उन की तरफ रहे हैं और अपोजीशन की तरफ आप का ध्यान नहीं रहता है। आप हाऊस को एजॉर्न कीजिए।

SHRI SATISH AGARWAL: It is a long list. I will not read this. It is a long list of allegations which has been filed in the High Court. It contains allegations where tonnes of steel was sold.

(Interruptions)

श्री रशीद मसूद (सहारनपुर) : इस तरह से हाऊस नहीं चल सकता। क्या मारुति को भी रेफर नहीं कर सकते? कौन सा नाम मेशन किया है? ...

(व्यवधान)

: شری رشید مسعود (سہارنپور):

اس طرح سے ہاؤس نہیں چل سکتا۔
کیا ماروتی کو بھی ریفر نہیں کر
سکتے - کون سا نام میشن کیا ہے -

(انٹروپشنس)

श्री जगपाल सिंह : (हरिद्वार) :
फिर कहेंगे कि मारुति कम्पनी का नाम
भी न लिया जाए।

MR. DEPUTY-SPEAKER: The rule is very clear. I am reading again for the information of the hon'ble Member, Shri Satish Agarwal and all the Members of the House. The rule says:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

You have given no previous intimation either to the Minister or the Speaker. You have not done this. So, you are not allowed. I wanted you to avoid. The rule is very clear. All are to be guided by the rule.

(Interruptions)

श्री जगपाल सिंह : थोड़ी देर बाद
आप यह भी कहेंगे कि मारुति लि०
का नाम भी न लिया जाए।

.... (व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down. Shri Agarwal will continue.

(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down.

(Interruptions)

MR. DEPUTY-SPEAKER: Don't record anything.

(Interruptions)**

MR. DEPUTY-SPEAKER: I have given my ruling. It cannot be questioned by you.

**Expunged as ordered by the Chair.

*Not recorded.

14-51 hrs.

Ltd. (Acquisition etc.) Bill
SHRI JAGDISH TYTLER: Halder
has done it.

[MR. SPEAKER in the Chair]

(Interruptions)

MR. SPEAKER: All of you may please
take your seats.

SHRI JAGDISH TYTLER: Kindly
listen to me. He has questioned the ruling
given by Deputy Speaker. The Dy. Spea-
ker has stated so. He must apologise.
He is questioning the Chair. He must
apologise.

MR. SPEAKER: Nothing is to go on
record.

(Interruptions)**

MR. SPEAKER: First you must ask
my permission. Please take your seats.
You listen to me. I will listen to you.
First take my permission. Please listen.
Look here; please sit down. (Interruptions)
Please order. Let us take it in an orderly
way. I will listen to any question from
anybody. Please take it easy. Please be
calm. I will see whether it is in order or
not...

I am listening. What is your point of
order, Mr. Tytler?

SHRI JAGDISH TYTLER: Point
of order is this. Mr. Halder has insulted
the Deputy Speaker. He has called him a
stooge, previously. You should look into
it.

MR. SPEAKER: If there is anything
I will look into it. I have listened to
you. Now listen to me. If there is any
aspersion on the Chair it should not
be tolerated.

AN HON. MEMBER: This is not
the first time.

PROF. MADHU DANDAVATE:
It is a question of interpretation of Rule
353.

MR. SPEAKER: I have listened.
Please sit down. We want to dispose of
this thing first: Did he cast aspersion
on the Chair?

PROF. MADHU DANDAVATE:
That is over.

MR. SPEAKER: If any aspersion has
been cast on the Chair it should be
withdrawn. (Interruptions) Please order.
Who has done it?

श्री राम बिलास पासवान (हाजीपुर):
इस सम्बन्ध में हम यही चाहते हैं कि
चाहे चेयर के खिलाफ इस पक्ष से कहा
जाए, या उस पक्ष से कहा जाए, उसको
एक्सपंज किया जाए। जिस तरीके से
ये लोग कर रहे हैं...

(व्यवधान)

MR. SPEAKER: We should not allow
aspersion to the Chair. I will look into
it. That will be expunged.

SHRI K. MAYATHEVA R (Dindigul): Mr. Unnikrishnan, hon. Member
of this House has been a long-standing
Member of this House; he has been cast-
ing aspersion on the Deputy Speaker
and saying, he has been acting as a police-
man. Please expunge it. He said, he is
acting as a policeman.

PROF. MADHU DANDAVATE:
Sir, I would like to draw your attention
to Rule 353... (Interruptions). I am not
challenging anybody's ruling. As far as
Rule 353 is concerned, reference to defa-
matory remarks... (Interruptions)**

MR. SPEAKER: Nothing will go on
record without my permission.

PROF. MADHU DANDAVATE:
Sir, let me make it clear. I am not refer-
ring to any ruling independently. I am
raising this issue and the issue is regarding
interpretation of rule, because it will be
very relevant to this debate. This debate
is on nationalisation of Maruti Ltd. and,
therefore, Members who participate in
this debate, will have to say a lot about
the management, the way in which the
company was conducted and if some refer-
ence is made... (Interruptions).

MR. SPEAKER: I will see whether
a reference is made or not. I will get
that portion expunged.

PROF. MADHU DANDAVATE:
And, therefore, if we stretch this rule to
such an extent that nothing can be made
even against the company or the mana-
gement, then it becomes a far-fetched
interpretation. In this House, while dis-
cussing a number of... (Interruptions)**

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MR. SPEAKER: Nothing will go on record without my permission.

PROF. MADHU DANDAVATE: I will give two precedents when such a debate has taken place. When the nationalisation of jute factories was discussed here, mismanagement was referred to. I will again quote the precedent of 5th Lok Sabha in which 24th Constitution Amendment was discussed in which references to certain Zamindars who were coming in the way of socio-economic reforms were made. Defamatory remarks against the management, against the company, the Government and remarks against the individual, were to be bifurcated. Therefore, I would not like to stretch the rule 353 to such an extent.

(Interruptions)

SHRI C. P. N. SINGH: The hon. Deputy-Speaker thrice clearly ruled that defamatory remarks and insinuations would not be allowed in the House. In spite of that, many hon. Members kept on and on interrupting. Now, when the Deputy-Speaker had given this ruling, not once but thrice...

MR. SPEAKER: He said it...?

SHRI C. P. N. SINGH: He had said that defamatory remarks or any word of an insinuating nature would not be permitted. Once that ruling had been made, now it is being questioned, that is, what the Deputy-Speaker said. When you permitted Mr. Dandavate, I think, it is questioning the Deputy-Speaker's ruling. Before that what happened? Mr. Satish Agarwal had been consistently quoting allegations. They were not findings of the Court... (Interruptions) If he had quoted findings of the Court it was a different matter. He saw to it that he only quoted what were allegations. If the Deputy Speaker said that he was consistently quoting merely allegations and that he did not quote a single finding, I think the Deputy-Speaker was totally correct. We should not go into that because it is questioning his ruling.

15 hrs.

SHRI SUNIL MAITRA (Calcutta North-East): Yesterday, when the National Security Bill was being debated, you were in the Chair. Mr. Stephen voiced certain allegations against the wife of Mr. Charan Singh and Charan Singh replied. You were in the Chair and you permitted it. Having permitted that, there cannot be two standards now.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): Since my name has been quoted, I want to say he is making a misrepresentation.

I did not open my mouth at that time; he is making a misrepresentation.

SHRI SUNIL MAITRA: I am sorry; it was Mr. Sathe.

SHRI K. MAYATHEVAR: What happened was, the hon. Member of this House, a learned lawyer one of the leading lawyers of the Supreme Court, referred to the appellate proceedings and the original court proceedings. The hon. Member was quoting the contents of the documents drawn from the lower court, that is the High Court... (An Hon. Member: No.) Against the order of the High Court the aggrieved party has made an appeal to the Supreme Court and the Supreme Court set aside the original Court's order. Therefore, we cannot depend upon the documents of the lower Court. That is what we are also opposing.

SHRI K.P. UNNIKRISHNAN: What we are discussing now, I presume, is Maruti Ltd., that is, acquisition and transfer of the undertakings Bill. That is why we have allotted this time and we are discussing it. In the statement of objects and reasons you will find the reason why Maruti was closed down, that is their contention and it specifically says:

"There was a run on the company by the creditors, and liquidation proceedings were initiated in the Punjab and Haryana High Court where an order for winding up—of the Company was passed."

That is the sum and substance of this legislation. If we are not permitted to argue out a case, whether it was good or bad, then it is a meaningless, futile debate.... (Interruptions) I would invite your kind attention to several proceedings in this House when Bird and Company management was taken over, Alcock and Ashdown was taken over when Swadeshi Mills were taken over a few years back. Every time such references were permitted documents were quoted... (Interruptions) It is a different thing if I am making allegation against somebody.... (Interruptions)

MR. SPEAKER: I have to say....

SHRI K.P. UNNIKRISHNAN: Let me complete, you cannot shut me up like this. Under 353 above all, it is public interest which is the determining factor. Now we are not only specifically dealing with the Maruti complex take-over, we are also dealing with a matter of momentous public importance.

SHRI SOMNATH CHATTERJEE : We quit appreciate that it is a delicate issue. Our appeal to you is, if a ruling is given which will bind the House for posterity, that will not be conducive to a proper discussion. In this matter the name itself involves acquisition of a company which has been directed to be wound up because of mismanagement, run on the company, etc. The statement of objects and reasons specifically mentions it. Can there be any meaningful discussion without going into the management of the company? The reference to names, they do not want to be made. If the reference to management is objected to as being derogatory, then to say that Maruti Ltd. was guilty of mismanagement is also derogatory. For a meaningful discussion, this is necessary. Why did they nationalise this company? (*Interruptions*).

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH) : Sir, in this House, a debate was going on and an hon. member from the other side made certain charges which were not connected with the proceedings of the House and which were not part of the pronouncement of any court. Mr. Tylter from this side raised a point of order objecting to it. The point of order was duly heard by the hon. Deputy-Speaker and he gave a ruling. Once the Chair has given a final ruling, rules 376(3) says :

"Subject to the conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final."

So, the words are "which shall be final". What is going on at this moment? The Chair is being pressurised by the opposition to get the decision modified. I am afraid the proceedings of the House will be vitiated if this is allowed to happen.

MR. SPEAKER : The Chair is never pressurised. We have got some set rules here. There is a definite clear-cut policy and we have to abide by this. Whatever is not admissible, I will not admit. Whatever is admissible and is relevant to the debate, I shall admit. The rules says:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation...."

That has always been the practice.

SHRI C.P.N. SINGH : The Deputy-Speaker has given this ruling thrice.

MR. SPEAKER : Mr. Jyotirmoy Basu came to me and gave prior intimation. Other persons have also done the same thing. I cannot rule out anything which has been passed as a sort of judgment in the court. But I will not allow anything personal, anything defamatory, anything incriminatory.

SHRI MALLIKARJUN : Now you have ruled that anything personal, defamatory or derogatory will not be allowed. But earlier the Deputy-Speaker has very clearly ruled....

MR. SPEAKER : I have not overruled any ruling.

SHRI MALLIKARJUN : When Mr. Satish Agarwal was reading from a document, his intention was totally motivated, malafide, malicious and political.

MR. SPEAKER : Anything which is the finding of the court I will not overrule that.

SHRI MALLIKARJUN : It is not the finding of the court.

MR. SPEAKER : That I will have to see.

SHRI MALLIKARJUN : He should not read the document with a malicious intention, malafide intention.

MR. SPEAKER : If it is not the finding of the court I shall not allow. It is only the finding of the court which can go on record.

SHRI INDRAJIT GUPTA : In the interpretation which is being given just now regarding the ambit of the rule, you have referred to the fact that somebody can quote judgment. Can he also quote the findings of the Enquiry Commission?

MR. SPEAKER : Whatever finding of the Enquiry Commissions have been laid on the table of the House, they can be quoted.

Mr. Satish Agarwal, you can make your points within the rules. I would request hon. Members if whatever objection is to be taken only one Member can do that and I will see myself whether it is in order or out of order.

SHRI SATISH AGARWAL : This House is very well aware and it is also admitted by this Government, also men-

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tioned in the Objects and Reasons of the Bill and it is also a justification for issuing this ordinance that an official liquidator has been appointed by the Punjab and Haryana High Court. So I was simply informing the House as to what were the circumstances which led to the appointment of the Official Liquidator and I had read out only certain paragraphs of the application. I had not levelled any charge against anybody from my side....(Interruptions) I made my position quite clear. When these facts were brought to the notice of the Punjab and Haryana High Court, that High Court passed an order, appointing a Provisional Liquidator in the month of May, 1977, whereby one Mr. Krishna Kumar was appointed as Provisional Liquidator and Local Commissioner. Later on, Sardar Harcharan Singh was appointed as Permanent Official Liquidator. They were asked to go to the spot, prepare an inventory and then submit it to the court. They did the job. They prepared a detailed inventory for plant, machinery buildings, stores etc. and submitted it to the High Court. It was on that particular basis that the High Court was proceeding in that case.

Now this Government has based its claim on the assets and liabilities as were furnished by the Official Liquidator on the 22nd July, 1977. They have given the statement of assets and liabilities on that basis. A sum of Rs. 3 crores, which was subscribed by the share-holders, which the Government cannot deny, that has not been included in the list of liabilities.

SHRI C.M. STEPHEN : The capital is not a liability of the company.

SHRI SATISH AGARWAL : So far as the company is concerned, it is a liability. I am just showing how the affairs are being managed and what has been the basis for arriving at this figure. The Government had absolutely no valuation done of the assets and liabilities of this Company before 13th October, 1980. They are basing their claim only on the basis of certain particulars furnished to the Official Liquidator somewhere in 1977. I have here with me a list of complete inventory that was furnished to the High Court by the Official Liquidator and Local Commissioner, despite the non-co-operation of the management in the preparation of the inventory, which is mentioned here, and this is in contrast with what hon. Minister and the Government have made available to this House.

The figures do not tally. You have inflated the figures of assets and you have deflated the figures of liabilities. I say that the actual liabilities are much more and actual assets much less. So, in this particular case, the High Court also passed certain orders. These are the judgments of justice Harbans Lal in the interim application, another by Shri Bupender Singh and there are orders which show how the company was being mismanaged how the assets were being frittered away, how the goods were being removed, how tonnes of cement was sold. This is all on the basis of evidence..... (Interruptions).

SHRI BUTA SINGH : Is it the written order of the court which the hon. Member is reading in this House ? No; it is an insinuation.

MR. SPEAKER : He is not quoting from the report.

SHRI C.P.N. SINGH : What he has mentioned is an insinuation.

MR. SPEAKER : I will look into it.

SHRI SATISH AGARWAL : I have here with me the complete list, the Delivery Note No. date, materials, quantity etc.....(Interruptions) It is a complete list, which was furnished to the High Court.

PROF. MADHU DANDAVATE : Sir, Since he had referred to the document, I would request that these papers may be laid on the Table of the House.

MR. SPEAKER : Have you something more to say ?

SHRI SATISH AGARWAL : Sir, as you desired, to save the time, I did not deliberately refer to the affidavit filed by a workman of the Maruti Limited in the High Court of Punjab and Haryana. I will not refer to it, I will avoid it. From 6th of May, 1977, materials of Maruti Limited were removed by....(dot, dot, dot).

(Interruptions).

MR. SPEAKER : It is pending, you should not read it.

SHRI SATISH AGARWAL : I should not read it ? But this is an affidavit and here Rs. 40 or Rs. 50 lakhs were involved.

(Interruptions)

PROF. MADHU DANDAVATE :
These are the supporters of Maruti.

(Interruptions).

SHRI C.P.N. SINGH : Sir, the hon. Member just now said certain things and then said 'dot, dot, dot'.

He is again insinuating about a certain Member who is not here to defend himself.

MR. SPEAKER : He has said nothing.

SHRI C.P.N. SINGH : He said, 'dot, dot, dot'.

MR. SPEAKER : What is this 'dot, dot, dot' ?

SHRI C.P.N. SINGH : Sir, that should be expunged.

(Interruptions)

MR. SPEAKER : Nothing has to be recorded which is against the law.

(Interruptions)

PROF. MADHU DANDAVATE :
What is the ruling? 'Dot' is unparliamentary?

SHRI SATISH AGARWAL: Now, I would like to know this from the Government. It has advised the two sister concerns which are located in the Maruti Limited premises, i.e., the Maruti Heavy Vehicles Limited and Maruti Technical Services Limited. These two subsidiary concerns are allied to the Maruti Limited and are located in their premises. They have not been nationalised because there is an agreement between Maruti Limited and Maruti Heavy Vehicles Limited and Maruti Technical Services that they will get permanently 2 per cent commission and something on the sales also. So, they have not been nationalised. The 20-year agreement is there. Why they have not been included in this? You want the proprietors, the owners or the Directors of these two concerns to derive the benefit for the whole of their life.

MR. SPEAKER: You wind up now.

SHRI SATISH AGARWAL: I have hardly spoken for 10 minutes. (Interruptions). Now, the Government says that the land is nearly 297 acres. I would like to know this from the Government. Is it not a fact that 125 acres of land out of 297 acres were leased out at Rs. 450 per

acre per year to one Shri K. L. Goel? Thirtysix acres of land was again given out of this 125 acres to Shrike & Co. Was it not a violation of the agreement? No amount was deposited. Government has not taken into consideration the fact that part of the land was leased out illegally. That finds a place in the proceedings before the High Court, that vegetables were grown on this land, it was put to other use, but you are not taking that into consideration. This particular land was being used in violation of the agreement entered into by this company with the Haryana Government, and the Haryana Government had served a notice two or three years back that the land should revert back to them. It does not now legally vest in Maruti Ltd., because the terms and conditions have been violated. I would like to know from the Government whether there are income-tax dues against this company. Steel was sold, cement was sold by them in the black market. Here is the Commission's Report which has been placed on the Table of the House.

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
MALLIKARJUN): He is using the words
"black market".

MR. SPEAKER: Whatever is there in the records will be placed on the Table of the House, not others.

SHRI SATISH AGARWAL: This Report on Maruti Ltd., was laid on the Table of the House. I have got it from the Library. This is not my personal document. I am entitled to quote from it. If you go through this and the precise summary given in it, you will find that there is no law of this country which has not been violated in the case of Maruti Ltd. The Industrial law was violated, the Minimum Wages Act was violated, the Income-tax law was violated, the Essential Commodities Act was violated, Foreign Exchange Regulations were violated, There was no law which was not violated as far as Maruti Ltd. is concerned. This is the Report. Criminal proceedings should be initiated against those who are concerned, but in order to defend and protect from criminal prosecution... (Interruptions)**

MR. SPEAKER: Nothing will go on record without my permission.

SHRI SATISH AGARWAL : In conclusion, I would submit that right from the very inception, this car was to be an indigenous one. A declaration was given that all components would be

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[Shri Satish Agarwal]

indigenous. A certificate was granted. Thereafter, huge amounts were raised. Land was obtained ignoring security considerations. Moneys were arranged without proper procedures. Whosoever did not subscribe was put under arrest under COPEPOSA, was detained under MISA. The term of anyone refusing to oblige this company was not extended. This is a case of blatant misuse of public money, it is not in the public interests. Public moneys are being used to further the interests of a private individual. It is a case of misuse of public funds. It is shameful for Parliament to pass this Bill. I oppose it.

MR. SPEAKER: Resolution moved:

"This House disapproves of the Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 (Ordinance No. 13 of 1980) promulgated by the President on the 13th October, 1980."

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 Maruti Limited with a view to securing the utilisation of the available infrastructure, to modernise the automobile industry, to effect a more economical utilisation of scarce fuel and to ensure higher production of motor vehicles which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto, be taken into consideration."

As the hon. Members are aware, there have been problems in the matter of adequate supply of automobiles, both commercial vehicles and passenger cars. Steps taken so far in this direction by the manufacturers have not proved adequate and the supplies have been lagging behind the demand. The hon. Members are also aware that unlike many other sectors of industry there has been little improvement in the car industry in the country in the last few decades. Presently the consumer demand is being met virtually by two units, one of whom faced severe strike. They have reached the level of production of last year. The question regarding manufacture of car in the public sector had engaged the attention of the Government earlier also. Looking to the state of automobile industry in the country including the passenger car.

Government have felt that setting up of public sector units under the Central

Government for manufacture of automobiles and connected items would be in public and national interest. The proposed unit would give the benefit of mass production techniques and the induction of latest technology including higher fuel efficiency. Since the infra-structure of Maruti Limited have been lying unutilised for some time, the Government decided to acquire the undertakings of the said Company which could form the nucleus of the new industrial activity. The proposed industrial unit would apporportion very encouraging growth of ancillaries, provide substantial employment opportunities both directly and indirectly and would lead to greater economic prosperity.

The House was pleased to grant leave for introduction of the Bill to replace the said Ordinance last week. In view of what I have submitted now, I beg to move that the Bill be taken up for consideration by the House.

SHRI A. K. ROY (Dhanbad): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 26th January, 1981. (8)

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1981. (9)

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1981. (30)

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to move:

"That the Bill to provide for the acquisition and transfer of the undertakings of Maruti Limited with a view to securing the utilisation of the available infrastructure, to modernise the automobile industry, to effect a more economical utilisation of scarce fuel and to ensure higher production of motor vehicles which are essential to the needs of the economy of the country, and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 13 members, namely:

- (1) Shri Satish Agarwal,
- (2) Shri G. M. Banatwalla,
- (3) Shri Chitta Basu,

- (4) Shri Satyasadhan Chakraborty,
- (5) Shri C. T. Dhandapani,
- (6) Shri George Fernandes,
- (7) Shri Ram Jethmalani,
- (8) Shri Ram Vilas Paswan,
- (9) Shri Ramavatar Shastri,
- (10) Shri K. P. Unnikrishnan,
- (11) Shri Ravindra Varma,
- (12) Shri Charanjit Chanana; and
- (13) Shri Jyotirmoy Bosu,

with instructions to report by the 29th December, 1980". (53)

SHRI GEORGE FERNANDES (Muzaffarpur): I rise to support the Resolution moved by my friend Shri Satish Agarwal and to oppose the Motion for consideration of this Bill moved by the Minister of Industries.

The Minister has read his speech just now which is, of course, a paraphrase of the Ordinance, the preamble of this Bill and also the Statement of Objects of this Bill. There is nothing original.

I am assuming that the hon. Minister is aware that this take-over and subsequent nationalisation is under the Industrial (Development and Regulation) Act. Over the years, since this Act has been on the statute-book, a number of units have been taken over under the IDR Act, whether it is management or nationalisation.

Firstly, a unit is taken over normally to prevent it from closing down and in the process, causing a lot of unemployment. Secondly, to see that a unit which is producing commodities that are very essential for the community, does not close down and create problems for the community. And, thirdly also to bring in the public sector such institutions that are considered very vital for the economy of the country. We nationalised the banks; we nationalised insurance.

Now, in this particular case, I do not see any of these three reasons being applicable. Some one mentioned about nationalisation. If the idea is that a lot of employment is involved, excepting a watchman outside the gate of the Factory, there were no workers. I am assuming that you do not nationalise a unit to provide job to a watchman. If it is to maintain production of commodities that are essential for society, there was just nothing being produced, neither cement nor coal nor anything was being produced in Maruti. If the idea is to bring such a unit in the public sector to produce

what is considered as essential, then I would like to know since when the production of cars has become a priority item for this Government.

The Ordinance mentions—the hon. Minister just now read out—and the Bill also mentions three or four primary reasons as to why they have chosen to take over this Company. Firstly, it says that it is concerned with the utilisation of infrastructure. I hope, the hon. Minister knows the meaning of the word "infrastructure". All that we know about infrastructure is the basic infra-structure which is required to run the economy of the country, the railways, coal, electricity and so on and so forth. I did not know that in the new definition of the new Minister of Industry or of this Government to which he belongs, a huge warehouse, a godown, a building that has been erected on those 295 acres of land which was acquired in circumstances which you know, which the House knows and which the country knows, is the infra-structure, that this has become infra-structure, that two big sheds are the infra-structure which the Minister would now like to use as an argument, as a justification for the take-over.

The second reason which he has given is to modernise the automobile industry. By take-over of this defunct, non-starter unit, what are you going to modernise? Where is the modernisation?

AN HON. MEMBER: That will follow.

SHRI GEORGE FERNANDES: With what? I am assuming that the nationalisation of this unit is concerned with modernisation because this is what you are trying to say in the ordinance. This is what you say: "...with a view to securing utilisation of the available infrastructure to modernise the automobile industry."

The third point made is 'to effect a more effective utilisation of scarce fuel'. With what? With a car that does not exist, how are you going to bring about a saving of fuel which is very scarce, according to you?

Finally, the point I am making is about the statement 'to ensure higher production of motor-vehicles which are essential to the needs of the economy'. I do not know if the Minister is aware as to how many cars were produced in the country in the last 12 months. Is he aware how many units there are and how many they produced last year?

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AN HON. MEMBER: You know better.

SHRI GEORGE FERNANDES: Well, the Minister of Industries should reply. I am not the Minister of Industries. I would expect the Minister of Industries to tell us how many cars were produced. (Interruptions).

MR. DEPUTY-SPEAKER: Order, order.

SHRI GEORGE FERNANDES: Well, I suppose that if the Minister is not in a position to answer in the course of the debate...

SHRI CHARANJIT GHANANA: I would like the Hon. Member to have the patience to listen to the reply also, unlike last time when he ran away and pretended to be ill. I can reply to him if he has the guts to sit down.

SHRI GEORGE FERNANDES: Mr. Deputy Speaker, with great respect to you and to the Minister, I hope the Minister will reply and not 'read' the reply.

If you have the capacity to reply I will have the patience to listen to you.

SHRI CHARANJIT GHANANA: Sir, I must get your permission. I shall read the reply in terms of quotations of the Hon. Member when he was, unfortunately, the Minister of Industries...

SHRI GEORGE FERNANDES: Most certainly. When the Minister's turn comes, I am sure he will be able to make his speech, even though it is a written speech!

Now Sir, a point has been made by the Minister himself in the course of... (Interruptions).

I am not yielding. (Interruptions). I am not yielding. I am on my legs at the moment.

Sir, this man is a Minister and he should know at least that when a Member does not yield, it is not proper for a Minister.

Mr. Stephen, why don't you teach your junior colleague? You are an experienced man: you should tell him.

Now, the Minister, I think, went to Paris in the days after this Ordinance was promulgated and on his way back from Paris—on 24th October, perhaps—said that in the present phase, the proposed car project in the public sector must be able to manufacture a minimum of one lakh cars per annum to ensure cost benefit.

The car project would be wholly export-oriented and fuel efficiency and cost aspects would be taken into consideration before a final decision is taken on collaboration. I am assuming that the Minister is all set now to produce a hundred thousand cars and, on the basis of his interview, they are meant for export.

AN HON. MEMBER: Are you discussing the Minister or Maruti?

SHRI GEORGE FERNANDES: I am discussing the proposal for nationalisation and, on the basis of the Minister's statement—which, I hope he has no objection to my quoting—they are meant for export.

At another level, a point sought to be made is that we need 100000 cars because some Committee or some Report of the Government has said that the country needs 100000 cars in the year 1984-85. This report was produced in 1971, on which the Government is now relying to justify the take-over of Maruti and then to suggest that we are now moving in the public sector. But only last year there was a Committee—rather in the course of this year and not last year, there was a Committee in the setting up of which perhaps the Minister himself had also a hand, and headed by a Joint Secretary of his own Ministry. This Committee gave its report a few days before the Ordinance for take-over of Maruti was issued.

Will the Minister tell us what the recommendations of that Committee are? Is it a fact that that Committee has come to the conclusion that you do not need any additional capacity just now, that what you have in the country is adequate, that, given the constraints of fuel, and so on and so forth, any idea of expansion of capacity in the automobile industry is completely ruled out? And yet, you are now in order to justify this take-over, fishing out a report that was produced in 1971 which talked about 100,000 cars and you are trying to throw it on the face of this House and the country to justify this!

The Minister also, on his return from Paris, spoke about possible collaboration for the manufacture of a whole range of automobiles, heavy duty, medium and light commercial vehicles, pick-ups and passenger cars, and very glibly he has been talking about the new nationalised corporation getting into the production of trucks. How many companies are producing trucks today? What is their installed capacity? How many new applications have already been sanctioned? What is the total capacity in respect of trucks that has been sanctioned in the last twelve months—the capacity which the

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existing companies have and given the expansion which these companies have been permitted? Is there room for another public sector corporation to produce automobiles, to produce trucks? I would like the Minister to give us the figures, not from his imagination but the figures, that have been produced on the basis of reports.... (Interruptions) you may even quote Tata's figures. टाटा की भी ला सकते हो, बिड़ला की भी ला सकते हो।

My friend is concerned about Birla. Birla is on record very recently saying :

"I have stood by Mrs. Gandhi; I stood by her even during the Janata regime; as far as Party is concerned I have been the supporter of Mrs. Gandhi and will continue to support her."

This is what Mr. K.K. Birla has said. So, let us not discuss Birlas here. (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH) : Under what circumstances did you allow, when you were a Minister, a price increase to the extent of double for Birla's automobiles?

SHRI GEORGE FERNANDES : The Prime Minister, whose interest in this unit, is very well known has also made two very interesting statements. She was asked a question at a Press Conference which she had addressed after a long time. She was asked, "What have you to say about the take-over of this particular company?", and she replied—I am sure the Minister will confirm this statement of the Prime Minister—"It is going to produce some kind of an automobile". She presides over a Cabinet meeting where the take-over of Unit is finalised!

She was asked a question at the Press Conference and the Head of the Government, the chief executive of the government says, 'Some kind of an automobile is going to be produced'....

AN HON. MEMBER : What is wrong.

SHRI GEORGE FERNANDES : Nothing is wrong except that when you want to sink five hundred crores of rupees into an enterprise, one assumes that there is a little more seriousness than what the Prime Minister of India has shown when she said, 'Some kind of an automobile is

going to be produced.' I would not expect.... (Interruptions)

Secondly, when she was asked a specific question.... (Interruptions)

MR. DEPUTY-SPEAKER : Please sit down.

PROF. P.J. KURION (Mavelikara) : How do you tolerate this****behaviour? (Interruptions)

MR. DEPUTY-SPEAKER : Order please.... (Interruptions)

Order, Please.

For the information of the hon. Members. Now Mr. George Fernandes is speaking. Next to him, Shri Arif Mohd Khan of UP is going to speak. What I would suggest is : all these things which Mr. George Fernandes speaks—that is the parliamentary procedure—you please note down and if you do not agree with him, you prepare the reply and reply to him. That is the correct procedure.... If you want to contradict, you contradict. That is the correct procedure.... (Interruptions)

SHRI G.M. BANATWALA : Who is next to Mr. Arif Khan, Sir?

MR. DEPUTY-SPEAKER : That will come after you speak.

SHRI GEORGE FERNANDES : The Prime Minister made another point in the course of her Press Conference. To justify the take over of this company, she said that its assets are more than the liabilities. Mr. Agarwal has already refuted this point. But what I would like to know—I will not go into the assets as I do not have the figure nor will I go into the liabilities—.... (Interruptions)

MR. DEPUTY-SPEAKER : You have got many speakers. You oppose at that time. Allow the proceedings to go on.

SHRI GEORGE FERNANDES : What I would like to know, Sir, is : whether the government has come with a new theory for nationalising industries. In other words, where the assets are more than the liabilities, are the industries to be taken over and nationalised? Then, why not start with Gwalior Rayon of the Birlas whose assets are more than the liabilities?....

MR. DEPUTY-SPEAKER : You have already taken 20 minutes....

SHRI GEORGE FERNANDES : I have spoken hardly for 10 minutes.

MR. DEPUTY-SPEAKER : I am noting the time. He started at 3.35 p.m. I am telling you for your information—that you have spoken for 20 minutes...

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[Mr. Deputy-Speaker]

(Interruptions) I have only said that he has exceeded 20 minutes. I have not stopped him. Why so much noise?

(Interruptions) Mr. Somnath Chatterjee I is not only on one side. It happens on both sides. When it happens here, I will tell you.

SHRI GEORGE FERNANDES : This takes us to the next point. Why is it that this company has been nationalised? I think the hon. Minister will be honest with us and honest to this House and tell us—because a lot of money is going to be sunk in this. You cannot produce an automobile with whatever junk there is, with the two sheds that are there. In fact someone told me when this question of take-over of Maruti came up in our talk. He said that this reminds him of a man who found a button on the road and he went to—the shop to buy cloth to stitch a coat. He said, 'I have found a button on the road and now I want to stitch a coat because I have a button to use.'

In this particular case, I am sure your Ministry must have reports from various companies—whether it is Peugeot or whether it is Fiat or any other company that has provided you—along with a statement of the total amount of money that would be required to have a company to produce cars. By a modest estimate, if the Minister's plans for this company or the government's plans for this company are to manufacture 100,000 cars—it will mean an investment of Rs. 500 crores. Has that money been provided for? Have you got plans? In fact, your own financial memorandum—it is a very interesting statement—attached to this Bill says :

"It is difficult to make any accurate forecast of the funds to be given by the Government to the new company as the order of the investments required will depend upon the types of the vehicles to be manufactured, the nature and extent of the foreign collaboration obtained and phased manufacturing programme, etc. On a rough estimate the total investment by Government during the Plan period 1980-85 is expected to be around Rs. 100 crores."

PROF MADHU DANDAVATE: This is a defamatory remark!

MR. DEPUTY-SPEAKER: According to you? Then I will expunge it!

SHRI GEORGE FERNANDES: You are nationalising a company. You are saying that you are taking over the infrastructure. You are coming with all these high-faloot in words like saving of fuel, modernisation of the industry, promotion of exports so on and so forth but your Memorandum produces a damp squib and says

between 1980-85 about Rs. 100 crores will be required. Is an industry to be run in such a casual manner? Can the automobile industry in this country be planned in this casual manner? Therefore, the question is: why this nationalisation and why was it done in such a surreptitious manner?

I do not know if the Minister will take the House into confidence about the way in which this matter came up before the Cabinet.

SHRI SOMNATH CHATTERJEE: If he does that, he will lose the job.

SHRI GEORGE FERNANDES: Mr Agarwal mentioned how even Ministers were not aware, how it was not in the agenda. But let me tell you some thing. Let me tell the House some thing more about the way in which the entire operation was done. (Interruptions) I do not want to name the member from the Cabinet who conveyed this to me. (Interruptions) On the 8th of October, a Joint Secretary who in fact was the author of that report which said that we do not need this kind of a car today, that Joint Secretary produced a paper on the 8th of October. It is dated 8th October, 1980. On the same day, the Minister and his Secretaries leave for Bangalore. There is a meeting of the Consultative Committee on Industry. The Minister and the two Secretaries return the following night. The plane is late. Normally it arrives at 10 O'clock but the plane arrived at 11 O'clock. Between 11 and 12—because 10th October commences at 12 midnight—the Minister, the Secretaries and everybody have seen that document, signed it and endorsed it. On the 10th it goes to the Finance Ministry. No Finance Ministry official knows about this document and the Finance Minister signs it.

On the 13th, the Cabinet meets and there a statement is made that the Planning Commission has seen this when in fact it has not. Why did you have a Planning Commission? Why do you have a Planning Minister at the Planning Commission?

The Planning Commission has not approved of this document (Interruptions)

MR. DEPUTY-SPEAKER: The Minister will reply.

SHRI GEORGE FERNANDES: Sir, they are taking the country for a ride. The only thing that has happened is that the Minister of State for Industries had a casual talk with a Member of the Planning Commission in which he says that we intend doing this. Nobody knows what the member has said. There is no Member of the Planning Commission, who is otherwise consulted. Even the Minister of Planning, Shri Narain Datt Tiwari I presume now—was not taken into confidence. On the 13th, at the cabinet meeting, the top secret paper was there. The hon. Ministers of the Cabinet, disco-

vered that this was the nationalisation of M/s. Maruti Ltd. (Interruptions) they would not allow me to speak.

AN HON. MEMBER: How he came to know of it?

SHRI GEORGE FERNANDES: That is for you to find out how I came to know of this. You should find out.

SHRI CHARANJIT CHANANA: This is a fiction.....

MR. DEPUTY-SPEAKER: Please conclude now. You may take five minutes.

SHRI GEORGE FERNANDES: I say this is a very surreptitious way of doing a thing. First of all, there is no need for an ordinance. Secondly, at least, you should have taken your Cabinet into confidence about a proposal of this nature which has gone through in such a hush-hush manner. Why this hush-hush after all, you formed your Government in the first half of January 1980. Maruti was already closed and this is where I want the Minister to tell us what this Ordinance/ is for? Did the bank put pressure on you? Did the bank say that they were going to prosecute the directors individually? (Interruptions) If so, please say so. Other-wise face the consequence. Mr. Stephen, you do not know. You had not been kept informed, Mr. Stephen. You saw it on the 13th October. How did you, Mr. Stephen, know? Did the bank come forward and say that a crore of rupees is sunk? Mr. Taneja did not want to give the money. His arm was twisted and finally the man was thrown out. The bank now comes and says we must now get our money. (Interruptions)

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): How many falsehoods have you in your bag?

SHRI GEORGE FERNANDES: I do not have. I shall be most happy to know from you. I want to know because this entire bill is a tissue of falsehood. At least I want to know from you. (Interruptions) I am not yielding.

MR. DEPUTY-SPEAKER: Mr. Stephen, he is not yielding.

SHRI C. M. STEPHEN: He wants to know but he is not yielding.

MR. DEPUTY-SPEAKER: You have put a question. He is replying.

SHRI GEORGE FERNANDES: I am now yielding.

SHRI C. M. STEPHEN: Whatever he says about hush-hush thing about the Cabinet not being consulted or the Cabinet not being taken into confidence and the pressure being brought out, I want to clarify.**

Nothing else. (Interruptions)

MR. DEPUTY-SPEAKER: He has not let out the cabinet secret.

SHRI C. M. STEPHEN: He is making a statement that this is a violation of oath of secrecy. Without repudiation, he cannot get away with it. I am repudiating that it is absolutely a falsehood.** Clearly, I am saying this and I challenge him.

SHRI GEORGE FERNANDES: I challenge the Minister. Let them have a Parliamentary Committee to enquire into it, (Interruptions) I say, I challenge the Minister. I again challenge the Minister. Let us have a Parliamentary Committee to enquire into it.

SHRI C. M. STEPHEN: Sir, he wants a parliamentary committee. You must know the importance of a parliamentary committee. Parliamentary committee is not such a small matter, Sir, to be easily available for such irresponsible people** statements before the House.

(Interruptions)

MR. DEPUTY-SPEAKER: Order please. That matter is over.

SHRI GEORGE FERNANDES: I am not making an allegation; I am making a factual statement, and I am giving a specific information. This note was on 8th October. It was signed by the Minister on the night of 9th October. It was not seen by the Secretary of Finance, It was signed by the Minister of Finance on this 10th of October. It was not shown to the Minister of Planning. It was not an item in the agenda for the Cabinet meeting. It was not an item in the agenda.

SHRI C. M. STEPHEN: Presumably he must be right because probably he was the **who was carrying the file from one section to another....

(Interruptions)

MR. DEPUTY-SPEAKER: Order, order. That is over.

SHRI GEORGE FERNANDES: Have a Parliamentary Committee. So, Sir, the question is this.....

(Interruptions)

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MR. DEPUTY-SPEAKER : The is over Order, order.

SHRI GEORGE FERNANDES : Why did they nationalise ? As I said, one is bank. The other is this—the provision of Rs. 4.34 crores. It is not a small sum.

श्री सुन्दर सिंह (फिल्लौर) : उपाध्यक्ष महोदय, मेरा प्लान्ट आफ आर्डर है। यहां पर ये **बोल रहे हैं। मैं जानना चाहता हूँ कि इन को आप ने कितना टाइम दिया है ?

MR. DEPUTY-SPEAKER : Please conclude. He is concluding.

SHRI GEORGE FERNANDES : Rs. 4.34 crores is going out of the public exchequer. What were the compulsions ? Who are the shareholders ? The list of the shareholders is not given. Our attempts to find out the list have been scuttled. They say quite often, the Prime Minister's family is not involved. I am surprised at this—the way they make such kinds of statements. We have Maruti Technical services and Maruti Heavy Vehicles. Who are the people who own the company ? Do you know, who are the shareholders ? When you think of the next 20 years, when you are going to produce a hundred thousand vehicles, per year and export all the vehicles,—if you make all that money in your public sector,—may I know, who are the people who are going to get 2 per cent out of that ?

I will read out the names :

“Shrimati Sonia Gandhi
Miss Prianka Gandhi,
Master Rahul Gandhi,

Minor under guardianship of Mr. Rajiv Gandhi, and late Mr. Sanjay Gandhi.....” (Interruptions)

SHRI G. M. STEPHEN : Sir, I rise on a point of order. Sir, Rule 356 referred to the relevant speeches made here. That is the most governing part. We are discussing the nationalisation of company. He is quoting another company which he says has got some connection with this company. It is very clear once the nationalisation takes place, a new company, a new entity comes into existence and whatever contract has been evolved in some other company does not survive at all. (Interruptions) Therefore, just to quote a company and to spell out the names of the persons who are connected with that company, after

all it is not a private property, is not at all correct. Clause 26 has made it absolutely clear. It says—

“26. Every contract entered into by the Company in relation to its undertakings, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that, or period ratified in writing by the Central Government or the Government Company, in which such undertakings have been vested under this Act, and in ratifying such contract, the Central Government or such Government company may make such alteration or modification therein as it may think fit.”

This is absolutely clear.. (Interruptions)

MR. DEPUTY-SPEAKER : Let him complete ; I will come to you afterwards.

SHRI C.M. STEPHEN : To read out the names of the shareholders of another company is not because that is relevant to the debate, but it is only to blame certain persons and to mention them on the floor of the House is absolutely irrelevant. That is what I wanted to say.

SHRI GEORGE FERNANDES : I am sorry that the Minister who is otherwise such an able parliamentarian should make a statement which is utterly and totally irresponsible. So, the question is what is the purpose behind it? Who are the people who are going to get this amount of Rs. 4.34 crores? Now, the point is that the shareholders, the dealers and others are also related to the Prime Minister's family.... (Interruptions)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR) : The shareholders are not getting this....

SHRI GEORGE FERNANDES : The hon. Minister is not aware of this; he is speaking without any knowledge of the Bill. Who says that the shareholders, are not getting? Read the Bill; are the shareholders not going to get the money?.... (Interruptions).

SHRI P. SHIV SHANKAR : My friend seems to be a master of distortion. Let him read clause 23(1), read with Schedule. For his information, I shall read out the Schedule.

(Interruptions)

SHRI GEORGE FERNANDES : Read the Schedule. Don't quibble. You are a very good lawyer. (Interruptions).

**Expunged as ordered by the Chair.

SHRI P. SHIV SHANKAR : I just wanted to read the Schedule. It says :

“Order of Priorities for the Discharge of Liabilities of the Company.

Category I—

- (a) Employees' dues on account of unpaid salaries, wages, provident fund, Employees' State Insurance Contribution or premium relating to the Life Insurance Corporation of India or any other amounts due to the employees ;
- (b) Revenues, taxes, cesses, rates or other dues to the Central Government, State Government and local authorities or the State Electricity Board.

Category II—

Amounts due to the Government of Haryana towards the Cost of land.

Category III—

Secured loans with interest.

Category IV—

- (a) Deposits received from the public or from the members of the the Company ;
- (b) Deposits towards dealership ;
- (c) Any credit availed of for purposes of trade or manufacturing operations ;
- (d) Share application monies where share were not allotted.”

Category V—

Any other dues”

Not a single share-holder has been provided with the money.

SHRI GEORGE FERNANDES : He is quibbling. Category IV says : ‘Deposits received from the public or from the members of the Company.’ Who are the members of the Company? Are share-holders members of the Company? What do you mean ?

SHRI P. SHIV SHANKAR : I pity your knowledge.

SHRI GEORGE FERNANDES : What is a member of the Company ? Who is member of a Company—Mr Law Minister?

SHRI P. SHIV SHANKAR : I am only sorry that I pity his ignorance. He does not know the difference between a shareholder and the depositor. (Interruptions).

SHRI RAM JETHMALANI (Bombay North-West) : 10.58

SHRI P. SHIV SHANKAR : Please sit down. (Interruptions)

MR. DEPUTY-SPEAKER : Order please.

SHRI P. SHIV SHANKAR : If my friend cannot understand.....

SHRI RAM JETHMALANI : 10.58 (Interruptions)

SHRI P. SHIV SHANKAR : Will you please sit down ? (Interruptions). I just wanted to say : if somebody is not in a position to understand what is meant by deposit and what is meant by share amount which is referred to here. I cannot improve upon the knowledge of such a person. (Interruptions) Category IV says :

(Interruptions)

MR. DEPUTY-SPEAKER : Order please.

SHRI P. SHIV SHANKAR : Category IV refers to deposits received from the public. The public is entitled to keep some money in deposit with any company. That is allowed under the law. Likewise various members of the company are entitled to keep the deposit. That is far from saying that it is a share amount which he perhaps must better understand.

SHRI GEORGE FERNANDES : If the Minister pities my ignorance, I pity his knowledge or his understanding of the law. The question is very simple. (Interruptions). Sir, you don't allow me to speak. Members don't allow me to speak. The Minister does not allow me to speak. I will finish in 5 minutes. Please allow me uninterrupted 5 minutes. You are not protecting me.

MR. DEPUTY-SPEAKER : I have protected you umpteen times. We will continue to protect you. (Interruptions) Let Mr. Fernandes complete. (Interruptions).

SHRI GEORGE FERNANDES : Who are the beneficiaries? There is a lot of dealers' money we are told. But the dealers have already been compensated.

(Acquisition etc.) Ord. & Maruti
Ltd. (Acquisition etc.) Bill

[Shri George Fernandes]

Have not they been compensated? Those who have deposited got coal which they then sold in black market. They were given paper which they then sold in black market. They were not arrested under COFEPOSA or MISA or they were released if they had paid up their money.. (Interruptions). What is the problem. You want names Mr. Azad.

THE MINISTER OF STATE IN THE MINISTRY OF SUPPLY AND REHABILITATION SHRI BHAGWAT JHA AZAD : I say do not talk nonsense.

SHRI GEORGE FERNANDES : I am prepared to give all the names to you, all the names of persons who became dealers of this company who benefited from the dealership, who suffered the consequence before they paid their money, when they refused to put in their money.

Therefore, my question is : why did you nationalise it? In order to prevent the take over of this company by a former friend of the family who is now out of grace of the family?... (An Hon Member : who is it?)... (Interruptions) I do not want to mention the name because it is not fair to mention names of Members of this House... (Interruptions) Mr. Tytler will agree with me that it is not fair to name Members of this House, for once he will agree with me. Is it in order to pre-empt one and profit someone who has the dealership of M.A.N.N. engines, who is the agent of M.A.N.N. in this country.. (Interruptions) I told you. Mr. Deputy-Speaker to give me five minutes without interruptions and I would complete. Now, who is the agent of M.A.N.N. engines, with which this company tried to have collaboration? Will you name that person and say how close that person now is to the family? So, this entire exercise is in order to pre-empt one and help the other with whom you will finally have collaboration. I have raised a number of questions and I want the hon. Minister to tell us what the real facts behind this nationalisation are. I will conclude...

MR. DEPUTY-SPEAKER :... Without inviting interruptions..

SHRI GEORGE FERNANDES : I will conclude with a plea to the Minister. After all this company was founded by the late son of the prime Minister. He had very strong views on public sector, very strong views which I must say, with due respect he never was afraid of sharing with the whole country, whole world. In August 1975 referring to the high rates of taxes, he said as follows. It says here : Sanjay Gandhi is against the concept of controlled economy. (An Hon Member : which paper?) Any paper of that day. This is an exclusive interview that was given to surge. Among the questions asked, one was about the taxes... (Interruptions) I am appealing to the Minister : I am not saying anything which will displease you

which affects the memory of your leader. My appeal to the Minister is that you must respect the memory of the man who founded this company the hon. Minister should listen to me. I am asking the Government; asking the Minister not to show disrespect to the memory of the man who founded this company. Mr. Gandhi said : When I pay 97 percent taxes, it goes to financing the inefficiency of the Government. Why should I pay ?"

Then the question was asked :

"Basically it means you are against public sector and the way it is functioning.

Mr. Gandhi : I think the public sector, should function only in competition with the private sector and where it cannot function in competition with the private sector it should be allowed to die a natural death."

A private company has died its natural death. Do not resurrect it as a public company and show disrespect to the man who founded it, who said that there shall be no public sector in the country.

Therefore, to the hon. lady Member who wanted to know whether I am opposed to nationalisation, I say at least to respect the memory of your departed leader you should oppose this Bill. I oppose the Bill for more than one reason. but you, if not for any other reason. oppose it to respect his memory!

श्री आरिफ मोहम्मद खां (कानपुर) : माननीय उपाध्यक्ष जी, मैं मारुति लिमिटेड (उपक्रमों का अर्जन और अन्तरण) विधेयक का समर्थन करने के लिये खड़ा हुआ हूँ। 1980 में हिन्दुस्तान के लोगों के भारी समर्थन के बाद श्रीमती इन्दिरा गांधी के नेतृत्व में जो सरकार बनी और जो पहला बजट जिन प्रस्तावों के साथ आया और जिस औद्योगिक नीति की घोषणा इस सदन में माननीय उद्योग मंत्री जी ने की उसके बाद यह स्वाभाविक ही है कि औद्योगिक गतिविधियों को तेजी से बढ़ाया जाये। आज एक कम्पनी को टेक ओवर कर, उसका अर्जन कर पब्लिक सेक्टर में उसे ला कर अच्छे तरीके से चलाने के ऊपर इस सदन में विवाद हो रहा है। मैं ऐसा मानता हूँ कि उद्योग में आने वाले किसी भी विषय पर हमें व्यापक रूप

में औद्योगिक नीति की परिसीमा के अन्दर रहते हुए उस पर विचार करना चाहिये, हमारी बुनियादी नीति यह होनी चाहिये कि औद्योगिक क्षमता और उत्पादन का पूरा प्रयोग करें, विकास की सुविधा हो और उसके साथ साथ रोजगार के अवसर प्रदान कर सकें। अगर हमारी नीति के इन तीन बुनियादी मुद्दों पर यह विधेयक पूरा उतरता है तो मैं ऐसा मानता हूँ कि कोई कारण नहीं है कि फिर इसका विरोध किया जाय। और खास तौर से उस समय जब यह विरोध उनकी तरफ से आता है जो अपने आपको समाजवादी कहते हैं। हमारे मंत्री जी ने ठीक कहा कि माननीय जार्ज फर्नान्डीस को बोलने का शौक है, लेकिन सुनने से कतराते हैं। कारनाम ऐसे हैं कि सुन नहीं सकते। लेकिन मैं यहाँ बैठकर उनको सुन रहा था। तो जब यह विरोध उनकी तरफ से आता है जो अपने आपको समाजवादी कहते हैं, पब्लिक सेक्टर का एडवोकेट बताते हैं, जो कहते हैं कि उनकी प्रोग्रेसिव विचारधारा है, श्रीमान, आपकी इजाजत हो तो मैं 22 दिसम्बर 1972 को इसी सदन में एक बड़े पार्लियामेंटेरियन, बड़ी प्रोग्रेसिव विचारधारा के और पब्लिक सेक्टर के बहुत बड़े एडवोकेट श्री ज्योतिर्मय बसु के दो वाक्या सुनाना चाहूँगा जो उन्होंने इस सदन में कहे थे।

"We are Marxists. We believe in planned economy—public sector, priority and non priority sectors. We want a clean administration, free from nepotism and corruption. About this project, we would have opposed if Birla was given this project, we would have opposed this project if Tata was given this project and we are opposed to the project having been given to the persons to whom it has been given, because it is a growth of private sector and capitalism."

मैंने सिर्फ इतना ही कहा है कि यह वाक्या ऐसे व्यक्ति की तरफ से आया जिन्होंने अपने को मार्क्सिस्ट कहा, जिन्होंने

अपने को पब्लिक सेक्टर का एडवोकेट कहा लेकिन जब पब्लिक सेक्टर में इस इण्डस्ट्री को लिए जाने की कोशिश की गई, उसके लिए एक विधेयक लाया गया तो बजाए उसका स्वागत करने के, उसका समर्थन करने के, उसका विरोध करना शुरू कर दिया। इसलिए मैंने कहा कि कुछ एक तरीका सा बन गया है गैर-जिम्मेदारी की बातें कहना और इधर से कही जाने वाली किसी भी बात का विरोध करना। बाज वक्त मैं विचार करता हूँ कहीं ऐसा न हो कि ये लोग यह कहने लग जायें कि हम तरफ के बैठे हुए लोग अनाज खाते हैं इसलिए हम अनाज खाना छोड़ देंगे या इस तरफ बैठे हुए लोग जिन्दगी में दूसरे हर इन्सान की तरह से जो काम करते हैं वह काम भी हम करने छोड़ देंगे। विरोध केवल विरोध के लिए नहीं होना चाहिए। हाँ, अगर वाजपेयी जो विरोध करें या जेटमलानी जी और सतीश जी विरोध करें तो थोड़ी देर के लिए मैं मान सकता हूँ क्योंकि उन्होंने जो समाजवाद माना है उसमें, जिस तरह से नान-एलाइनमेंट में एक एडजेक्टिव लगाया था, यहाँ पर भी एक एडजेक्टिव लगाया है। खैर, यह वह मौका नहीं है, मैं उसकी डिटेल् में नहीं जाऊँगा। इस वक्त मैं मारुति के सम्बन्ध में ही बोलना चाहता हूँ।

मैं एक बात तो यह कहूँगा कि पिछले तीस साल में समाजवादी समाज की स्थापना का जो प्रस्ताव कांग्रेस ने किया था उसके बाद जिस तरह से उद्योगों के विकास और विस्तार पर जोर दिया गया, बदकिस्मती से वाहन उद्योग पर, कारों बनाने के उद्योग पर उतना जोर नहीं दिया जा सका। यही कारण है कि तीस वत्तीस साल के बाद भी देश में उपभोक्ता यात्री की, सफर करने

[श्री अरिफ मोहम्मद खां]

वाले की, जो हानत हम सड़कों पर देखने हैं, जिस तरह से बसों में भीड़ होती है उससे उनको राहत नहीं मिल सकी। जिनके पास साधन है वे भी जब कार लेने के लिए बाजार में जाते हैं तो उनको इतनी अच्छी कार नहीं मिलती है जितनी कि मिलनी चाहिए। बाजार में कारों के वही पुराने माडल हैं वही ज्यादा ईंधन खाने वाली कारें हैं। ऐसी दशा में मैं ममक्षता हूँ यह स्वाभाविक ही है कि इस तरफ ध्यान दिया जाए। जिस तरह से दूसरे उद्योगों को बढ़ाने की तरफ सरकार का ध्यान है उसी तरह से इस तरफ भी सरकार का पूरा ध्यान जाना चाहिए। आज आपने इस तरफ ध्यान दिया और सार्वजनिक क्षेत्र में कार का कारखाना खोलने के लिए यात्री कार और व्यावसायिक कार का कारखाना खोलने के लिए और उसको चलाने के लिए जो एलान किया है हम उसका स्वागत करते हैं। हमें विश्वास है कि आप इसे ठीक से कार्यान्वित करेंगे तो निश्चय ही उपभोक्ता को उन महंगी पुरानी माडल की गाड़ियों से और मजबूरन ब्लैक का रुपया जो देना पड़ता था उससे छुटकारा मिल सकेगा। इस कानून के जरिए पब्लिक सेक्टर में सस्ती और अच्छी कार जनता को उपलब्ध कराने में आप सफल हो सकेंगे—ऐसी मेरी आशा है और विश्वास भी है।

16.34 hrs.

[SHRI CHINTAMANI PANIGRAHI in the Chair]

मारुति को लेकर यहां पर कुछ बातें कही जा रही हैं चूंकि उसमें प्रधान मंत्री के परिवार के व्यक्ति हैं। आज तो मैं इस संसद का सदस्य हूँ लेकिन जब मैं संसद में नहीं था यूनिवर्सिटी में था तब भी आज जिन चेहरों को यहां बोलते हुए देख रहा हूँ तब अखबार में उनके नाम पढ़ता था ये रोजाना माहति का मामला यहां पर उठाते थे। मेरे पास थोड़ी सी सूचना है कि न सिर्फ सार्वजनिक क्षेत्र निजी क्षेत्र में भी जब भी कोई ऐसा उद्योग स्थापित किया जाता है सरकार उसे हर संभव सहायता

और हर संभव सहूलियत देनी है। माहति केवल अकेला कारखाना नहीं था माहति के अलावा और भी कारखाने हैं, जिन्हें वह कहा जा सकता है कि वे कामयाबी से चल रहे हैं जिनकी कारों को बड़ी तादाद में लोग ब्लैक में रुपया देकर खरीदते हैं लेकिन उन कारखानों की हालत क्या है? उन कारखानों की हालत यह है कि 1973-74 से लेकर 1978-79 तक की डिविडेंड लिस्ट नहीं है जोकि होनी चाहिए कि कितना शेयर शेयर-होल्डरों को उन्होंने दिया वह लिस्ट आज तक नहीं दी गई है। इन बड़े कारखानों को चलाने में अगर कोई गलती टाटा और बिड़ला की होगी अगर किसी उद्योगपति की कोई गलती होगी तो इस सदन का उपयोग उसे बताने के लिए नहीं होगा, लेकिन इस सदन का उपयोग केवल किसी भी तरह प्रधामंत्री पर किसी न किसी आधार पर हमला करने के लिए होगा।

यहां पर और भी बड़ी बातें होती हैं मैं इंट्रोडक्शन स्टेज पर भी सुन रहा था। माहति कमीशन की बात होती है तो मारुति कमीशन कोई अकेला कमीशन तो नहीं है। आप की सरकार के जमाने में कमीशन के अलावा इस देश की जनता को कुछ नहीं मिला। कहीं शाह कमीशन था, कहीं मारुति कमीशन था और कहीं गुप्ता कमीशन था। अगर मुझे सही याद है 30-35 कमीशन थे। मेरे एक दोस्त ने मुझे कहा कि आज कल तो घर से निकलते हुए डर लगता है कि कहीं मेरे खिलाफ कोई कमीशन न बैठा दिया जाए या कहीं पकड़कर किसी कमीशन का सदस्य या चेयरमैन न बना दिया जाए। इसलिए मैं कह रहा हूँ कि आपकी सरकार ने इस देश की जनता को कमीशन के अलावा और कुछ नहीं दिया। कमीशन क्या हैं—आपके द्वारा बनाए गए कमीशन आपके लगाए हुए आरोप आपके नियुक्त किए हुए जज—

तुम्ही कातिल तुम्हीं दिलबर तुम्हीं मुंसिफ ठहरे ।
अकरबा मेरे करे, खून का दावा किस पर ।।

आप ही फैसला देने वाले थे आप ही आरोप लगाने वाले थे। हर चीज आपके द्वारा थी। आपके कमीशनरों को कहां तक देखें और इस हद तक हुआ कि चलते-चलते अपने खिलाफ कमीशन बैठा लिया जिसने आपके खिलाफ अपनी रिपोर्ट दे दी। इस लिए मैं आपके कमीशनरों की बात पर नहीं जाना चाहता हूँ। हमें तो गर्ज इस बात से है कि हमारी सरकार का यह दायित्व है कि अपने नागरिकों की जिन्दगी की जरूरतों को हर संभव प्रयास करके उन तक पहुंचाये। हम ऐसा मानते हैं कि कारें, वाहन और यातायात की सुविधायें कम हैं लोग परेश न हैं। जिस तरह दूसरी चीजें अगर उपलब्ध न हों तो आपका फर्ज है कि आप उसे पूरा करें उसी तरह अगर कारों की, यातायात की सुविधायें कम हैं तो उसे पूरा करना भी इस प्रकार का काम है।

मान्यवर, यह आज की बात नहीं है, भारत सरकार ने 1970 में सैद्धांतिक रूप से स्वीकार किया था कि सार्वजनिक क्षेत्र में कार का उद्योग लगाया जाए और किसी परखे हुए विदेशी माडल को सार्वजनिक क्षेत्र में बनाया जाए। इस संबंध में एक सलाहकार समिति बनाई गई और सन् 1972 में फ्रांस की एक कंपनी के साथ मिलकर कार बनाने की स्वीकृति मांगी गई। यह मामला सिर्फ इस सरकार का नहीं था, कांग्रेस शासन का मामला नहीं था, यहां दूसरे लोग भी सरकार में आ चुके हैं, जब वे सरकार में आए हैं, तो उन्होंने भी उस सरकार में शामिल मंत्रिमंडल के लोग यहां बैठे हुए हैं उस सरकार में शामिल लोगों ने इसको सैद्धांतिक रूप से स्वीकार किया था और तकरीबन एक स्टेज पर फैसला करने ही वाले थे कि पब्लिक सेक्टर के अन्दर ऐसा उद्योग होना चाहिए। आज जब इस सरकार के द्वारा ऐसा काम किया गया है तो मैं ऐसा मानता हूँ कि विरोध सिर्फ विरोध के लिए करना बेकार है, थोड़ा सा शांति के साथ सोचना चाहिए और ये सधारण नागरिकों के सामने दिक्कतें हैं यातायात को

लेकर, उनको जहन में रखते हुए, उनको दिमाग में रखते हुए इस विधेयक का समर्थन करना चाहिए।

इसके साथ-साथ जैसा मैंने अपने भाषण में शुरू में ही कहा था कि रोजगार का मसला भी ऐसा है जो उद्योगों के साथ जुड़ा हुआ है। इस पब्लिक सेक्टर की इस कम्पनी में मैं ऐसा समझता हूँ, जैसा माननीय मंत्री जी ने भी बताया है कि 5 से 10 हजार लोगों को रोजगार मुहैया किया जाएगा इसके प्रतिरिक्त एन्सिलरी-यूनिट्स सहायक उद्योग बड़े पैमाने पर लगा सकते हैं, जो लगाये जायेंगे। मैं एक बात को नहीं समझ पाता हूँ कि जब यह कम्पनी चलाने की बात हुई थी, तो उस वक्त के माननीय सदस्यों ने संसद् में उस जमीन के मुआवजे के बारे में, जो जमीन इस कम्पनी के पास है, इस सदन में बार-बार मामला उठाया था, आज, श्रीमन्, खुद मानते हैं, बल्कि कह रहे हैं कि यह आप ने इस लिये किया कि पंजाब-हरियाणा हाई कोर्ट में इस के परिसमापन की प्रक्रिया चल रही थी। बुनियादी प्रश्न यह है कि क्या ये यह चाहते थे कि इसका परिसमापन हो जाय और परिसमापन होने के बाद राष्ट्रीय महत्व की यह जमीन, आप के अपने शब्दों में राष्ट्रीय महत्व की यह जमीन, टुकड़े-टुकड़े हो कर बिक जाय और मारुति के शेअर-होल्डरों को यह रुपया चला जाय। डम में क्या बुराई है? किन्हीं कारणों से, बुराईयों से अगर वह फैक्ट्री नहीं चल पाई थी, उसे लेकर यदि सरकार उसे बड़े पैमाने पर चलाये, तो मैं समझता हूँ यह बहुत अच्छी बात होगी। इस से यातायात की सुविधा होगी।

मैं जार्ज फरनाण्डीज स्पष्ट की तकरीर सुन रहा था, उन्होंने कभी किसी उद्योगपति का नाम लिया, कभी मंत्री जी के फ्रांस के दौरे का जिक्र किया—श्रीमन्, उन का यह अन्दाज नया नहीं है। इस सदन का उपयोग

[श्री आरीफ माहम्मद खां]

कर के वे बहुत मालों में उद्योगपतियों को डराने और धमकाने रहे हैं। इस मदन में डराने और धमकाने के बाद मदन से बाहर जा कर उन के साथ उन का क्या रिश्ता रहा है, मुझे कहने की जरूरत नहीं है, हर कोई जानता है। मेरा आप से यह निवेदन है— इस मदन की कुछ गरिमा है, इस मदन का उपयोग उद्योगपतियों या पूंजीपतियों को डराने और धमकाने के लिये नहीं होना चाहिये। उन से अगर आप की कोई डीलिंग है तो बाहर जा कर करें लेकिन इस मदन का उपयोग इस काम के लिये नहीं होना चाहिये।

श्रीमन्, मैं कानपुर से आता हूँ—वहाँ पर कुछ उद्योगों का राष्ट्रीयकरण जार्ज साहब ने अपने मंत्रित्व-काल में किया था। एक घराने में दो भाई थे, जिन में आपस में लड़ाई थी। एक भाई के नाम जितने उद्योग थे, उन सब का राष्ट्रीयकरण कर लिया गया लेकिन दूसरे भाई को आज्ञा दी दे दी गई कि वह कानपुर के मजदूरों का शोषण करे। जो खुद इस तरह का काम करते हों, वे यहाँ आकर इस तरह की बात करें... (व्यवधान)... उन्होंने मंत्री जी के एक बार फ्रांस जाने का जिक्र किया, लेकिन जार्ज फरनान्डीज साहब तो अपने मंत्रित्व-काल में जितनी बार वेस्ट-जर्मनी गये, शायद उतनी बार अपने चुनाव क्षेत्र में नहीं गये होंगे। मैं पूछता हूँ वे किस लिये बार-बार वेस्ट जर्मनी जाते थे? दूसरे को कुछ भी कह देना बड़ा आसान है... (व्यवधान)... रेडक्रास की कहानी भी हमें मालूम है, इसके अलावा दूसरी कहानियाँ भी हमें मालूम हैं लेकिन हम उन को कहना नहीं चाहते। इसलिये मैं निवेदन करूँगा कि इस मदन का उपयोग रचनात्मक कामों के लिये होना चाहिये, व्यक्तिगत हितों की पूर्ति के लिये नहीं होना चाहिये

वह कह रहे थे कि कैबिनेट के मामले मामला जिस तरह से गया, उमका पता लगाने की जरूरत है। मैं कहना हूँ कि कोई जरूरत नहीं है, क्योंकि उनकी क्षमता और उन के तरीकों से हम पूरी तरह से परिचित हैं। आप अगर रेल की पट्टियाँ उखाड़ने की बात कह सकते हैं, तो कहानियाँ बनाने में भी आप का कोई जवाब नहीं है। इसलिये हमें कोई जरूरत नहीं है कि हम पता लगायें। आप को सूचना कहीं से भी मिली हो, हम कोई पता नहीं लगाना चाहते। लेकिन सतीश जी ने अपने भाषण के आरम्भ में कहा— कि यह मामला कैबिनेट के सामने नहीं गया, जब कि जार्ज फरनान्डीज ने कहा कि यह मामला कैबिनेट के सामने गया और यह भी कहा गया कि प्लानिंग कमिशन की राय ले ली गई है—मैं उन से निवेदन करना चाहता हूँ कि विपक्ष के लोग पहले एक दूसरे के साथ बात कर लिया करें कि किस की बात सही है। कैबिनेट के पास गया था या नहीं गया था, प्लानिंग कमिशन की राय ली गई थी या नहीं ली गई थी... (व्यवधान)...

आखिर में मैं इस विरोध को देखकर केवल रामायण की इस चौपाई के साथ खत्म करूँगा—

“भारत के चित्त रहे न चेत,
पुनपुन कहे आपन हेत ।”

जहाँ तक विरोध करने का प्रश्न है—किसी गलत काम का विरोध किया जाय तो जायज है, लेकिन विरोध इसलिये करना है कि यह बिल सरकार की तरफ से आया है—ऐसी एप्रोच को अख्तियार करना मुनासिब नहीं है। मैं आप के माध्यम से निवेदन करना चाहता हूँ—पब्लिक सैक्टर की इकाई का विरोध मत कीजिये, इस को मजबूत बनाने में सहयोग दीजिये। हमारी सरकार इस देश के आज्ञाद होने के तुरन्त बाद से ही इस संकल्प

(Acquisition etc.) Ord. & Maruti Ltd. (Acquisition etc.) Bill

को पूरा करने में, पब्लिक सैक्टर को मजबूत बनाने में लग गई थी। जनता की यातायात की सुविधाओं में राहत पहुंचाने के लिये, प्राइवेट सैक्टर में बनने वाली कारों के ब्लैक से जनता को बचाने के लिये इस विधेयक का समर्थन कीजिये ताकि इस पब्लिक सैक्टर के जरिये सरकार अच्छी कारों इस देश की जनता को दे सके।

SHRI V.N. GADGIL (Pune) : After my hon. friend Shri Arif Mohammed Khan has spoken, it is not necessary for me to make an elaborate and detailed speech on this subject.

We had a number of Bills relating to Sen Raleigh, Hind Cycles, Bengal Chemicals, Bird & Co. etc., for nationalising them. They were all just ordinary Bills to meet an ordinary situation which has become very common in this country unfortunately. That is, an industry is started, unfortunately it cannot be run, it is closed down because it runs at a loss, and the Government takes it over. I do not understand what is so extraordinary about this Bill. It is an ordinary Bill, and, as was pointed out, it is consistent with our policy of encouraging the public sector.

Apply any test. Apply the test of financial probity, you will find that the assets exceed the liabilities. Apply the test of giving employment, it will give employment to several people. Apply the test of the policy towards the public sector, it conforms to that. Apply the test of increasing production of motor cars in this country, figures have already been quoted. Apply any test, I do not see that here is anything objectionable.

DR. SUBRAMANIAM SWAMY (Bombay North East) : Apply commonsense also.

SHRI V. N. GADGIL : Mr. Subramaniam Swamy talking about commonsense is too much for me.

I could not listen to Mr. Fernandes. I have known him for a pretty long time. There are two kinds of people in our public life. One is people like Mr. George Fernandes, the other is people like Mr. Vasant Dada Patil. These two represent two attitudes. Here are our people who do something constructive. Mr. Vasant Dada Patil has raised a chain of 66 co-operative sugar factories. In Maharashtra we have established a chain of sugar factories, yarn factories, weaving co-operative factories, we have also developed land mortgage banks, land development banks, district co-operative banks, a chain of

schools. Every tehsil has a High school and one college, and what has George done? I will tell you his daily programme.

The daily programme of Mr. Fernandes and his friends for the last several years has been this : satyagraha at 11 o'clock ; procession at 12 o'clock ; after a sumptuous lunch, *ama satyagraha*, fast unto death ; then, rally in the evening, and gherao at night!

Look at the constructive approach of the people of my party who have done so much in Maharashtra. I am not quoting the other States. It is with this approach that we want to build up the public sector, and it is for that purpose that this Bill has been brought.

Mr. Fernandes and his friends are the people who do not do anything, they only find fault with others. Prof. Marhu Dandavate is also here. I am reminded of my college cricket days. We had a player who used to go last and always made zero. I used to ask him how it was that he made only zero, and he used to reply that he might be zero, but he was zero not-out! So, these are the zeros-not out! They do not do anything they only find fault with others. That is the approach of these people, our approach is constructive.

Look at the record of the Janata Party. Shri Satish Agarwal told us that very extraordinary thing has been done. I want to take you three years back. As soon as the Janata Party came to power, an ordinance was issued, and an activity was taken over. What was it? Was it a company? No. Was it a firm? No. Was it an industry? No. A solemn ordinance was issued to take over a Yoga Ashram near Ashoka Road where I live. What a socialist activity, what a revolutionary measure! The power of acquisition was used to take over a Yoga Ashram. That is their kind of approach.

Then, again, from 1977 onwards, what was done? I will narrate four or five instances. The first ordinance issued was to take over Smith Stanistrett & Co. What was the amount of compensation paid? It was Rs. 3074000. The Company admittedly from the preamble of the Bill, was suffering heavy losses. A company which was suffering heavy losses was paid Rs. 3074000. Here is Maruti Company Limited. Its assets exceed liabilities. There are no losses. Over and above Rs. 30074000, the sum of Rs. 10,000 per annum was paid as compensation for taking over the management. This is one.

M/s. Gresham and Graves, a private company producing railway goods, again

(Acquisition etc.) Ord. & Maruti
Ltd. (Acquisition etc.) Bill

[Shri V. N. Gadgil]

under loss, was taken over and the compensation paid was Rs. 175 lakhs.

The third was Hindustan Tractors. These are during Janata regime.

SHRI JYOTIRMOY BOSU : There is no such Company Gresham & Graves. I can assure you. (*Interruptions*)

SHRI V.N. GADGIL : Hindustan Tractors were paid Rs. 150 lakhs. The next was Britannia Engineering Co. which was taken over. Arther Buttler was paid compensation to the tune of Rs. 20,090,000 or Rs. 3,990 crores. They were running under loss and compensation was paid. Bolani Ores, a private limited Co. was paid Rs. 270 lakhs as compensation. It was also running under loss. Not only ordinance were issued but compensation was paid to private limited companies. Everybody knows that in private limited companies the shareholders are less than 50 members. Crores were paid to less than 50 persons. In this Company Maruti Limited there are hundreds and thousands of shareholders.

Shri Ram Jethmalani mentioned that as provided under the Industrial (Development Regulation) Act, why was no investigation carried on ? I can understand Shri Ram Jethmalani raising objection. He is a good friend of mine. Sometimes doubts are expressed about this hostility to Congress. He then reacts. We are told in the epic Ramayana when doubts were expressed about the loyalty of Hanuman, he tore his heart and words came out 'Ram, Ram'. Now with regard to this Ram when doubts are expressed he tears out his heart and the words came out 'Maruti, Maruti'. That is the position about Shri Ram Jethmalani.

Objection was raised by Shri Satish Agarwal. I will not go into the legal aspect. This is not the forum. We know under section 18, 18A and various other sections investigation has to be undertaken. Rules of Natural Justice have to be followed S/Shri Ram Jethmalani and Satish Agarwal know how litigation goes on. I remember and Shri Ram Jethmalani will bear me out, an instance was quoted probably by him in a Seminar how litigation goes on in India. He said that a plaintiff filed a suit against the Defendant that his cow encroached upon his land. The case went on to the Munsiff Court, then District Court and then High Court and ultimately to the Privy Council. At that stage it was discovered that the plaintiff had no land and defendant had no cow! This is how litigation goes on in this country.

We are told about the various intricacies. I will not go into what the Accountants tell. We are told that assets were valued and valuation was proper. We know what the Chartered Accountants are. One English Judge Justice Harlan said the job of accountants or Chartered Accountants is to be watch dogs and not blood hounds. If you go on investigating, this is not the proper approach. They are modern witch doctors. They can juggle and produce any figure. Are we to go by Accountants? Are we to go by their approach? We have to decide what would be our problem and we have to study ourselves.

I am saying, let them be not under any illusion. This kind of thing does not appeal to the common man. This is not going to have any effect because the common man has basic commonsense and horse-sense. He judges a thing, whether cars will be produced in the public sector and, by that test, he will judge this Bill.

I am reminded of an incident, an experience of a friend of mine who is also a professor in Commerce: he is M. Com.; he is a Chartered Accountant, he is L.L.B. and so on. One day, he came to Poona, my home town. Near Poona, his car broke down. He did not know what to do. It was an out-of-the-way place. A bullockcart came along and an illiterate person was driving the cart. The professor said, "I want to reach Poona. Can I come into the cart?" The kisan said, "Come along." The professor asked him how long it will take to reach Poona. The kisan said, it will take an hour. The professor, said, "I cannot waste that much time. I am an intellectual; I do intellectual work. So, some intellectual work must go on." The kisan asked, "What shall we do?". The professor said, "We will play a game, I will ask a question. If you cannot reply, you lose and you will pay me Rs. 10 and, if I lose, I will pay you Rs. 10." The kisan said, "You are a man from Bombay; you are a rich man. I cannot afford Rs. 10." Thereupon, the professor said, "All right, If I lose, I will pay you Rs. 10 and, if you loose, you pay me Re. 1." The kisan agreed. The professor said, "You ask a question first. I am a learned man. It is your turn first."

The kisan said, "My question is very simple. The question is: Which is that animal which can walk on the land, which can swim in the water, which can climb the tree and which can also fly in the air?". The professor scratched his head, tried to remember all the books he had read and, after 10 minutes, he said, "I have no answer. I have lost. Here are Rs. 10." The kisan said, "It is your turn now. You ask a question." The professor said, "I am going to ask the same question

Which is that animal which can walk on the land, which can swim in the water, which can climb the tree and which can also fly in the air?" The kisan said, "I also do not know the answer. But, as agreed, I give you Re. 1." So, an illiterate kisan made a profit of Rs. 9 from a learned professor, an economist and what not, from Bombay!

I have greater faith in that common man than all the experts put together. Therefore, I am sure, that the common man will endorse this Bill and accept this policy of manufacturing cars in the public sector. My only wish is, let this develop; I want to see lakhs of cars being produced in Maruti, giving employment to thousands of people. Let it become a new place of pilgrimage, a real memorial to Sanjay Gandhi!

MR. CHAIRMAN: I am told, we are sitting upto 7 P.M. The House will adjourn at 7 P.M. Shri Jyotirmoy Bosu, please limit your time also.

17 hrs.

SHRI JYOTIRMOY ROSU (Diamond Harbour): I stand by what I have said on behalf of my Party when I had brought this Maruti Scandal before the House. We believe in priorities; we believe in public ownership and we believe in nationalisation if it is a *bona fide* case. But here is a case which is quite different from what we mean by nationalisation, and my speech just now will tell you and give you details. I will strictly confine myself to the relevance of the Bill.

Let it be placed on record that never before in India a Commission presided over by a sitting Supreme Court Judge, appointed to ascertain correct facts, had given such scathing remarks which justify criminal action against persons who are involved in Maruti Limited. Similarly, never before had direct nationalisation, when liquidation proceedings are before a court of law, taken place. I will quote:

"The Ministry of Industries was connected on phone."

This is an authority of the Lok Sabha.

"They have informed that the management of private Companies only were taken over for a particular period of time—not nationalisation".

This is the first, and may be the last instance where you are guided by a consideration which is not in keeping with the interests of the state. That is why we oppose this sort of *mala fide* nationalisation.

Let us see what the law says. I would not go into that; I will only quote figures.

In the Industries (Development and Regulation) Act, 1951, Sec. 18 (a) and sec. 15 (a) clearly point out the procedure that is obligatory on the part of the Government of India to adopt when they touch a private limited company and take over the management. It has not been done for reasons which I do not want to elaborate on the Floor of this House: this is all known to us (Interruptions)

I will tell you. They are afraid even to supply public documents to Parliament. After the matter was raised on the Floor of the House the entire opposition voiced a demand and it came out in the Press, in leading articles of national dailies, and then and then only they were compelled to provide certain documents—not everything.

I would like to ask this of the Law Minister Mr. Shiv Shankar. Was it not obligatory for the Company Directors to provide the Annual Report and the statement of accounts for the period ending 1977? I would like to be educated by the Law Minister whether it constitutes a penal offence or not and whether any action has been taken against the same. I would like to ask whether or not it is obligatory for them to produce the liquidator's inventory based on the actual presence of equipment, stores and machineries. The official liquidator was not allowed and forcibly prevented from making a comprehensive and true inventory. Was it not your duty to lay it on the Table of the House, unless it concerns the family of the Prime Minister? Would you not like to protect your Prime Minister and her family? We wanted to make a visit to Maruti Limited; we wanted to see things for ourselves. What did they do? In a clever manner they dodged us: the country knows about it. They even declined to give replies to questions seeking details about hypothecation of the machineries and machineries that have been sold though they were hypothecated to a nationalised bank—mainly the Punjab National Bank—and it does not exceed the amount of Rs. 70 Lakhs. Does it not constitute a criminal offence that a hypothecated commodity has been sold?

AN HON. MEMBER: He is again going to the Official Gallery.

SHRI K. P. UNNIKRISHNAN: Being briefed by the officials from the Gallery? (Interruptions)

MR. CHAIRMAN: Mr. Rawat, please go back.

SHRI SOMNATH CHATTERJI: Let him take the officers outside and talk.

SHRI K. P. UNNIKRISHNAN: I wish to reserve my right to move a privilege motion against some of those officers indulging in briefing.

SHRI SOMNATH CHATTERJI: Why do you blame the officials? The Member is behaving like this. (*Interruptions*).

SHRI JYOTIRMOY BOSU: I would require the Minister to produce the liquidator's inventory here and now. How can they allow this public inquiry as required under the law? Because, the fountain head of corruption is at the head of it. I will produce documentary evidence to substantiate it. (*Interruptions*) I will; today, here and now. You allow me. Here is a case where fraud and corruption are being legalised. This Bill violates the provision contained in rule 371 of the Rules of Procedure and Conduct of Business in Lok Sabha. This Bill has been brought by the Cabinet, the Council of Ministers, which is headed by the Prime Minister who has the pecuniary interests of her family involved here. Rule 371 reads:

"If the vote of a member in a division in the House is...."

She is expected to vote.

"...is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided...."

AN HON. MEMBER: Direct.

SHRI JYOTIRMOY BOSU: Are you so thick-skinned as to say that you want to go by the letter of the law? You have no sense of self-respect!

The Bill was brought by the Council of Ministers headed by Mrs. Gandhi. She is duty bound to cast her vote in favour of her personal and pecuniary interest involved here. I will show you. In reply to Question No. 283 dated 14-6-1977....

SHRI RAM SINGH YADAV (Alwar): On a point of order. He cannot make a personal allegation against the Prime Minister; he has no right. He must have given notice of it. Has he given notice to the Chair? If he has not given notice to the Chair, then he cannot make it.

SHRI JYOTIRMOY BOSU: Let the hon. Member know that notice has been given as required under the rules to the Speaker as well as to the Minister.

I will read out this answer given in reply to Question No. 283 which says about the shareholding of Shrimati Indira Gandhi and her family; in that, Mrs. Gandhi's shares in Tata Iron & Steel, Bajaj Electricals, Tata.... (*Interruptions*)

AN HON. MEMBER: Is he talking about Maruti?

SHRI JYOTIRMOY BOSU: This is a public document. (*Interruptions*)

There are shares in Maruti company. I had written to the Finance Minister—in good faith—to ascertain the wealth tax value of the shares because that would have been the guiding factor in ascertaining the value of the shares. The Finance Minister has evaded giving that on no grounds whatsoever. The whole thing is *mala fide*.

(*Interruptions*)

17.12 hrs.

[**MR. SPEAKER in the Chair**]

Sir, let us come to the Statement of Objects and Reasons and the Financial Memorandum. It is full of falsehoods. It has no legs to stand upon. (*Interruptions*)

MR. SPEAKER: We have to finish this according to the time-schedule decided by the Business Advisory Committee and I will give time allotted to you as such. There should be no interruptions.

SHRI JYOTIRMOY BOSU: Sir, they have talked about unanticipated adverse factors. I will prove this is nothing but falsehood. In the Company Report for 1975-76 the Director's report for the period ending 31st March, 1976 states:

"The uncertain demand of the passenger cars and the country-wide recession in the automobile industry, your Directors decided to watch the situation before launching mass production of cars. As such the production was maintained at a very low rate."

Therefore, unanticipated debacle is nothing but falsehood.

Sir, I will come to the second question:

"That for the manufacture of passenger cars and commercial vehicles and other connected items."

They say that there is shortage of cars in the country and not enough inbuilt capacity. I will come to the replies. In reply to Unstarred Question No. 1446 dated 14th August, 1980, the Minister himself stated:

*Question: What is the installed capacity and actual production during the last three years of the automobile industry?

Answer: Presumably reference is to the passenger cars. The installed capacity

and production of passenger cars during the last 3 years are given below :

Year	Installed capacity (Nos.)	Production (Nos.)
1977-78.	48,400	34,426
1978-79.	52,400	33,567
1979-80.	52,600	33,074

How much does it represent ? Of the inbuilt capacity you are hardly utilising 60 per cent and yet you want to take over more burden on your shoulders in a non-priority area. It is for obliging somebody. (*Interruptions*)

Sir, the Public Accounts Committee Twenty-Ninth Report on page 7 says :

"The Committee note that as against the available capacity of 13,200 vehicles per annum, the targets approved by the Apex Planning Group of the Planning Commission for the years 1973-74, 1974-75 and 1975-76 represented only 45 per cent, 43 per cent and 57.8 per cent of the capacity in the respective years while for the next three years, ending 1978-79, these were pegged at 53 per cent of the capacity."

Your civil and military capacity for vehicles is lying unutilised and you want to take more burden on your shoulders. It is another big bluff that we are required to swallow.

Sir, for Maruti public sector project was scuttled. The Planning Commission was dissolved. Poor Professor Gadgil heart-broken died in the train and it was said that as Gadgil had rejected many projects today Gadgil stands rejected. The poor man died in the train.

SHRI SOMNATH CHATTERJEE : Which Gadgil ?

SHRI JYOTIRMOY BASU, Not this Gadgil.

Recently, the Fifth Plan again scuttled. I will quote from the Gupta Commission Report which has been laid on the Table of the House by this government. On page 138 it says :

"In a meeting held on May 14, 1976 for finalisation of the Fifth Plan, the Planning Commission agreed to make an allocation of Rs. 10 crores during 1977-79 for the public sector vehicle project. For the Annual Plan

of 1976-77, the Department of Heavy Industry proposed an outlay of Rs. 1 crore for the heavy vehicle public sector project. The project report was still to be prepared, but to meet the expenditure on preliminary studies, Planning Commission agreed to make a token provision of Rs. 10 lacs and the entire amount was provided as budgetary support."

On page 139 it says:

"From the facts stated above one is left with the impression that all possible competition was removed in a planned way from the path of Maruti's venture in the field of Heavy Duty Vehicles."

This is the position.

Now, I come to the point regarding additional employment. It makes one laugh. They had 27 employees at the time when it was liquidated. (*Interruptions*)

Sir, actually the liabilities are much more than assets. Much valuable machinery was sold once Janata party came into power. On the basis of the replies given to Shri Vajpayee, I have consulted senior Chartered Accountants and they say with confidence—almost without difference—that assets have been inflated by about 30 per cent as compared to the value of 1977 and liabilities under-stated by at least 25 per cent (*Interruptions*)

Sir, the expert opinion is on the basis of the reply. The assets are roughly worth Rs. 450 lakhs—not more than this—but the net liabilities are not less than Rs. 780 lakhs. The liability of Maruti Ltd. is over Rs. 35.5 crores. Coming to loans and advances, the net realisation will not exceed 25% of this. It amounts to Rs. 40.85 lakhs. As regards shares, there is no goodwill but bad-will only.

MR. SPEAKER : Please conclude.

SHRI JYOTIRMOY BOSU : I am concluding. The interest on loans etc. has gone up. The assets are valued at Rs. 36.1 lakhs only. 25% of the value is shown. For the tubewells and fixed fittings there is no valuation at all and no price at all. Therefore, Rs. 45.49 lakhs are to be paid to the debtors but never more than 25%, of it was realised. Please tell the House. The learned Minister reads the written replies. What is the basis of arriving at Rs. 434 lakhs ? Will you kindly enlighten the House on what basis did you come to Rs. 43.4 lakhs ? Is this the book value of all the assets or is it a realisable value ? Is it on the net assets basis ? I am posing this question. Let him understand it. If he cannot, let him consult the Secretariat and reply to it tomorrow. About the buildings.....

(Acquisition etc.) Ord. & Maruti Ltd. (Acquisition etc.) Bill

MR. SPEAKER : You finish off.

SHRI JYOTIRMOY BOSU : I will take five minutes.

MR. SPEAKER : Only two minutes. This is an infection coming to you.

SHRI JYOTIRMOY BOSU : About the building, it is without a land. The cost has gone high. The land has not been registered in favour of the Maruti Ltd... So, it has been valued at Rs. 3,46,27,393/- and the realisable value is a fraction only. (Interruptions) Kindly stop them? If you do not stop them, we shall have to teach them.

MR. SPEAKER : For God's sake allow him to continue. You are a very old man.

SHRI JYOTIRMOY BOSU : He looks old but he is immature.

MR. SPEAKER : You carry on.

SHRI JYOTIRMOY BOSU : The realisable value is much less than the value of demolished material. The cost of the civil works is highly inflated. Much of the cement, steel and coal went to the black market according to the Maruti Commission Report. See page 112. Do you know the sale price of steel and cement? It was at a price—about two-third of the price that was prevalent in the market.

SHRI ARIF MOHAMMAD KHAN : I am just asking for a clarification.

MR. SPEAKER : You unnecessarily try to interrupt him. Look here. I have given a ruling. It has not been laid on the Table of the House.

SHRI ARIF MOHAMMAD KHAN : I am asking whether the memorandum of action of Maruti Commission is laid on the Table of the House or not.

MR. SPEAKER : I have given my ruling. Please do not interrupt him. Kindly make these people understand. Please sit down.

SHRI JYOTIRMOY BOSU : The interesting part is in page 113. The cement and steel sold by the Maruti Ltd. was purchased by the company out of advances taken from the Punjab National Bank. The hypothecation of these materials and the condition of the loans are such that this did not permit the company to

remove the hypothecated materials except by a proportional payment. This is a criminal offence, Sir. These are the things. There are so many things.

MR. SPEAKER : I want to stop it.

SHRI JYOTIRMOY BOSU : About the steel, see page 109.

MR. SPEAKER : You have highlighted the point. Please conclude.

SHRI JYOTIRMOY BOSU : It is nothing but blackmarketing of scarce raw materials. Land was grabbed displacing about 1136 parties. They displaced 5600 poor families. At what rate? At the rate of Rs. 11,776.... (Interruptions)

MR. SPEAKER : Don't interrupt; when you speak you can say anything from your side.

(Interruptions)**

MR. SPEAKER : Nothing will go on record.

SHRI JYOTIRMOY BOSU : Land was purchased by the Haryana Government at a cost of Rs. 11,776.42 paise. The Gupta Commission had said in very clear language that at that time the prevailing price of land in that area was Rs. 74,000 per acre. And the poor people were deprived to the tune of Rs. 1.75 crores. I suggest you pay the money now because you have driven them from their ancestral homes. All the Maruti affairs is stinking. You read the Annual Report of 1975-76. You go through the list of 'hypothecated machinery' with the Punjab National Bank. You will see this. (Interruptions) I will conclude by saying, this. I have already submitted that this Bill should be sent to a Select Committee. I would conclude by saying two things. One, Shri Banerjee, the Income-tax Officer, in page 63 of his deposition, has said this :

"The object of introduction of monies in the names of bogus persons was clearly to introduce unaccounted income in the books of accounts of the company to give the colour of accountability to the unaccounted income of various people in the names of people who do not exist."

I will conclude by saying this. Shri Sanjay Gandhi exercised only derivative

power, the source and authority was of Prime Minister Indira Gandhi. If oppose the Bill lock, stock and barrel.

SHRI H. K. L. BHAGAT (East Delhi) : Mr. Speaker, Sir, I will refer to a few points later but right to the beginning I wish to say, let us see what this Bill promises to the country. With all this sound and fury, it is I think, Mr. Jyotirmoy Bosu's misfortune today that he spoke after Mr. George Fernandes. Despite his best efforts he could not create that sound, fury and noise which Mr. George Fernandes created. I will come to some of the points later. Let us see the object behind this Bill. This Bill promises to the country that cars and commercial vehicles would be manufactured in the public sector. That is the core of this Bill. For a long time, for many years, people in this House and people outside, have been asking for manufacture of cars in the public sector and the manufacture of commercial vehicles in the public sector.

MR. SPEAKER : Order please. The hon. Members sitting behind Mr. Bhagat should not talk. Please allow him to speak.

SHRI H.K.L. BHAGAT : Both the hon. Members belong to what is known, and claim to be with the Leftist parties. I was surprised today to hear from him the same arguments, the same things Mr. George Fernandes said "Well before deciding this, did you think of whether there is any scope for manufacturing more vehicles apart from the one which is being manufactured and which can be manufactured in the private sector, arrangements for which already exist ? Mr. Jyotirmoy Bosu also gave the same argument. He said "well, a lot of unutilised capacity remains there." Now, they are clearly meaning that they want these commercial vehicles and cars to be manufactured by Birlas and Tatas and the private people. It is a clear confession today recorded on the floor of this House by the representatives of the so-called Leftist parties. They want that this should be manufactured by the private sector.

Now, I want to remind Mr. George Fernandes when he quoted Mr. Sanjay Gandhi. (Interruptions) He said that Mr. Sanjay Gandhi had mentioned that the public sector should compete with the private sector. I do not want to say this, taking the quotation as it is. I would say that by his statement regarding the manufacture of vehicles, the private sector will have to compete with the public sector. This is for what this Bill is being brought before this House. Now the hon. Member, Mr. George Fernandes said "Look, the Minister went to Calcutta,

he came back and then went to Bangalore; this was signed this time, that time, etc.". He said that cars cannot be manufactured by investing a few crores of rupees. Who said so ? Government has not said so. Now, the whole project is under exercise. A policy decision is taken in principle. Then the exercise is carried on and finally the projects are signed and executed. This is the way in which always things are done. This is how we have seen a decision taken, a very important decision taken. As a matter of fact, this decision should be welcomed. This should be welcomed by the people, leaving aside all other things which have been mentioned here. He said about the Cabinet decision, this paper went there and that paper went there, all meaningless drama. These statements are all to deceive people. My friend, Mr. Jyotirmoy Bosu was saying today. has he said anything new ? (Interruptions)

SHRI JYOTIRMOY BOSU : Sir, I have a point of order under Rule 115.

SHRI H.K.L. BHAGAT : I withdraw his name. I have heard him in this House a number of times and the story is the same thing, the language is the same, everything is the same and he is very consistent. Sir, it is a matter of doubt whether he collects truth or whether he collects untruth, whether he collects precise material or whether he collects rubbish. I think the word 'rubbish' is not unparliamentary.

Now, I want to say another point which I was trying to make was about the assets and liabilities. They said : "Who knows whether they are correct or not ?" They were in power for 3 years; and with vengeance they were after Maruti ; and if during these 3 years they could not know what are the assets and liabilities of Maruti, I only pity them. Mr. Fernandes was the Minister of Industry and he does not know what are the assets and liabilities. They had virtually taken over the company. Mr. Satish Agarwal said that the statement was filed by some party. You had a liquidator then. The liquidator was appointed by your own Government. (Interruptions) By court, you were a party to those proceedings.

SHRI JYOTIRMOY BOSU : No.

SHRI H.K.L. BHAGAT : For 3 years you did not know what were the assets and liabilities. I can only pity you. (Interruptions) They have tried to quote from Maruti Commission's report. How much I wish that after the tragic death of Sanjay Gandhi, we should have tried to confine the discussion to matters which were very essential to bring in.

[Shri H. K. L. Bhagat]

But, unfortunately, all the 3 hon. Members 1 or 2 more ; one a little less—tried to bring in matters which, I think, could have been and should have been avoided. Sanjay Gandhi was a very gallant man. He faced their persecution. He faced their persecution and prosecution very gallantly.

17.37 hrs.

[MR. DEPUTY SPEAKER in the Chair]

My hon. friend was mentioning that a sitting judge of the Supreme Court was appointed as the Commission, that he gave his findings, that he made several indictments, that this happened and that happened. I want to tell you that this also is perhaps a case rare in history that the same young whom you persecuted and prosecuted, against whom you appointed the Commission, despite you, in spite of you, in spite and despite Mr. Jethmalani's eloquence, that young man, in spite of these Commissions, became an hon. Member of this House Commission. After all, what have you done? (*Interruptions*) People defeated you. You were defeated at their hands. It is very interesting to hear..... He quoted rule 371 and brought in the Prime Minister and said that because of her pecuniary interest, she is a party. Where is her pecuniary interest? The rule says: it should be personal and direct. I don't want to use strong language, because I am not used to it. It is ridiculous nonsense to bring in Prime Minister's name in this manner. But well, luckily the more Mr. Jyotirmoy Bosu speaks against her.....

SHRI JYOTIRMOY BOSU : I quoted from the Commission's report.

SHRI H.K.L. BHAGAT : You quoted rule 371 and said that she had a pecuniary interest in Maruti. That is what you meant. Luckily, this country does not go with Mr. Jyotirmoy Bosu. That is our good luck. All of us are safe because of this.

SHRI SOMNATH CHATTERJEE : It will.

SHRI. K.H. L. BHAGAT: It will never. Mr. Chatterjee, I am sure you also will not go with him. Such remarks Sir, the Speaker and you yourself, in your wisdom, had made certain observations; and such remarks which are totally baseless, in my opinion, should go off the record. I want to say one or two more things. Hon. Member Shri George Fernandes said that in a Press Conference the Prime Minister, when asked: "What will the nationalised company do?" said that "It

will manufacture some kind of a vehicle." Now, what else could the Prime Minister say at this stage? The Minister has stated it in the statement of objects and reasons. The vehicle is yet to take shape; it is a fact that the project is yet to get teeth and sinews; it is yet to get collaboration; it is a fact that all these things have to be done. The fact of the matter is that this government has taken a decision to manufacture cars and commercial vehicles in the public sector. You may be happy and satisfied with the cars already manufactured. But they may have their own difficulties for some of their unutilised capacities also. The prices at which these vehicles are available, the way they are available today even, all these cars have their own black market prices. It is a shame; you cannot get them for years, even on black market prices. That shows what the situation is; you have neither quality nor quantity. When we are trying to have it in the public sector, you want to stop it. You are the champions of the public sector.

Now, I want to remind my hon. friend Shri Satish Agarwal that his party-leave aside Maruti as not even for bank nationalisation; his party, the Bharatiya Jan Sangh was against nationalisation.

SHRISATISH AGGARWAL : In this House I supported nationalisation; what do you say?

SHRI H.K.L. BHAGAT: I am talking about bank nationalisation. Some of the leaders of his party went to the Supreme Court as a result of which the Supreme Court gave a judgement and the result was the Government had to pay much more money in compensation than the government had originally intended. The party to which he belongs which I still believe is the Bharatiya Jan Sangh was always opposed to nationalisation.

I am concluding. We are very happy that the public sector company will now take up this work of manufacturing vehicles. We are happy that it is located near Delhi, in Haryana. In Delhi-Haryana generally big industries are not there. We are happy that an industry is being located here; it will provide employment. Delhi is not Delhi alone; Delhi is mini-India; people from all the states live here. It will provide employment to people and it is a good thing which the Government has done. I would only appeal to my friends, if it has any meaning in their eyes, that Sanjay Gandhi—cruel hands of destiny snatched him from us—was not a political person in the sense in which generally politicians are considered, persons with some kind of dual talk, hypocrisy. My own assessment is that if he had not been persecuted and prosecuted by the opposition parties and opposition leaders

and groups for years together, maybe that young man would not have taken to politics and maybe, in his life time he would have created the car he had dreamt of. With these words, I am thankful to you for giving me time to speak on this Bill. This Bill deserves to be supported, forgetting all the arguments which have been given by Mr. Bosu, political arguments calculated to throw dust in the eyes of the people, motivated arguments, arguments which have already been rejected downright by the people, rejected thoroughly by the people, arguments which are not going to take them anywhere.

SHRI K.P. UNNIKRIISHNAN (Badagara) : This Bill as well as the Ordinance which preceded this is a clear case—I would like to repeat it in this case as well—of how the Ordinance making powers of the government have been clearly misused. Ordinance necessarily presumes emergency situations and it is an emergency power. The expression 'immediate action' must have a purposeful meaning and relation to the exercise of this ordaining power. Neither the statement explaining the objects and reasons of this Bill nor the statement made earlier in the House by my distinguished friend, the Minister for Industries, has been able to clarify the position and the necessity for introducing an ordinance. M/s Maruti Ltd. and its associate concerns have had a chequered and ill-fated existence surrounded by monumental controversies. I do not want to go into those controversies now. All that I would like to say with deep regret is, if you go through the Gupta Commission's report or various answers that have been given in this very House not only by this Government or by the earlier Government but even during the Fifth Lok Sabha you will find that there is no law that has not been violated by this group of companies. Unfortunately, this became our own version of Watergate and it created two kinds of citizens in our sovereign democratic republic! I do not want to go into this background except to say that: it was a reckless adventure and at least in this aspect, I am happy that something has been done, even though I shall go into the details of it later as to the how and why of it, to end one phase of the existence of the Maruti saga! But this Minister who has come forward with this Bill had to wait for one Secretary to retire and another had to be packed off and quite a few others forced to leave before he could bring forward this Bill before this House.

The statement of objects and reasons says :

"The company could not achieve the expected level of production and

meet its financial obligations...as a result of certain unanticipated adverse factors."

I want to emphasise the words "expected level of production" and "unanticipated adverse factors". The Government having suddenly woken up to the need for revival of the automobile industry for which the people are crying and because of the valuable infrastructures available in the Maruti complex and also because liquidation proceedings were going on in Punjab and Haryana High Court, they have decided to bring forward this Ordinance and Bill. There are many other laudable objectives, according to the statement of objects and reasons, like (a) updating car manufacturing technology in India, (b) for generating substantial additional employment and (c) for encouraging the growth of ancillaries. Laudable objectives indeed! He would have us believe that these were the causes for immediate action for resorting to an ordinance and taking over this company. Obviously Government could not wait because they had a commitment to the people to modernise and update automobile technology, also it has a high priority as far as this, ruling party is concerned.

I would like to put this question: 'What is this Maruti Co. or Complex? Without entering into any controversies that have surrounded this question whether it is of the letter of intent, licences, land or various other things like the questionable means of financing the project, has it ever produced automobiles which it was supposed to produce? That is the very basic question. You would have to do violence to facts even to suggest that it has ever produced automobiles or ever entered into commercial production as the world and you and I understand it. Here is the Secretary of Maruti writing to the dealers, to which I want to draw your attention. Letter dated September, 72: "The car will be delivered to the dealers for showroom in the beginning of '73". Again another letter dated October 3, 72: "According to our forecast, the prototype should be approved..." Even before the prototype is approved, he writes the earlier letter. Letter dated January 22, 1973: "The exact date for booking is yet not decided." On March 23, 1974, that is, two years after the first letter, the Secretary writes: "We are proud and glad to inform you that your Maruti has passed all tests..." Again on April 5, 1975 he says: "Our other esteemed dealers will not have to wait for a very long time." But what were the facts? All these promises and letters have been found out to be concocted and these promises proved to be untrue. Not only these letters, but every successive annual report and balance sheet

[Shri K.P. Unnikrishnan]

give us an incorrect picture. The annual report for 1974-75 says:

"During the year concerned it was possible to start the manufacture of Maruti cars on *moderate* basis."

Underline the word 'moderate'.

The annual report of 1975-76 says:

"Due to recession in the automobile industry, production was maintained at a *very low rate*."

Schedule 10 of the same report says that the annual production reached the magnificent number of 21 cars as against the capacity of 50,000 cars. Now, the real truth was that the recession came earlier in 1973-74 when there was the first petrol hike. But as has been admitted by the consultants and everybody, it was the total failure to develop a suitable commercial model for production and rejection of the company's financial schemes by public financial institutions which resulted in its failure to take off. All these are on record. I am not quoting from the Gupta Commission Report. Thus, the truth is, barring a few assembled models, it never produced cars which even at this late days the Minister for Industry would have us believe they produced because he talks of levels of production. The difference in this is 21: 50,000.

Now the question is, Parliament having been presented with a *fait accompli*, two basic questions arise—one on the details of actual take over and the other, the use to which the so-called valuable industrial infrastructure which has come as a legacy of Maruti to the Government, will be made use of. Firstly, the Government spokesmen have been talking and going around talking about the assets and liabilities of this company in a very loose manner. I am sorry to say that even the Minister incharge has been doing this in this House. The question is: what are the *gross fixed assets*? What are the *net fixed assets*? What is the net worth of *Maruti shares* as on the date of ordinance? What are the inventories held by the company on the date of ordinance? Please let us know.

I do not like to enter into various other things like the order of payments about which the other day, Mr. Indrajit Gupta spoke, or disappearance of assets to which Mr. Jyotirmoy Bosu referred and various other things. But what was the opinion about assets and inventories according to the special cell that was set up in the Income Tax Department

earlier? Did they or did they not provide for depreciation in two, three successive years? I would maintain that these are very important and relevant questions in relation to order of payments and payment itself. There was also a question of falsification of accounts. If the Minister of Company Law can enlighten us on these questions, it would be good.

Now I want to talk about a very fundamental and general question, not only about Maruti, and that is the question of priority of the automobile industry. In the statements of Objects and Reasons, the hon. Minister talks about up-dating manufacturing technology in a public sector unit. I have always been for public sector units and for nationalisation; but this is not nationalisation, because there is nothing here to nationalise! You cannot nationalise something which just does not exist. What has been done has no relevance to the means or forces of production, as we understand nationalisation, as a political or economic instrument which has relevance to the forces of production.

The basic question I want to raise is the priority that this Government has given to the automobile industry. An answer to this question is necessary, because there is a crying need for investment even in the transport sector. A vital port like Bombay is crying for a second port, NHAVA-SHEVA which requires Rs. 100 or 200 crores, and they say there is no money. They have no money, as Shri Kamalapati Tripathi knows, for new railway lines. There is no money to be invested in vital systems of public transport itself. No rapid transport systems can be developed, apart from Calcutta Metro, because we have no money. Now the Minister of Industries would have us invest a few hundreds crores of rupees in this reckless adventure. I do not want to attack, the mindless government today for not giving priority to such a vital sector as the power sector, or the drought-prone areas programme, or the drinking water supply for the rural masses, but shall concentrate on the automobile industry. Why? Your spokesmen during the North-South dialogue, several rounds of which were going on in Geneva or elsewhere have attacked the industrialised countries for indulging in colossal waste. Now I ask what is your moral authority and right today to go and tell them that they are indulging in waste, when you are indulging in this monstrous luxury. In 1965, according to the World Bank, the developed countries spent 2.1 billion dollars for the manufacture of automobile products to manufacture products worth the international market value of 800 million dollars and now it would be much more.

The automobile industry, as we all know, requires tremendous investment, machine tools, special installation materials and exacting quality control standards. That is why even Maruti could not take-off because it could not pass any test. Sir, when we are faced with a colossal trade deficit of Rs. 4,500 crores, when this deficit is staring on our face, is this the time when we should indulge in this luxury, with our astronomical bills for petroleum products, are on the increase have gone up even today by Rs. 500 crores? Is this the situation in which you want to enter into the automobile industry?

You know the basic lack of purchasing power of our people. So, whom do you cater to? Do you want to cater to the average man and his needs or do you want to cater to a particular class by investment in this industry? As my friend is a very good economist, he knows the Brazilian model. Do you want to set up a Brazilian model as I remarked earlier on your own statement of Industrial Policy? Even for our scarce resources, like steel, which are being utilized, have they no alternative priority use in our economy and the country?

The worst thing that he should not have done was to talk about generating employment. That was a bit too thick, I must say. Toyoto, with a production of 1.2 million cars in 1976, employs only 70,000 people and it employs more than any other automobile unit in Japan. Yet, this is the highest level of employment ever reached by any Japanese unit. The Hindustan Motors last year employed 14,000 workers. And, Mr. Minister, now, pray tell me, how much does it cost to create jobs in the automobile industry? These are very relevant matters for consideration.

28 hrs.

I would also like to refer, before I conclude, to the inspired stories which are circulated about the possibility of exporting cars... (*Interruptions*) Stories have appeared in the press about the possibility of exports. This is also a bit too thick. I have not heard a more bigger absurdity than this. With the present internal prices of steel and in the present situation where factory after factory, unit after unit are closed down in the international automobile industry, if you were to say this and sell the story to the people that 'we are going to produce automobiles without steel or with imported steel' and then sell it abroad it is bit too thick! When there is a recession particularly in the international automobile industry, as the Minister would bear me out, in Germany, in Japan and in the United States they are closing down the units one after another and this is

the time that he has chosen to enter into this rickless adventure at the cost of national exchequer and people's money. He knows about the protective tariff walls. Could he dare say in this House that he means business and he will produce and export automobiles in the foreseeable future? I would challenge him on this and let it go on record. What I mean to say is, there is no social, economic or political purpose behind this measure and this is yet another monument to a monumental folly.

MR. DEPUTY-SPEAKER: I have to inform the House that it has been decided in the meeting of the Business Advisory Committee that the House will sit up to 7.00 p.m. today.

Now, Mr. Shiv Shankar may speak.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR) : Mr. Deputy-Speaker, Sir, various hon. Members on the other side have opposed the Bill using various types of invectives and adjectives in the hope that they would be able to make out a case for the non-acquisition of the undertakings of Maruti Limited. What has surprised me is that they wanted to rely more on the events that preceded the liquidation proceedings and also certain events which were very handy for them because of the appointment of the Commission some time in 1977.

The relevant question that arises in a matter of acquisition of an undertaking would be whether what has been urged by the Government, be it on the basis of the Statement of Objects and Reasons, be it the various arguments that are advanced, has any relevance to the acquisition or, as has been sought to be made out, that it is clearly a case of wastage of money—an amount of Rs. 434 lakhs is sought to be wasted—is the case that is advanced by the other side of the House. Before I go into the details of the Commission and its proceedings on which the hon. Members have very much relied, I would like first to give certain facts so that the record could be put straight and at a later stage I should be able to give the answers to the points and the questions that have been raised by different friends on the other side.

A lot has been said about assets and liabilities. One aspect which is most important is that, luckily for us, the statement of assets and liabilities has been filed in the High Court during the time they were in power. The liquidation proceedings were started during the time the Janata Party was in power. Based on the liquidation proceedings, a Liquidator was appointed by the High Court, and filing of a statement of assets and

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liabilities under the law was carried out. A statement was filed. As on that date, assessed assets, giving details, were Rs. 7,11,52,142.38. This is the value of the assets which was given within the meaning of section 454 of the Companies Act where the one has got to go into and has got to file a statement of assets and liabilities before the court. When it came to the question of liabilities, assessment of all the liabilities of the company on that date was at Rs. 5,67,37,592.35. This is the statement which has been filed.

Arguments have been advanced here, saying that the company is worthless, there is nothing to be acquired. If that were so, I leave it to the good sense of the House as to who should be held responsible as those who ruled right up to the end of 1979 are well known.

One of the hon. Members asked for details of the assets. I will give them for his benefit, again based on the statement of the Liquidation filed. These are the details of the assets.

SHRI JYOTIRMOY BOSU : On what date ?

SHRI P. SHIV SHANKAR : 22nd July, 1977. I am giving it because you have asked for all these details. Even though my friends have said that it is highly valuable, the value of the land is in crores....

SHRI JYOTIRMOY BOSU : But it does not belong to you.

SHRI P. SHIV SHANKAR : Please wait. You must know what happens under the acquisition.

While it has been said here that the land is valued in crores, the Official Liquidator has assessed the land at Rs. 39.38 lakhs. That means, if their argument is to be taken as correct, he has highly under-valued it, and we are going by that statement only. I am relying on that statement, not on figures based on the arguments of the other side. I am relying on the whole statement which has been given by the Official Liquidator himself. Notwithstanding the fact that it has been under-valued, I am saying that we rely on it for the purposes of the present debate. The value of the land is Rs. 39.38 lakhs. He has valued the building at Rs. 377.92 lakhs. Plant and machinery he has valued at Rs. 153.25 lakhs.

SHRI JYOTIRMOY BOSU : What about steel and cement ?

SHRI P. SHIV SHANKAR : What is this ?

MR. DEPUTY-SPEAKER : [Please wait. Be patient.

SHRI JYOTIRMOY BOSU : I am on a point of order. One of the Council of Ministers Shri Bhagwat Jha Azad is saying, what is the proof ? I said, if you read Gupta Commission's Report, steel is costing...

(Interruptions)

SHRI BHAGWAT JHA AZAD : Steel and Cement is going to the black market. Non sense you are talking all the time. All the time you are talking all irrelevant things. (Interruptions) How do you know that the steel and cement went to the black market ? Are you dealing in black market, and therefore you know these things ?

SHRI JYOTIRMOY BOSU : Gupta Commission's Report.

SHRI BHAGWAT JHA AZAD : You know the tricks of the black market.

(Interruptions)

You have been going to the black market.

(Interruptions)

SHRI C. M. STEPHEN : Let the Minister continue.

SHRI P. SHIV SHANKAR : If I may digress for a moment, merely these two items as to buildings, plant and machinery which have been valued by the liquidator, as to the statement of affairs of the assets of the Company, would make it Rs. 531.17 lakhs which by itself, inspite of three years time having elapsed without reckoning the appreciation value, will be higher. The amount that is being paid towards all the liabilities, namely, Rs. 434 lakhs would be much less and this by itself would show that whoever would be the owner, whoever would have been the owner, whoever would have claimed the interest should have prevented it from the acquisition proceedings because the assets are such as where they could have profited much more than the liabilities.

Now, then the furniture and fittings that were valued by the liquidator....

(Interruptions)

SHRI JYOTIRMOY BOSU : Rs. 58 lakhs for the prototype developed..... (Interruptions)

SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol) : We have heard of child delinquency. Now we see adult delinquency.

MR. DEPUTY-SPEAKER : It is somewhat a humour.

SHRI P. SHIV SHANKAR : Furniture and fittings were valued by the liquidator at that time. (Interruptions)

SHRI JYOTIRMOY BOSU : Fixtures have no value ?

SHRI P. SHIV SHANKAR : Will you kindly allow me to speak ?

(Interruptions)

It is beyond my reach to correct you. But still I am trying.

(Interruptions)

SHRI JYOTIRMOY BOSU : Correcting Shri George Fernandes and myself systematically under orders of Mrs. Gandhi.

(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Bosu, he is replying.

SHRI C. M. STEPHEN : Let us not add on to the noise. He wants to deflect. Let us not add on to his voice. Let him have a single voice. Let him get isolated. For heaven's sake let us keep quiet. Let the Law Minister go on.

SHRI P. SHIV SHANKAR : Questions were asked from the other side about the details of the assets. I am only trying to oblige them.

MR. DEPUTY-SPEAKER : He is a party to the decision taken in the Business Advisory Committee that nobody should interrupt when another Member is speaking. I am reminding you, Mr. Bosu.

(Interruptions)

SHRI JYOTIRMOY BOSU : I am only retaliating. (Interruptions).

MR. DEPUTY-SPEAKER : Please do not interrupt. That is the decision taken in the Business Advisory Committee. It is applicable to all the Members of the parties.

SHRI P. SHIV SHANKAR : As I was submitting, the furniture and fittings were valued by the official liquidator at Rs. 3.18 lakhs. The vehicles were estimated at Rs. 3.53 lakhs. Air conditioners valued at Rs. 2.43 lakhs. Tubewells—Rs. 0.95 lakhs. The total comes to Rs. 580.59 lakhs.

Now, I go to the liabilities so that it may be clear as to what were the liabilities. The liabilities are: dues of the employees—Rs. 1.73 lakhs; Government

dues for the taxes, etc.—Rs. 25.40 lakhs; amounts due to the Government of Haryana for the land—Rs. 36.36 lakhs; secured loans from the banks are: Punjab National Bank—Rs. 97.76 lakhs, central Bank of India—Rs. 22.20 lakhs. The total comes to Rs. 119.60 lakhs.

SHRI JYOTIRMOY BOSU : What about other than banks ? I am seeking a clarification.

SHRI P. SHIV SHANKAR : I am giving everything.

MR. DEPUTY-SPEAKER : Is the Minister yielding ?

SHRI P. SHIV SHANKAR : No, Sir.

MR. DEPUTY-SPEAKER : The Minister is not yielding. You ask at the end.

SHRI P. SHIV SHANKAR : May I bring to the notice of this House that apart from these debts which is a record in the High Court, there are no other debts whatsoever ? If he is speaking about other public debts, maybe he has got something in imagination ; I cannot help it. He can indulge in that. But the position is, so far as other debts are concerned, they are not there. I thought that should give these details so as to make out a case because, time and again, it has been argued—I will give further details at a later stage—that it is a junk ; there is nothing. It has been asked : Why are you taking it over ? Is it not your intention that by taking it over this money is sought to be diverted to a particular individual ? It is in that context I put the record straight.

The attention of the House was adverted by my hon. friend from Jaipur who moved the resolution and he tried to make out a case, "Look, the Delhi Automobiles Ltd. filed an application for the winding up of proceedings." Before I go further, I thought, I should bring on record also that this very Delhi Automobile Ltd., the same petitioner, who sought the liquidation of this concern filed an application within the meaning of Section 391 and Section 394 of the Companies Act to take over this Company. And his final application for decision by the court, he was pressing : "you decide my application"; and this application was posted on 17th October, 1980, just before the Ordinance was brought in ; because this Ordinance is dated the 13th October, 1980; four days later, this application was to be disposed of. Now, what does he file ? That is also revealing. The gentleman who filed the application for liquidation files the application along with a scheme and very many details, as also

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collaboration with a foreign company. And then what he says in that is something revealing. How he puts it up is like this : 'I am prepared to pay the unsecured creditors'. There were unsecured creditors, according to him; he gave the details and said that the unsecured creditors were to be paid to the tune of Rs. 410 lakhs. Now, what he said was : "I will pay the entire amount of Rs. 410 lakhs to those unsecured creditors within twelve months from the date that the court passes the order". And further he said, "Within twelve weeks from the date of approval of the scheme by the court, I will give a bank guarantee to the tune of Rs. 410 lakhs, so that, if I do not pay the money within one year, the unsecured creditors could collect Rs. 410 lakhs from the bank itself." Now, Sir, if the assets were to be nothing, is this person a fool, who himself moved for the liquidation, to come forth with an application saying "To the unsecured creditors, I am prepared to pay Rs. 410 lakhs"? Further, what he has said is this : as regards the shareholders, this Delhi Automobiles Ltd. has said that he is prepared to purchase all the shares at their face value and pay, within such time, the amount, as directed by the court.

Thirdly, another beautiful thing is about the secured creditors. He said that, so far as the secured creditors were concerned, he would negotiate with the bank and take over the entire liability in the manner in which the bank would like the entire amount to be paid, that is, Rs. 119 lakhs and odd. He said, "I am prepared to pay that". Now, the point is this. If you add Rs. 410 lakhs with these Rs. 119 lakhs—forget about the interest and every other thing—would it not be more than Rs. 500 lakhs? Are the Government, in paying the sum of Rs. 434 lakh, losers or gainers? That is the question that I put back to the other side. They should answer this.

I have only referred to one person who filed the application. I relied on him because very much was relied by the other side on his application for liquidation, because it became very handy to him, with the change of Government, having been instigated by some of my friends on the other side or outside, to file a liquidation application and later on to come forth to grab this whole property and say, "Look, I am prepared to pay more than Rs. 500 lakhs of liabilities and then develop this industry". If it is merely a junk or nothing, I do not think anybody would have come forward like this.

Another thing which, I thought, I should bring to their notice is this. Perhaps my hon. friend who opened the debate on this Bill forgot—he is not present here unfortunately.

If he were there, I would have asked him to just tax his brain and recall. Did he not propose to nationalise this Maruti Ltd. himself when he was a Minister? He had gone that far to make an effort to nationalise the other automobile industries. I would have just asked him to tax his brain a little and recollect. He said, "We must enter into negotiations with the Official Liquidator in whose management and possession the entire Maruti Ltd. is, so that we could purchase and take over the whole concern and use it for the automobile industry". I do not know whether one has to change his sides. So often, I am aware that he has mastered this art. If I remember correct—I would be borne out by my colleague who is sitting by my side—immediately on the very day when he opposed the no-confidence motion in this House so strongly in Sixth Lok Sabha he deserted his party.... (Interruptions). If this is the state of affairs and his standard, it is very difficult for me to say anything....

SHRI JYOTIRMOY BOSU : What about your friend on your left?

MR. DEPUTY-SPEAKER : No interruption, please.

SHRI P. SHIV SHANKAR : You have nothing more except to say that. My hon. colleague, the Home Minister has given you a very good credit.... (Interruptions).

If this is the sense of your understanding of what I am saying, then I am only sorry for it.

In the year 1979, answers were given in this House when questions were raised about Maruti—that the matter of taking it over was under consideration. Because my friend seems to be very impatient, I thought I should also bring to his notice as the leader of his party, a very revered gentleman who is also now the leader of his Party here, has himself, as early as on 1st August, 1977, addressed to the Industries Minister, "Look, you take over this Maruti Ltd. and nationalise it". If it is a junk to-day, it should have become a junk by 1977 because between 1977 and 1979 you were in power. So I leave it to their good sense to understand. Had those assets which I have tried to bring out now disappeared, who is responsible? I have already put a question to them for their understanding and answer. What I am trying to say is : shall I presume or shall I not presume that in August 1977 when the leader of this big party writes to the then Industries Minister to nationalise it, then that property was necessarily such which could be made the basis, an infrastructure—which we are now trying

make—for the purpose of the automobile industry ?

28.28 hrs.

[MR. SPEAKER in the chair]

If it is not, should at all this letter have been addressed? Then, Sir, I presume the hon. Members from the Communist Party of India would also oppose it because they have joined the band-wagon of the C.P.M. these days. (Interruptions). In April 1977, the Haryana Communist Party of India took a decision which was published in the paper on the 28th April 1977, in the *Times of India* itself wherein it is said that the Haryana C.P.I. had demanded immediate nationalisation of the Maruti Enterprises. (Interruptions)

श्री रामविलास पासवान: आप अच्छे वकील हैं।

श्री पी० शिव शंकर: केस अच्छा है, तभी वकील भी अच्छी बहस कर सकता है। अगर केस अच्छा नहीं है, तो बहस कैसे करेगा? मैं रिकवरेस्ट करूंगा आप भी वकील बन जाइये।

अध्यक्ष महोदय: रामविलास जी ने आपको नम्बर दे दिये।

SHRI P. SHIV SHANKAR: So, Sir, I have given certain instances which are not of the period when we were in power but these were instances of the period when the Janata Party was in power and then all of them were more or less united.

Now, it is in such circumstances, I have tried to show that their own people were very particular that this concern should have been nationalised, notwithstanding the statement of assets which I have given. According to me, the statement of assets which has been furnished in the court in 1977 is highly undervalued. I have given one example of the land itself which has been valued at Rs. 39 lakhs which, according to their statements, must be in crores. To-day the position is that it must run to double or treble or whatever it may be. It must run into quite a few crores of rupees—at least in two digits. In such circumstances, this company is being taken over and Rs. 434 lakhs are to be paid. To whom? I shall give the details so that the position may be clear because they have asked for it. An hon. Member asked a question some time back as to whom are you paying this? Like a very good and very obedient school boy, I have

worked and jotted down the figures so that they can at least understand the language of a school boy. It is in that context I should give them the details. Under clause 23, the priorities have been given in the Schedule. The first priority has been given as dues to the employees which will come to Rs. 1.73 lakhs which is the full amount. The second category is the revenue, taxes and such other rates which are due to Central Government and the State Government which come to roughly Rs. 23.40 lakhs. That means this is due to the Haryana Government towards the land cost. It comes to Rs. 36.36 lakhs. About the secured loans, in so far as the Banks are concerned, my hon. friend from Diamond Harbour said....

SHRI JYOTIRMOY BOSU: I have said the financial institutions other than the Banks.

SHRI P. SHIV SHANKAR: I am giving you everything. I have done the job of a bania paisa by paisa. I have done it. I assume that role and I am giving you the figure for that purpose.

AN HON. MEMBER: Have patience.

SHRI P. SHIV SHANKAR: That amount comes to Rs. 178 lakhs. In the categories of one to three, this makes a total of Rs. 239.49 lakhs. I am sorry I did not mean any disrespect to anybody because I am assuming that I am a part of all that society. Then, Sir, under category IV it comes to 63.66 lakhs which is the gross amount and there from, viz., category IV we are only paying 50 per cent. That 50 per cent is 31.83 lakhs towards deposits received from the public or members of the company. Then deposit towards dealership has again been given only at 50 per cent which comes to 119.78 lakhs. Then any credit availed of for the purpose of trade or manufacturing operation out of 58.94 lakhs, we are paying 29.47 lakhs and share application moneys where shares were not allotted, Rs. 13.30 lakhs. These are the four categories.

Now, Sir I have done a little bit of calculation. Category V does not come into the picture, namely, any other dues. They get washed off. If category I to category IV are added up the total comes to Rs. 433.87 lakhs and the amount that has been provided in the hands of the administrator is Rs. 434 lakhs which is only going to meet this amount upto categories I to IV. This is the detail which I have given and it is this which would reveal that the entire amount will be appropriated only for the causes that are mentioned here. Not a single paisa is going out. One of the hon'ble

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Member asked me as to how are we going to utilise this money. From the figures I have given, perhaps he will be in a position to understand properly.

Sir, objection has been raised as to why this Ordinance. Well, I will leave all other grounds to be brought to the notice of the hon'ble Member by my friend, the Industries Minister but one ground which I have already said must satisfy the entire Opposition, if they are with open mind and if they are with closed mind I cannot convince them, that is, the application of Delhi Automobiles was posted on 17th October, 1980 in the High Court of Punjab and Haryana. We had necessarily to take the decision early in order to stall the proceedings in the High Court because this man wanted to grab the entire property for nothing. It is because of this that it became absolutely necessary.

Therefore, a decision had to be taken. A decision had to be taken well within time, before 17th October, 1980. And if we have taken the decision on 30th October to issue an ordinance we have only done what anybody ought to have done if he meant to be right and correct in the circumstances. This is the position which they should understand.

There is one more aspect to which I must refer. What was said was rather surprising that in the annals of the judicial history in this country at any point of time no concern was acquired when it was under liquidation. (*Interruptions*)

Sir, the idea behind the argument was, look, the company is under liquidation, if the company is under liquidation you are trying now to acquire it. It had never happened like that. I thought I could mention only two instances for their benefit. The Sick Textile Undertakings (Nationalisation) Act 1974 was brought when many textile undertakings were under liquidation. This enactment was then brought on the evil of the statute. Likewise, Alcock-Ashdown Company Limited (Acquisition of Undertaking) Act 1973 was passed by this Parliament when the company was under liquidation. So, I do not think any argument could be advanced to say: Look, because it is under liquidation, you cannot acquire it. After all, this is the sovereign power; the State exercises the power on the principle of 'eminent domain' and the State can always do it. This is the position which I thought I should bring it to your notice.

Even as late as sometime in October, 1980, I find, *Economic Times* was also

trying to say about nationalisation. I will only read this portion. It says :

"The Janata Government which was eager to nationalise the Maruti company which ultimately led to the proposal to nationalise the entire automobile industry had also proposed to get foreign technology to manufacture engines at the Gurgaon factory."

Now, Sir, what I was telling you is the *Economic Times* does not support us normally but what was under active consideration in the Janata Government was the nationalisation of Maruti. I leave it at that, because, they have talked about 'malicious' 'motivated' approach and so on. Now this paper says, because they wanted to nationalise Maruti, ultimately, they hit upon a plan of nationalising all the automobile industry. It is a matter for them to decide, whether their stand was motivated or malicious; I leave it to them to judge for themselves on this count.

Now, something has been said about the Report of the Maruti Commission. I have a great respect for the learned judge who is still a sitting judge of the Supreme Court. But I would like to recall to my friends on the other side what are the attitudes that they had developed in establishing commissions. For example, the Member spoke of Shah Commission itself. Even disinterested papers are on record to say that this Commission was persecuting and not prosecuting.

DR. SUBRAMANIAM SWAMY (Bombay-North-East) : Which paper ?

SHRI P. SHIV SHANKAR : I will sit down with you and show so many papers. You can very well appreciate the American jurisprudence also. He was in that party at that time.

DR. SUBRAMANIAM SWAMY : I am still in that party . . .

SHRI P. SHIV SHANKAR : That truncated party, yes . . .

AN HON. MEMBER : Trifurcated party.

SHRI P. SHIV SHANKAR : Sir, shall I tell you one incident where I had to appear. I ask to the good conscience of the hon. Members who are sitting there on the Opposite : would they vouchsafe ? My Prime Minister was charged in Manipur where I myself had to appear to plead for a case that one person committed a theft of two chicken and six eggs and my Prime Minister was issued a

non-bailable warrant by the Government at that time. This is their standard and could I ask a question? Could they appoint the person as the Chairman of the Commission who happened to be the Advocate General of a State who could also head the Commission, who could prosecute, persecute and judge each and everyone? *(Interruptions)*

DR. SUBRAMANIAM SWAMY : I may say that the Advocate-General was employed by you during the Emergency. This gentleman went abroad and you sent him abroad.

SHRI P. SHIV SHANKAR : I know it is on record. You employed him as Advocate-General. You employed him as the Chairman of the Commission and it is this man who framed the charge that two chickens and 6 eggs were stolen in Manipur. And for that a non-bailable warrant was issued....*(Interruptions)* Is this the independence of judiciary they have so much become vocal Now, what happened is this. Without going further into.....*(Interruptions)*

PROF. MADHU DANDAVATE : (Rajpur) : We don't mind stealing eggs and chickens but our freedom was stolen.

SHRI P. SHIV SHANKAR : With all respect to you, what surprised me is this that somebody has been lugged in Manipur like this. I have not been able to understand as to how the former Prime Minister was responsible and that man was asked : "Have you seen the Prime Minister"? He said : "Yes". "Where"? "On the road". I have also seen her. This is how he was motivated to put her behind the bars for committing this offence. You have spoken a lot about Commissions....*(Interruptions)*

SHRI JYOTIRMOY BOSU : Sir,...*(Interruptions)*

SHRI P. SHIV SHANKAR : Sir, in March, they went to Elections. The one-point programme that they had was only to affect the reputation of Shrimati Indira Gandhi and her family members so that they thought that by this dubious method they could thrive. But ultimately the people's court, the sovereign, has rendered the verdict. They had to bow down to the will of the sovereign. When it comes to the question of Gupta Commission, I would like to state this, and many of the hon. Members know about it. This is an entirely ex-party proceedings ; Mr. Sanjay Gandhi or any of the Directors of the Maruti Limited or Maruti Company Ltd. by itself, have not participated.... *(Interruptions)*

SHRI JYOTIRMOY BOSU : They did not..... *(Interruptions)*

SHRI P. SHIV SHANKAR : Now, what happened? I am prepared to quote from this book of law relating to Commissions of Enquiry where it was said that when the Home Minister was asked who will help, the reply was that the CBI was investigating and the Enquiry Officials will help. And ultimately what happened? One-sided evidence was produced before the Commission. The persons concerned did not appear because of the attitude that the Shah Commission had adopted. I had an opportunity to appear before the Shah Commission on behalf of the then Home Minister. The moment you stood up, he started putting questions as if he was cross-examining. Was he prosecuting or was he a judge? This attitude was adopted by the Shah Commission. Wide publicity was given in the T.V. As a result of all this, we had to think whether we were going to get any justice from these commissions.

After all this publicity in which you have indulged, these commissions that were established, the reports that you obtained were publicised widely in the elections in the year 1980, the people's court, the greatest court has given the verdict. That means that all these things have been set at naught by this great sovereign who understood every thing, who realised the approach that you were taking and it is a much bigger and much greater court as compared to any of these commissions. The less we talk of these commissions, the better. There is something, there is a bigger authority than these commissions and it is the people's court and their mandate itself should be sufficient.

SHRI JYOTIRMOY BOSU : But your commissions were all above the court; Gurdev Singh and so many other commissions.

SHRI P. SHIV SHANKAR : It is a surprise to me that you have already started losing faith in the people.

SHRI C.M. STEPHEN : He never had.....*(Interruptions)*

SHRI P. SHIV SHANKAR : I will further go and say, what relevance this report has to this Bill. After this report, people have given the verdict against it and these people still want to rely on this report against the will of the people.. *(Interruptions)*. I understand their protest and the complaint because people have badly mauled them, bruised them and made them totally shapeless.... *(Interruptions)*. I do not think I should take more time than what I have already taken.....*(Interruptions)*

(Acquisition etc.) Ord. & Maruti
Ltd. (Acquisition etc.) Bill

SHRI BAPUSAHEB PARULEKAR:
Since you joined the bar, since this
moment, I think your reputation is that**
(Interruption).

MR. SPEAKER : This will not go
on record.

SHRI P. SHIV SHANKAR : Sir,
I thank him. He said that my reputation
is that if there is no case, I am at my best.
(Interruptions).

MR. SPEAKER : He is able enough
to reply.

SHRI P. SHIV SHANKAR : I thank
him. That means, my dear friend, you
must listen, that automatically means,
if I have a case, I am at a superlative
best.

Sir, I would not like to dilate any
further. I am confident and sure that
the facts and figures that I have brought
to their notice will at least open up their

closed minds to better understand the
issue and, I am sure that Professor Sahab
who might be speaking tomorrow will
at least consider this overnight and support
this Bill tomorrow.

18.57 Hrs.

BUSINESS ADVISORY COMMITTEE

TENTH REPORT

THE MINISTER OF PARLIA-
MENTARY AFFAIRS AND WORKS
AND HOUSING (SHRI BHISHMA
NARAIN SINGH): Sir, I beg to present
the Tenth report of the Business Advisory
Committee.

18.58 Hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Thursday, December, 1980/
Agrahayana 27, 1902 (Saka)*

**Not recorded.