

मैं सरकार से यह पूछना चाहता हूँ कि क्या उस से यह शक है कि श्री संजय गांधी की मृत्यु के पीछे कोई साजिश थी और क्या वह चाहती है कि सारे मामले की पूरी जांच हो जिस से श्री यादव द्वारा लगाये गये निराधार आरोप भविष्य में फिर न दोहराए जाएं।

श्री राजेन्द्र प्रताप यादव : (मन्चेपुरा): अध्यक्ष महोदय, नियमानुसार उन के जवाब की कापी मुझे मिलनी चाहिये। ऐसा किया जाता तब शायद मैं फिर कुछ कह पाता। मैं एक बात कह देना चाहता हूँ। माननीय सदस्य ने कहा है कि यह एक साजिश है। मैं माननीय सदस्य से पूछना चाहता हूँ कि सदन में क्या वह कहेंगे कि उनका यह पत्र नहीं है, यह उन के हस्ताक्षर नहीं हैं ?

12.43 hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF MARUTI LIMITED
(ACQUISITION AND TRANSFER OF UNDERTAKINGS) ORDINANCE—contd.

AND

MARUTI LIMITED (ACQUISITION
AND TRANSFER OF UNDERTAKINGS) BILL—contd.

MR. SPEAKER: Now we resume further discussion on the Statutory (Rajapur): Sir, please note down that Prof. Dandavate.

PROF. MADHU DANDAVATE (Rajapur): Sir, please note down that we have already begun late.

MR. SPEAKER: I will cut down 15 minutes.

PROF. MADHU DANDAVATE: Mr. Speaker, Sir, the entire question of the ordinance being converted into

an Act through the Bill that has been presented over here for consideration, I totally oppose.

Sir, I am not concerned about the personalities involved. I am more concerned about the perspectives and the policies. It is not possible to avoid the various circumstances and the background under which the Maruti Limited was set up, the letter of intent was accepted and the Maruti factory was allowed to proceed further with its work. Therefore, I will have to give a little background.

In the sixties, the Government had already formulated certain economic policies and if due to the objective conditions in the country, the economic policies of this country had changed, I had no objection at all. But if the economic policies and the financial approach is changed only to suit a particular individual I would say that it is the most objectionable orientation and reversal of policy.

In the early sixties—in 1962 to be very exact—in this very House a statement was made by the Minister of Steel and Heavy Industries, that the highest priority will have to be accorded for the automobile industry to be expanded in the public sector. That continued to be the official policy document and pronouncement of the Government of India. It was the very Congress Government that was in power and, I am sure, that after due consideration this was the policy orientation that was given. But in spite of that, the policy was reversed.

When Shri Sanjay Gandhi put up a letter of intent, the letter of intent was accepted. Here I would concede that this Government has perfect right to go ahead with any policy that it wants to pursue. Even when the letter of intent was accepted, in preference to some other letters of intent, four important conditions were laid down. I am very clear in my mind that all these four conditions were violated before the

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letter of intent was converted into a licence. The conditions were (1) no foreign collaboration or foreign consultancy arrangement will be allowed; (2) no import of capital goods; (3) no import of components and raw materials; and (4) an authority appointed by the Government should test the road-worthiness of the prototype car before the letter of intent is converted into a licence. I am very sorry to find that all these four conditions—not one of them, but all the four of them—were completely violated.

MR. SPEAKER: He should now come to the subject matter of the Bill.

PROF. MADHU DANDAVATE: If you look at the entire debate that has taken place yesterday, there is reference to background.

MR. SPEAKER: If you are just going into the past history, which has been repeated so many times in this House, that will take most of your limited time.

PROF. MADHU DANDAVATE: These four points were not mentioned by others. But if you want, I will resume my seat.

MR. SPEAKER: I was only just pointing it out. You may use your time any way you like. It is so simple.

PROF. MADHU DANDAVATE: I would like to point out that all the four conditions that were prescribed have been violated. Foreign consultants were appointed. A West German expert was asked in 1972 to fetch a two-stroke engine from West Germany. Capital goods were imported in the name of another company. The components and raw materials were imported. An imported engine was fitted to the proto-type car, be-

fore it was taken to the vehicles Research and Development Establishment. After running a distance of 19,376 km. the car had a failure of steering and it fell into a ditch. Thus, all the four conditions were violated.

Yesterday, a number of questions raised. The question of assets and liabilities also raised. I wish to draw the attention of this House that in this very House, on 10th December 1980, Shri Atal Bihari Vajpayee had asked an Unstarred Question....

SHRI ATAL BIHARI VAJPAYEE (New Delhi): I asked for a Starred Question; but the Secretariat made it Unstarred.

PROF. MADHU DANDAVATE: Shri Vajpayee not being a star, it was converted into unstarred.

MR. SPEAKER: How can you say that? I do not allow that.

PROF. MADHU DANDAVATE: He is rooted in the soil; the star is up in the high.

In this statement the fixed assets are given. If the arrears of depreciation the years ending 31st March 1976 and 1977 were deducted, it comes to Rs. 553 lakhs. If we take into account the investments, stocks, stores, debtors loans and advances, cash and bank balance it comes to Rs. 683 lakhs.

Sir, I wish to point out to you that after consulting a number of financial experts on the basis of their experience in the past, they have pointed out to me that as far as this component of the assets is concerned, the figures that you have mentioned here might be investment 0.1 lakhs stocks and stores Rs. 36.01 lakhs debtors Rs. 45.49 lakhs, loans and advances etc. Rs. 40 lakhs, and cash and bank balance Rs. 7.99 lakhs. These figures have not been quoted and let me tell

you that after consulting a number of financial experts on the basis of their experience in relation to the government, in relation to the private companies, they have stated that a number of items under this head are such that whenever the question of recovery comes, there is only 20 or 25 per cent of repayment, and as a result of that, even this amount cannot be taken on the face value and even if you take it on the face value, it comes to Rs 683.62 lakhs, and the earlier part, buildings, land etc. plant and machinery, how exactly valuation has been done? That also has not come before the House, but even accepting the fact that has been based on the figures, pointing out to you the experts opinion on finances, I dare say that even these assets which have been pointed out here are not exactly the assets that will be assets in reality and as compared to that, we have got a total liability and if we take this aspect into account, there will be a lot of imbalance between the assets and liabilities that will have to be taken note of. This aspect was not mentioned in the debate yesterday. Only mathematical calculations have been placed before us.

(Interruptions)

SHRI CHARANJIT CHANANA:
Arthemetical.

PROF. MADHU DANDAVATE:
Arithmetic is a part and parcel of mathematics. At least give me that much credit, having associated myself with the subject of mathematics for 25 years. Remember that arithmetic is a part of the mathematics. It is only one branch. (Interruptions). Tomorrow he may say that geometry is not part of the mathematic. (Interruptions). This aspect has to be taken note of.

Yesterday the Law Minister while intervening in the debate made a very interesting point and I do concede that it is an important point. He

3040 LS—9.

said that on 17th of October 1980, Delhi Automobiles applications was to come up for hearing before the Punjab and Haryana High Court and therefore, if they were not to issue the Ordinance on the 30th of October, the entire assets would have gone into the hands of the Delhi Automobiles. That was the argument.

SHRI ATAL BIHARI VAJPAYEE:
Who are the Delhi Automobiles?

PROF. MADHU DANDAVTE: It is another story. I do not want to refer to the names. But, Sir, you yourself try to find who are the persons connected with the Delhi Automobiles. Anyway, I do not refer to the names. Every one has his own style of presenting the case, I do not want to refer to the individuals. But let me tell you that if this was the motivation behind bringing the Ordinance, in that case everything that has been said here in the aims and objects of this Bill, I think there was no necessity of these aims and objects at all. If this was the reason, then talking about the infrastructure, the better. the expansion of the automobile industry, talking about trying to have a better installed capacity, all these are meaningless. Sir, the less we talk about the infrastructure, the better. In the field of optics I know there is ultra-violet and infrared. As far as structure is concerned, there can be something like infra-structure and ultra-structure. If all the structure that they have taken up, which they are going to modernise and which they are going to convert into a huge automobile industry, is to be called anything please do not call it infra-structure, it is better that we call it ultrastructure.

Justice Gupta's Report is already there. I know that the hon. Law Minister has for an allergy for that

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report. I have no allergy for the reports produced by Judges, whether produced during the Janata regime or during your regime. Regimes may come and regimes may go, but the Judiciary will have to survive in this country. I hope and trust it will survive in this country because in our checks and balances that is one of the safeguards that is able to maintain the democratic traditions in the country.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): Your Government refused to accept the recommendations of the K. K. Mathew Commission, rejected its recommendations.

PROF. MADHU DANDAVATE: As far as we are concerned, we have always shown respect for the judiciary. Here was a statement made by the Law Minister ridiculing the Judges and ridiculing the report.

DR. SUBRAMANIAM SWAMY. (Bombay North East): We want the Mathew Commission to be reopened, not rejected.

PROF. MADHU DANDAVATE: One of the reasons why I am against the taking over of Maruti is that as far as the Maruti affairs are concerned, legal problems are involved, illegality is involved, immorality is involved, all sorts of wrong policies are involved. Today if India needs anything, if India has to give priority to anything, it is not to private motors in which only a few affluent individuals will be travelling. If we want to expand the automobile industry, it is better that we do it so as to produce public carriers. Here then the priority is wrong, and on a wrong priority they have been moving forward.

Since there is not much time, I do not want to give the details of bank irregularities. The security aspect was completely overlooked. You are going to take up this undertaking and it is going to be located in the same place. So, I want to bring it to the notice of the House and particularly the Defence Ministry that on 20th January, 1969, the Defence Ministry requested the State Government to remove the unauthorised construction within one thousand yards of the ammunition depot at Gurgaon, which was also near the airport.

So, the security aspects were not followed, bank rules were not followed, all aspects were neglected. In the land acquisition, the Collector was unnecessarily allowed to act in haste, and as a result irregularities were committed. Not only irregularities, but distortions and repression in the raising of capital for Maruti. People were threatened that if they did not raise the capital, they would be detained under MISA. Those who asked for their deposit back were detained under MISA. I have no time to read out the list.

MR. SPEAKER: That has been raised so many times. State.

PROF. MADHU DANDAVATE: Almost all the important points that were raised yesterday regarding assets and liabilities, regarding illegality, regarding repression, regarding wrong policies and the new orientation being given to priorities have not been replied to.

13.00 hrs.

The priorities have been completely changed. When we want more power generation, when more allocations are required for the railways, we are giving priority to automobile industry when the developed countries even are not able to develop automobile industry in the manner in which they expect it. I am sure that the decision that they are taking is

politically motivated to suit only certain individuals and that is the reason why we are opposed to this take-over.

We have always believed that the public sector should reach commanding heights of our economy. Yesterday, while concluding his speech, Mr. Vithal Gadgil said, by taking over this concern, we will be paying the greatest tribute to the memory of late Shri Sanjay Gandhi. There can be better methods by which monuments of Shri Sanjay Gandhi can be erected. I must say that my hon. friend, Mr. Vithal Gadgil, did not remember the statement that was given by Shri Sanjay Gandhi during Emergency when he opposed the public sector and that it will not be a tribute to the memory of Shri Sanjay Gandhi but that is probably the destruction of the memory of Shri Sanjay Gandhi inadvertently.

With these words, I totally oppose it.

SHRI JAGDISH TYTLER (Delhi Sadar): It is a wrong quotation. Mr. Sanjay Gandhi wanted a healthy competition. He never opposed the public sector.

SHRI C. T. DHANDAPANI (Polachi): Mr. Speaker, Sir, I rise to support the Bill moved by the Government and oppose the resolution for its disapproval moved by Shri Satish Agarwal and others.

It has been stated here that just by taking over this unit, public money is being wasted on this unit. In this very House, we have seen many times, even during the days of Mrs. Indira Gandhi, that those who demanded the retention of privy purses at the cost of the Government exchequer also opposed this measure of taking over and, at the same time, those who were wedded to the idea of socialism also opposed this idea of

nationalising this industry. I do not know the logic behind this.

Many of the hon. Members yesterday quoted from the Gupta Commission's report. As far as the Commission is concerned, on any Commission being constituted against a particular person or on a particular issue, it is expected that the Commission will give a report according to the wishes of the Government. The Gupta Commission conducted these cases. At the same time, the Commission was not able to release its report through the Government. It is all the more shameful that the Commission was constituted by the then Government but the report was released by the party chief of the Janata Party. The hon. Minister, Mr. C. M. Stephen, when he was the Leader of the Opposition, strongly protested against the action of the party chief during those days.

Many points have been referred to here. It was said that, normally, a sick unit is being taken over by the Government under the principle of eminent domain. Many sick units have been taken over by Governments, both State and Centre. During the Janata period, right from 11-3-77 to 31-10-1979, 33 sick units have been taken over by Government. The simple reason was to provide employment and at the same time to increase production in all those factories. So, there is nothing wrong in taking over this Maruti unit by the Government. The only important thing in this matter is, not that the unit is being taken over by the Government, but the unit was run by Mr. Sanjay Gandhi, the son of the Prime Minister. Mr. Sanjay Gandhi, though he was the son of the Prime Minister, was passing through many hurdles; he had to go from office to office to get the permission in those days. Finally, the Government gave the letter of intent some time in 1980 to give a prototype of a passenger car

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for its testing. At the same time, he was able to procure the shares as well as other amenities by way of collecting funds from his friends as well as from his well-wishers. Government was very keen in those days to have passenger cars. That was the reason why this permission was given.

Similarly, permission was given to another company, a French company, that is Renault, in 1972 for manufacturing passenger cars, but the company from France did not proceed, the simple reason being that it involved a foreign exchange of Rs. 56 crores in those days. At the same time, the Opposition here in Parliament demanded a public sector passenger car unit; they did not want a private man, that too from a foreign country, to be handed over a project like this. So, Government dropped the idea of giving that project to Renault of France.

Much was talked about land and the assets. My friend, Mr. Jyotirmoy Bosu, is here. When I was a Member, in 1972, 297 acres were acquired at that time; a sum of about Rs. 40 to 45 lakhs was given. At that time Mr. Jyotirmoy Bosu, while putting forward his argument, used to say that the cost of the land per acre there was Rs. 60,000...

SHRI JYOTIRMOY BOSU (Diamond Harbour): Today it is Rs. 1½ lakhs.

SHRI C. P. DHANDAPANI: Yes, I also admit. In that case, the value of the land may come to Rs. 2 crores.

SHRI JYOTIRMOY BOSU: That was taken by robbing the poor kisans.

SHRI C. P. DHANDAPANI: As far as the assets are concerned, according to Mr. Jyotirmoy Bosu, the value of the land comes to about Rs. 2 crores.

So, with great difficulty, he got the land. The production of car in the public sector, not only now but even during the Janata regime, was accepted. The former Industries Minister, who spoke against the Bill yesterday, admitted that on 24th May, 1979:

"The Industry Minister decided that, rather than waiting for a Cabinet clearance for its proposal for public ownership of the industry, positive steps should be taken to rationalise the industry's operations...."

"Hindustan Motors' long-standing request for import of dyes was also cleared."

So, the Ministry was of the view that one lakh passenger cars could be produced. This was stated in the Indian Express. In those days, the Janata government itself wanted to produce one lakh passenger cars. It was a policy decision and it was accepted. But, at the same time, they invited many foreign companies and 4 to 5 companies made their offer. Instead of giving the permission and Letter of Intent or assistance to Indian companies, the Janata government invited foreigners; FIAT, FORD, RENAULT, BERLIT, PIGUOT, IVECO—all these giants were invited. The Ministry also gave permission for that. The report clearly says that the Janata government also wanted passenger cars to be produced for the common use.

Secondly, a word about prices. Prices are increasing nowadays. Some of my friends were talking here that this passenger car was not at all usefull considering the fact that many big automobile manufacturers are now closing their companies in other countries. Therefore, it is not necessary. But prices are going up nowadays. Even the Ambassador car costs about Rs. 60,000, so also the Fiat and the

middle class people are not in a position to purchase a car. So it is necessary to produce a car.

Another important question was also raised. What is the policy of the government for nationalisation? My hon. friend, Mr. George Fernandes raised it. I also wanted to ask him. What is the policy on this matter of this government or the earlier government? Because I had an interesting note about Gwalior Rayon.

13.14 hrs.

(MR. DEPUTY SPEAKER *in the Chair*)

Mr. Fernandes said that he would be nationalising Gwalior Rayon immediately. The simple reason was that the Gwalior Rayon violated some rules with regard to installed capacity. There was an exchange of letter between Gwalior Rayon and the government. On 5th May, 1979 the Industries Minister threatened whereas on 8th May 1979 the very same Minister, Mr. Fernandes has said: "This case of expansion was authorised, re-endorsed and no nationalisation at all."

This is the statement of Mr. Fernandes. I do not know what happened between the government and Mr. Birla, the owner of Gwalior Rayon in these three days...

MR. DEPUTY-SPEAKER: Please come to the last point. This discussion must be over by 2 O'clock.

SHRI INDRAJIT GUPTA (Basirhat): We began late.

MR. DEPUTY-SPEAKER: His party has been allotted 12 minutes and he has exceeded that time.

SHRI INDRAJIT GUPTA: It was on the assumption that he would begin at a certain time but we began late. We began half an hour late.

MR. DEPUTY-SPEAKER: All right, we can extend it by half an hour.

SHRI C. T. DHANDAPANI: Sir, after the ordinance was passed by the President, many companies are coming forward to have collaboration with the Maruti company. Even the French firms are ready to come forward to have collaboration with Maruti. In the same way, even the Soviet companies are ready to have collaboration with the Maruti. With the take-over of Maruti, the prospect of a manufacturing tie-up with the Soviet aided giant sector project has now become brighter. So it has a bright future.

Sir, before I conclude, I want to say something because the centre of attack of this Bill was one politician who unfortunately happened to be a son of the Prime Minister. That was the reason or else our friends would not have done so many things like this. My Sanjay Gandhi was the architect of this Maruti Company. He was not able to produce the car for various reasons. But that does not mean that he cheated the company. Many words were used here like robbery, looting, dacoit. Many words like that which are normally used in the streets were used against Prime Minister as well as against Mr. Sanjay Gandhi. At the same time, I would like to ask you. The main intention of Mr. Sanjay Gandhi was to produce cars, whereas the Opposition argued that the main intention of Mr. Sanjay Gandhi was to make money. Is it a commonsense? An average common man will think—is it not possible for the son of a Prime Minister to make money in other ways? Leave alone Maruti, he could have done it—when he has got that much influence, to get money from the banks and other places. Cannot he get money from somewhere else? He could have very well done it. So, Sir, these are all politically motivated. Therefore, I would like to say that it is wrong to say that Mr. Sanjay Gandhi started this Maruti Ltd. just to make money and cheat people. I want to say only.

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one thing. Mr. George Fernandes was the Minister of Industries. I want to ask him or his partymen because he is not present here. Normally, right from the British days, in the case of motor cycles, licences are issued to companies only for a certain horse-power. Suppose a particular company is given licence to produce 2 hp. or 3 hp. or 3.5 hp. motor cycles, another company will not get licence for that horse-power. Royal Enfield and Bullet Company were manufacturing 3.5 hp. motor cycles. The Rajdoot was being manufactured with 1.75 hp engine. But during the Janata party rule, the very same Minister, Mr. George Fernandes and his Ministry gave permission to the Rajdoot company to manufacture 3.5 hp motor cycles by getting Rs. 100 lakhs as a bribe. Even now I am ready to prove it. If the government is ready to appoint parliamentary committee, I am ready to prove it. Such persons only come forward here to attack Prime Minister and Mr. Sanjay Gandhi and this is going on since 1972 and there is nothing new in it. Everything is repetitive. Therefore, Sir, it is nothing but politically motivated.

What I want from the Minister is: collaboration is coming, kindly accommodate them to produce vehicles which could be available to the middle class people and the common man within the price he can afford.

By saying this, I support the Bill, Sir.

SHRI INDRAJIT GUPTA: Mr. Deputy-Speaker, Sir, now there is very limited time at our disposal, I shall try to be brief and try to avoid, as far as possible, repeating what the other Members have said.

Now, Sir, the principal question which has been raised by us at the introduction stage has not been

answered. What was the necessity, what was the urgency of bringing forward this Ordinance when Parliament was due to meet within a few weeks? This has not been replied to. We now find that the only reason given is that if it had been delayed, then, there was a possibility of the undertakings being broken up into smaller units and sold to third parties. (Interrupting) The only ground which has been brought forward for justifying this very urgent step of using the Presidential power of promulgating an Ordinance is not an ordinary matter as stated here in this statement explaining the circumstances necessitating the promulgation of the Ordinance unless they have withdrawn this—I do not know that, but it is stated here. The other argument given is that we need the valuable infrastructure for building a new factory and all that. That does not require an Ordinance at all. A modern automobile factory is not going to be put up in one day. Have they got the project report, have they prepared a detailed project report for a new automobile project? Kindly put it on the table of the House, how much it will cost, what will be the investment and where will you get your technical collaboration agreement etc. Have you done anything? No. Then why this need for an Ordinance urgently? They could have waited. The only argument given here is that since the order for winding up the company had already been passed by the High Court, there was a possibility of the undertakings being broken up into smaller units and sold to third parties. That is why they had to come forward with this Ordinance. I was waiting for some light to be thrown on this. The only light I have got is that a company called Delhi Automobiles Ltd. was out in the market trying to grab this Maruti. Now, I do not know the whole pedigree of the Delhi Automobiles Ltd. and all that. So far, I

am told, the owner of the Delhi Automobiles Ltd. is a person—he should tell us who he is—who was very much in the good books and in the favour of the ruling party till very recently, particularly, in the period of emergency. You will correct me if that person, that gentleman, is not Shri Sagar Suri. He is quite well-known.

PROF. MADHU DANDAVATE: You try to avoid the name.

SHRI INDRAJIT GUPTA: I say if I am wrong, you should correct me. I am not blaming Mr. Sagar Suri—I am not making any allegation against him. Why is it that this matter has become even more mysterious? Because, it is a question of one private enterprise passing into the hands of another private entrepreneur. This is nothing new. This is a law of the capitalist jungle. This happens everyday. Why was the government so much concerned? This was not a government factory or a government associated factory. Why was the government so much concerned about it? Even if Mr. Sagar Suri was to take it over, how does it bother them? There is something else behind it—I do not know—there is some domestic quarrel in the ruling party, I do not know what is behind this.

So, it is not as though because the manufacture of passenger cars has become such an urgent matter and the demand is not being met in this country, they must intervene immediately. That is not so. Figures have been quoted earlier to say that the demand in this country is less than the production capacity or production capacity is not keeping up with the demand. True. There are so many other industries which are lying closed. There is a very acute shortage and demand in this country. For example, for cement. For so many years together, the biggest cement

plant in this country—Alok Udyog of Jaipur—was lying closed. You never bothered to take it over. Cement is not available except in the black-market at present. In Haryana, in Dadri, Dalmia Cement Factory is lying closed since last March. Why they did not bother to take that over? So, why this argument at all for taking-over of the Maruti Ltd. By so doing, we are not assured at all that a very healthy and viable running factory for producing cars is going to emerge. That was one of the reasons why we wanted to go and visit that place. We said, let us at least see with our own eyes what is there, what is this valuable infrastructure. We wanted to see it. Is there a proper press for the bodies of the cars? Is there a proper assembly line? Is there a proper conveyor belt system? What are the tools and jigs and fixtures that are there? You lumped everything together under 'equipment and machinery' saying they are worth so much. But cars are not produced like that. That is why we wanted to have a look ...

MR. DEPUTY-SPEAKER: Mr. Indrajit Gupta): Why do you want their permission? You can yourself go and see.

SHRI INDRAJIT GUPTA: I will not be allowed to enter, Sir. I don't want to go and get beaten up ...

MR. DEPUTY-SPEAKER: It is a public company; you can go and see it.

SHRI INDRAJIT GUPTA: That is not allowed; you have to get permission. Anyway, the first thing that I am saying is this: The argument which has been advanced—namely, that because there is a very valuable asset (which all these years had failed to produce anything) it had to be taken over immediately; otherwise they cannot have the car factory in

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the public sector—this argument does not wash at all. The real reason is what they have said now that some other party was trying to grab it. That other party belongs to a gentleman and his friends who were very much in the good books of the ruling party not long ago. I don't want to mention any names; otherwise there will be a pandemonium in the House. This was a domestic quarrel. So this ordinance has been promulgated. No public purpose has been served by promulgating an ordinance in order to settle a domestic quarrel or to forestall some people whom they considered to be their rivals in this domestic quarrel as to who is going to grab Maruti. That is why I am saying 'domestic quarrel'. This is the most cynical step that has been taken, absolutely violating the very basis of President's right to promulgate ordinances. It is not meant for the private purposes at all. The learned Law Minister made a lot of play yesterday. He was entitled to because a question has been raised by so many people, this labyrinth regarding assets and liabilities and all that. One thing I could not understand. He tried to show that the figure of Rs. 4.3 crores is enough and is adequate to meet the liabilities under categories 1 to 4. He dismissed category 5; it does not count, he said. Categories 1 to 4 are mentioned in the schedule. He said all the liabilities of categories 1 to 4 would be met out of the amount. That is what he told us. If that is so then may I know why you have not put them into one single category, and say, it is so much? Why do you say in Clause 19 of the Bill, 'provided there is money left after paying the liabilities in category 1, then only demand of category 2 will be met'? Only after demands of category 2 are met, then only, the demands of category 3 will be met; otherwise not. If money gets exhausted in the earlier category the latter category will have to 'suck

their thumb'. But the Law Minister told us in so many words that this total amount which the House is being asked to vote is adequate to meet the liabilities of category 1, 2, 3 and 4. If that is so, why is not there only one single category saying so much has to be paid? What is the need at all to have 4 categories? Why do you say, category 2 will be satisfied only after liabilities of category 1 are paid? Similarly, all the way down. Please explain. I am not able to follow it. Then one great point which he made was about 'land' which had been given by the Government of Haryana. He said this had been 'grossly undervalued'. He gave some figure of Rs. 38 or Rs. 39 lakhs. I find this from the balance sheet of the company which were belated laid in the library of the House, relating to 1975-76. The company itself shows the value of the land as on 31-3-75 as Rs. 39,11,483. Later figures are not available; so I am helpless. What has the liquidator done? He has accepted this figure more or less. He accepted the undervaluation which was done by the company itself, by the Board itself, and put in the balance-sheet. It is printed there. Please consult it. The same figure has been accepted by the liquidator. Somebody said, the liquidator has gone and made a gross undervaluation. But he has only accepted the figure; why did he do it, I don't know. He accepted this figure which the company itself has put in its balance-sheet. I want to know whether it is, strictly speaking, a legal asset at all, because in the last balance-sheet also it is written under the foot-note that this land was not registered in the company's favour. Now, can it be a legal asset of the company?

SHRI RAM JETHMALANI (Bombay North West): How can it be?

SHRI INDRAJIT GUPTA: I am not a lawyer and I am not a Chartered

Accountant, you please explain this. This land was not registered up to the last date. I don't think it can be a legal asset at all apart from it being undervalued. Therefore, all these questions remain unanswered.

Now, Sir, the norms which have been followed in this country generally so far, other Members have referred to that, are that the case of take over or nationalisation of a company is governed by 5 or 6 considerations and I submit that not one of those considerations applies in the present case. The first one was mismanagement. If a company was grossly mis-managed, some times Government steps in and takes over and we also demand that it should be taken over. Will the Government admit that the Maruti Company is mis-managed? They won't admit it. Obviously it does not admit it. Therefore, that one does not apply. Secondly, that the threatened unemployment of a large number of people, to save them, take over or nationalisation is necessary. Now, how many people will be affected by the closure of Maruti Company? Here is a reply to a question in the House. It is an old question put and there was an answer to that. The figure given was about 500. I am against even if 5 people are thrown out. That is a different matter. But at least the figure of 500 people does not fall within this category of such a large number of people being threatened with unemployment that intervention is necessary by ordinance. The third criterion is: loss to a large number of shareholders. They say that they are not going to pay to any of the shareholders, in the cases where only shares were allotted but were not actually paid up. So, if you tell us about this, 988 shareholders are there, according to the data available. Out of these 988 shareholders, 52 of them have shares of one lakh and above. I do not know whether these

shares have only been allotted to the 52 parties or whether they are subscribed. That he should tell us. Among them are many top industrial concerns. I do not know why these industrialists came into this and staked their money. For business proposition or for something else? I think they have some business.

SHRI SOMNATH CHATTERJEE (Jadavpur): Very definitely, to save their 'gardhan' ...

SHRI INDRAJIT GUPTA: I am just mentioning some of them. J. K. Singhanias, Mohan Mekins Breweries... These are the people holding about one lakh shares. Bharat Steel Tubes, Pure Drinks—you know who they are—B. C. Jindal and Company and also Dharendra Brahmachari Aparna Ashram are all holding one lakh shares. (Interruptions) There are also two nationalised banks of this country who are shareholders. It is also alleged, I do not know whether it is a fact, that there at least 17 shareholders who are relatives of Mr. L. N. Misra and Mr. Jagannath Misra's family. I do not know whether it is a fact, he should tell us. Also there are some non-existing people in the shareholders list. That is what Gupta Enquiry Commission's report said. I put a question last time that the non-existence fictitious people were given shares. One of the Directors, Mr. Vidya Bhushan is holding 2.75 lakh worth of shares. So, these people, if they have been allotted shares, which have been subscribed or paid up, are they going to be paid? There is no break-up and we do not know anything about it. About that 20-year agreement between Maruti and Maruti Technical Services, it has been mentioned earlier, he should tell us if that 20-year agreement is going to continue after nationalisation. Then some guarantee amount of money is to be paid regularly to Maruti Technical Services which is owned and

[Shri Indrajit Gupta]

operated by a particular family. We want to know that. I find from the balance-sheet and the report of the Directors, signed by Mr. Chidambaram, Chairman of the Board of Directors at that time that the licensed capacity is 50,000 cars per annum. The installed capacity is described in the Directors' words as 'indeterminate'. What does it mean? I do not know. The actual production upto 31-3-1975 is nil. This is Mr. Chidambaram's report, not mine. Upto 31-3-1976, they say, cars : 21. I do not know where those cars went. Were they sold in the market? Then, bus bodies : 92. These are the figures that are available there. Certainly, this does not add up to a very impressive and viable infra-structure which has to be taken over so that cheap passenger cars will immediately begin to be pumped out from this factory. It is not so simple, everybody knows that.

In the figures given for the working results of this company, the total deficit for 1975-76 is Rs. 1,59,64,390. But this is also not a proper statement because no provision has been made in this for depreciation of the fixed assets. The arrears of depreciation on 31-3-1976 amount to Rs. 13,18,403. That has to be added up.

Now, all these things add up to something. One is that this unseemly haste in getting this ordinance promulgated was not for any public purpose whatsoever. The automobile policy is also very very relevant to this and a number of Members have spoken about this. Here, so many champions of the public sector have suddenly emerged. If you see the automobile policy that this Government has followed, broadly, it moved through three stages. At first, it was that the 'economy' car must be produced in the public sector with foreign colla-

boration. That was the line they were putting long before Mr. Sanjay Gandhi appeared on the scene. The second stage they came to say : No, we cannot set up in the public sector an economy car with foreign collaboration because with our present level of industrial development, it is very very difficult. The only possible thing is that the existing units, Hindustan Motors and Fiat people should be allowed to expand their capacity. That was the line which was followed for some time. Thirdly, when the Maruti project appeared, suddenly all this talk about public sector disappeared and we were told that the cars would be produced indigenously hundred percent in the private sector. The moment, misfortune has overtaken Mr. Sanjay Gandhi, we are coming back to this again that there must be a public sector factory producing passenger cars. What is their policy? I would like to know.

They are giving the highest priority to the manufacture of private cars. I am surprised that many members are supporting it. In our country you want to give top priority to private passenger cars when crores of people are not able to move about in our big cities because of lack of public transport. There is no public transport worth talking in this country. People are travelling by buses risking their lives and limbs. That is what should be given top priority. Instead of that, we are giving top priority to producing passenger cars which will never be priced less than fifty or sixty thousand rupees. How many persons in this country can afford that? Deliberately a confusing report has been put out.

I will conclude now by quoting from the report of the Board of Directors of 27th August, 1976.

"In view of the alarming situation in the automobile industry ..."

They are not saying in view of the promising rosy picture.

"In view of the alarming situation in the automobile industry, especially passenger car industry, and the Government policy to permit passenger car manufacturers to diversify their production ..."

Since passenger cars are facing a crisis all over the world, not only here, some time back the Government gave permission to passenger car manufacturers, Birlas and others to diversify their production.

"... the Board of Directors decided to diversify the product."

By diversification of product, they began building bus bodies. I do not know, how many bus bodies and road-rollers were built. Now, we are told that this step has been taken for this reason. I totally oppose this Bill, it is an absolute fraud on the presidential power of ordinance-making in this country. It is serving no public purpose whatsoever. If they want to set up a public sector car factory, I welcome it, but they must come forward with a proper project report and detailed scheme how they propose to do it. There is nothing like that. It does not exist at all. It is being done simply to forestall certain rivals of theirs within their own camp, who are engaged with them in a domestic quarrel and whom they do not want to grab that factory. So, they have taken this action.

श्री हरीश कुमार गंगवार (पीलीभीत) : मान्यवर, वैसे तो जितनी भी कम्पनियां बनायी जाती हैं उनमें काफी हिस्सा घोखाघड़ी का रहता है और यह केवल मारुति कम्पनी नहीं है जिसमें कि घोखादेही ज्यादा गुंजाइश के साथ की गई हो। और यह भी सही है कि देश के प्रधान मंत्री के पुत्र को भी कोई न कोई कार्य और व्यवसाय मिलना चाहिये और उसे भी अपनी जीविका का साधन अपनाने का पूरा

मौका मिलना चाहिये। परन्तु फिर भी जिस तरीके से यह मारुति लिमिटेड का प्रकरण है उससे यही कहा जा सकता है कि यह मारुति लिमिटेड के बजाय मारुति फ्राइ अनलिमिटेड है।

मैं यह बात आपके सामने रखना चाहता हूँ कि सरकार कार बनाये, सरकार और भी चीजें बनाती है, एक कार और बना लेती तो कोई दिक्कत नहीं हमको। अच्छा ही होगा। लेकिन क्या आज देश की स्थिति में कार को प्रायोरिटी देना ज्यादा उचित है? मोटर हमारे देश के लिए ज्यादा उपयोगी है या दूसरी चीजें ज्यादा उपयोगी हैं? यह भी एक बड़ा भारी प्रश्न है। और यह कार बनाने का काम अपने हाथ में सरकार ने लिया है, मैं कहना चाहता हूँ कि यह सरकार का किसान विरोधी कदम है, यह 80 प्रतिशत जनता जो गांवों में रहती है उसके विरोध में है। यह 500 करोड़ रु० अगर मोटर के बजाय गांवों में सड़कें पहुँचाने में लगाते तो 50,000 किलोमीटर पक्की सड़कें बनतीं। और 5 लाख किलोमीटर कच्ची सड़कें बनती, जिनसे आगामी 5,7 वर्ष के अन्दर हमारा हर गांव सड़क से जुड़ जाता। अभी हम कहते हैं कि ढाई करोड़ रुपया ही खर्च होगा, ढाई करोड़ रुपये की रेलवे लाइन नहीं डाली जा सकती, क्योंकि पैसा नहीं है। यह 500 करोड़ रुपया क्या आपने बजट में रखा है? यह कहां से लाएंगे, कौन-सी योजना काटेंगे, इसका हवाला आपने नहीं दिया। आप इतने बड़े डिक्टेटर हैं कि चाहे जो काम हाथ में उठ लेंगे, उसको बतायेंगे नहीं, उसकी उपरेखा भी नहीं देंगे और 5 अरब रुपये एक प्रोजेक्ट में लगायेंगे। 5 बरस के बाद यह रुपया 1 हजार करोड़ में परिवर्तित हो जायेगा।

इस तरह से जो हिन्दुस्तान के लोगों की जरूरियात हैं, प्रथम आवश्यकताएं हैं, उनकी पूर्ति न करके आप बड़े लोगों की आवश्यकताओं

[श्री हरिश्चंद्र कुमार गंगवार]

की पूर्ति कर रहे हैं और उसी का साधन बना रहे हैं।

इस मारुति लिमिटेड का दिवाला निकलने की नौबत क्यों आई? क्यों निकला इसका दिवाला इतना पैसा मिलने के बाद, सब तरफ से पैसा खींचने के बाद, भीसा में धमकी देने के बाद, मुफ्त में जमीन लेने के बाद और जिसका आज तक आपने पैसा नहीं दिया हरियाणा सरकार को? इसमें इतना सब कुछ छल-फरेब किया गया। आज भी अगर कोई प्राइवेट कंपनी जमीन को अधिग्रहीत कराती है तो उससे एक्वीजिशन का पैसा पहले जमा करा लिया जाता है। इसमें किशतों के द्वारा पैसा लेना था और वह किशतें भी बाद में नहीं दी गईं। इसमें कैसे यह दिवाला निकलने की नौबत आई?

इसमें मैनेजिंग डायरेक्टर्स बनाये गये। एक मैनेजिंग डायरेक्टर सुपुत्र और एक मैनेजिंग डायरेक्टर बड़े सुपुत्र की बहु। दोनों की तनख-वाहें क्या थीं? एक की 4 हजार रुपये महीना और दूसरे की दो हजार रुपये महीना। एक को बोनस मिलेगा 2 परसेंट, उसके साथ कार फ्री, क्लबों में जाने की फीस भी वही कंपनी देगी। बोनस मिलेगा, मैडिकल एड मिलेगी, यह सब मिलाकर एक को महीने में 10,000 रुपये और और दोनों को 20 हजार। अब 20,000 रुपये महीना अगर 2 मैनेजिंग डायरेक्टर्स खा लें एक कंपनी का तो उसका ठिकाना कहां रहेगा, जब कि प्रोडक्शन उस कंपनी की निल है?

अभी रिपोर्ट में बताया गया कि कैसे लोग चीट किये गये। हर दफे कहा गया कि कार बनाई जा रही है। 1972 से लेकर 1975 तक डीलर्स को यह लिखा जाता रहा कि कार आपके यहां जनवरी में पहुंच जायेगी, जनवरी में कहा गया कि फरवरी में पहुंच जायेगी, फिर मार्च में पहुंच जायेगी, फिर कहा कि हम 75

के आखिर में 10 हजार कार बना रहे हैं, आप जो रूम बनाइये। कुछ को कहा कि आप जो रूम नहीं बना रहे हैं, इसलिये कार नहीं दे रहे हैं। इस तरीके से यह क्लियर चीटिंग का मामला था। अगर इसमें प्रधान मंत्री का पुत्र न होता तो 50 हजार मुकद्दमें चला दिये गये होते इस मारुति प्रकरण में।

अब यह हो सकता है कि बंसीलाल जी ने, जो उस समय मुख्यमंत्री थे, उन्होंने जमीन दिला दी क्योंकि उनके खिलाफ आरोप-पत्र आ गये थे, जैसे ही उन्होंने जमीन दिलाई, वैसे ही बंसीलाल जी के आरोप-पत्र रद्दी की टोकरी में चले गये।

आप 3 पहियों की गाड़ी भी नहीं बना पाये।

MR. DEPUTY-SPEAKER: Your Party has been allotted six minutes. I am giving you ten minutes. Come out with new points. Why are you going on repeating?

श्री हरिश्चंद्र कुमार गंगवार : आन्ध्र प्रदेश की एक फैक्टरी इतने वरसों में कुछ न कुछ कर के तीन पहियों की "बादल" गाड़ी निकाल पाई है! लेकिन मारुति लिमिटेड करोड़ों रुपये ले कर भी तीन पहियों की भी मोटर-गाड़ी नहीं निकाल पाई। यह उनका काम है। अब दुकान खाली है। वहां माल विल्कुल नहीं है और उसके पैसे दिये जा रहे हैं। पैसे काहे के दिए जा रहे हैं? सब से ज्यादा कीमत मशीनरी और जमीन की लगाई गई है। मशीनरी पर इन तीन सालों में जंग लग गया है, लेकिन जो किताब की वैल्यू है, वह सरकार ने लगा दी है। अगर वह उसको ओपन मार्केट में नीलाम करे, तो क्या कीमत मिलेगी? मशीनरी काम की नहीं है और जमीन आपके काम नहीं है। सरकार किस बात का पैसा दे रही है, कुछ समय में नहीं आ रहा है।

कल कानून मंत्री ने बड़े जोर से बकालत की और लोगों ने सोचा कि बहुत अच्छा बोल रहे हैं, हमारा सब केस क्लैरिफाई हो गया है। मैं कहना चाहता हूँ कि लिक्विडेशन प्रोसीडिंग्स भी मिल कर कराई गई है—सागर सूरी से मिल कर कराई गई है। और सागर सूरी से वह दरख्वास्त भी मिल कर दिलाई गई है, जिसमें मार्केट वैल्यू दी गई है, ताकि सरकार उसी हिसाब से अपना केस बना कर अधिग्रहण कर ले और मुआवजा लगा ले।

मैं पार्लियामेंट में पहली बार आया हूँ, लेकिन इससे पहले यू० पी० विधान सभा का दो तीन बार मेम्बर रहा हूँ। मैंने हमेशा यह सुना, सोचा, समझा और पढ़ा है कि सदन में जजों के आचरण के सम्बन्ध में कोई आक्षेप-युक्त बात नहीं कहनी चाहिए। मेरा खयाल है कि कानून मंत्री वकील रहे हैं। वह अदालतों में तो हमेशा "हुजूर, हुजूर," कहते रहे होंगे। यह पार्लियामेंट, यह लोक सभा, ही उन्हें एक ऐसी जगह मिल गई है, जहां जजों को चाहे जो कुछ कह दें, उन्हें अपमानित और बेइज्जत कर दें। जुडिशरी को अपमानित करने का इस तरह का ढंग, और वह भी कानून मंत्री के जरिये, मेरी समझ में नहीं आया है। आज तक ऐसा नहीं हुआ है। वह जजों को अपमानित कर रहे हैं, कमीशन को घृणा की दृष्टि से देख रहे हैं।

MR. DEPUTY-SPEAKER: Mr. Gangwar, I don't think what you say is correct. He has not made any derogatory remark against the Judges.

श्री हरिश्चंद्र कुमार गंगवार : कमीशन के बारे में उन्होंने कहा। गुप्ता कमीशन का जो जज है, वह आज भी सुप्रीम कोर्ट का सिटिंग जज है। अगर वह कमीशन

के बारे में इस तरह के रिमार्क्स को उचित समझते हैं, तो कांग्रेस गवर्नमेंट जो कमीशन बिठायेगी, क्या उनके बारे में भी उनकी यही राय होगी ?

जिन छोटे-छोटे कास्तकारों की जमीन ली गई और मुआवजा नहीं दिया गया है, उन बेचारों का क्या होगा ? इसमें खाली वही जमीन नहीं है, जो डिफ़स डिपार्टमेंट की थी, और लोगों की भी थी। लेकिन जो छोटे-छोटे कास्तकार हैं, उनका क्या होगा ? मारुति लिमिटेड के नाम पर वहां कोई जमीन नहीं है। सरकार उन लोगों को कैसा मुआवजा देगी ?

एक ताज महल बनाया जाहजदां ने। मारुति कौन थी, मैं कहना नहीं चाहता हूँ। उस मारुति के लिए मपनों का ताज महल यहां बना। मारुति अब कहां है, संसार जानता है। लेकिन हमारी यह सरकार एक बड़ा भारी ताज महल उन दोनों की याद में बनवाना चाहती है, जिसको देखने का टिकट लगेगा, लेकिन जिसमें प्रोडक्शन, उत्पादन, कुछ नहीं होगा। उसकी ब्यूटी देखी जायेगी और कुछ होगा नहीं। इस से अधिक अच्छी जगह आप को मिल सकती थी अगर कार बनाने के लिए चाहिए थी। लेकिन कुछ लोगों को लाभ पहुंचाने के लिए यह किया गया है और यह सरकार के नाम पर एक कलंक रहेगा। . . (व्यवधान) . . . जो कुछ आप दे रहे हैं वह चला जा रहा है।

मैं यह कह रहा था कि बहुत से लोग आप को जमीन दे सकते थे इस काम के लिए। अन्त में मैं सिर्फ यह कहना चाहता हूँ कि अमेरिका के वाटरगेट कांड की तरह . . .

MR. DEPUTY-SPEAKER: Please do not go to America; it is very difficult to come back.

श्री हरीश कुमार गंगवार : इस मारुति को इंडिया का वाटरगेट मत बनाइए । इतना ही कह कर मैं अपनी बात समाप्त करता हूँ ।

SHRI A. K. ROY (Dhanbad): We have got the misfortune of suffering successive hazards of various ordinances in this winter session. I feel this is the worst session we are facing. 13 October was really unlucky 13. After NSO this Bill should be called MASO, Maruti Security Ordinance; it is nothing but that. The Bill seeks to ensure the security of Maruti. There are constitutional, legal and technical experts within this House who could drive Maruti within this House in the last ten years but then Maruti moved only within the House, never outside. There are some constitutional, technical and legal experts who knew how to put a brake on Maruti since 1968 when licence was applied for.

The National Security Act which we passed just now highlighted the question, the attitude of the government; the Maruti "Security" Bill which we are now considering questions the integrity of the government. I never thought that this government would come up with this Bill. I knew the Congress people; they used to be intelligent people; they knew how to do unfair things in a fair way; unlike parties like Janata, they are not fools. I thought they would not be coming with this Bill but they have come. I would like to appeal to Congress Party because it questions their integrity. I have a strong feeling that had Nehru been alive, he would not have allowed Maruti to come up. That is my feeling. This is debasement of Indian politics. Hon. friends argued all aspects of legal, constitutional and technical matters, they said how it was a fraud on the country. It is a moral issue.

Maruti is not an industry; Maruti is politics, most cancerous politics in our body politic. It is a disease. Maruti symbolises the worst disease in our body politic, that is the 'son disease'; it is the symbol of son disease. I say they have got every right to be autocrats and we have got every right to pull them down. But they have no right to get degenerated. You know degeneration in politics is infectious.

14.00 hrs.

That infection does not remain confined to the treasury benches, it infects us also. I tell the Government, you have no right to corrupt you and corrupt us and corrupt the country. Our Law Minister yesterday gave a seemingly convincing speech. In our courts, we used to have two types of lawyers. One type of lawyers we engage in bail matters. They used to bail us out. Another type of lawyers, we engage for acquittal. Yesterday when I heard our Law Minister, I found he was used to bail the Ministry out and not for acquittal. He could not explain any of the basic things pointed out by the opposition, how it was justified that an investment and acquiring property of Rs. 6 crores, if I take their version, would help us to start an undertaking of Rs. 500 crores, how it is being established that manufacture of passenger cars comes within our priority, in a country where still more than 50 per cent live below the poverty line—he could not explain these things. He said, Delhi Automobiles had started liquidation proceedings and the case would be heard on 17th. He could not explain how he could presume what decision the Punjab High Court would give. He could not explain why it was necessary to incorporate that particular section whereby total compensation has to be given within one month, before Parliament sits, whether that is also part of the thing for which Delhi Automobiles have gone to the Punjab High Court. He could not justify,

how it became necessary. He could not justify the creation of Maruti. He could only try to justify the cremation of Maruti, how *bona fide* they are making the cremation. So far as the House is concerned, if Maruti is good, it should be retained; its remains should be retained. In that case, we are ready to pay even more. Instead of Rs. 4 crores, we can pay Rs. 8 crores, if it symbolises anything good.

MR. DEPUTY-SPEAKER: You are sanctioning Rs. 8 crores?

SHRI A. K. ROY: Yes; Rs. 4 crores more than what is provided here, if it symbolises something good. But if it symbolises something evil, something cancerous, it should be allowed to die a silent death. This is what I feel. Maruti represents lack of our character...

MR. DEPUTY-SPEAKER: When people die, they become silent. What is silent death?

SHRI A. K. ROY: When people die, they become silent, but those who remain start shouting. We want that it has died and it would remain silent and others also should remain silent. That is what I mean by silent death.

People have come out with all those things—Industries Development and Regulation Act, sections 18A, 18AA etc. and how it has relation to sections 15, 16 etc. I do not want to go into all those details, as to how they are circumventing the law. Legal and technical experts are there; they will come out with that. I only want to emphasise the morality aspect. It is the morality of the Government which is now in question. Otherwise nobody would have questioned the acquisition of this undertaking. In this Parliament itself, we are having so many Bills. On each and every Bill the Opposition are supporting the take-over of the management by the Government. The Minister has said that while they are becoming the champion of socialism, we are oppos-

ing the take-over. If they are serious about nationalisation of automobile companies, there is the Premier Automobile Company in Bombay where the public financial institutions have got 35 per cent share. It is not working; it is mis-managed. There is workers' unrest. Is the Government prepared to nationalise it? They have said that they are against anti-monopolists. Have you got the courage to touch the TELCO or the Hindustan Motors, which are producing below capacity? They have got no courage. The total capacity of automobile industry in the country is more than 50,000 but we are producing only 30,000. Can he touch any of these big monopolists so that the total capacity could be utilised? No.

I oppose this Bill because it was not only unnecessary but it is acquiring a non-existent undertaking, some invisible workers and everything that could not be seen.

Not only that, I would like to add a few words. Although they have got no respect for the Commissions, yet I say that if there is any respectable Commission which has come out with a good report, it is the Gupta Commission. I have got no illusion about the Indian judiciary. I know what they are. I know that the judges are also not above class politics. But if there is any objective observation, that is from the Gupta Commission. I would conclude by reading some excerpts from the Gupta Commission's Report.

"The affairs of the Maruti concern appear to have brought about a decline in the integrity of public life and sullied the points of administration. Legal and other requirements were brushed aside and accepted norms of behaviour were forgotten. There was an atmosphere of fear then prevailing. And the fear was real."

Now, we are going to nationalise this fear.

[Shri A. K. Roy]

We read in our childhood that when money is lost, nothing is lost, when health is lost, something is lost but when character is lost, everything is lost. We are not only losing Rs. 4 crores of money, it is nothing, not only we are witnessing a total degeneration of ruling party—something is lost—but today with the passage of this Bill we will reach the last stage, the character would be lost.

श्री जयपाल सिंह कश्यप (भाबला) : माननीय उपाध्यक्ष महोदय, भारत की जनता के कोष से एक सड़ी हुई मछली एक सुन्दर से डिब्बे में बन्द कर के इस देश की सरकार ने द्वारा सरकारी धन से खरीदी जा रही है और हम देश की जनता को सड़ी हुई मछली को खरीदने के लिए और इसे जिन्दा करने के लिए मजबूर किया जा रहा है और इस के लिए सरकार की तरफ से यह बिल आया है, जिस बिल की तरफ पूरे देश की निगाहें लगी हुई हैं।

इस मारुति कम्पनी पर आज ही नहीं मार हो रही है बल्कि बहुत समय पहले से स के बारे में लोग कहते रहे हैं। इस कम्पनी का नाम 'मारुति' नहीं बल्कि 'मां-रोती' होना चाहिए। इस देश के लोग वर्षों से यह सोच रहे थे कि एक छोटी कार के दर्शन होंगे। सन् 1972 में इस कार की एक नुमाइश लगी थी और उसमें यह दिखाया गया था कि इस देश के सभ्राट इस कार को बना रहे हैं और देश के लोग इस में बैठेंगे और यह छोटी कार सस्ते पैसों में मिलेगी। कार के तो आज तक दर्शन नहीं हो पाये लेकिन इस नाटक का पर्दा बार बार इस देश में मारुति कम्पनी को ले कर उठता और गिरता है और नये नये दृश्य दिखाई दे रहे हैं। देश के लोग भीचकते हैं कि क्या हो रहा है? सैकड़ों किसानों की धरती ले कर के, उन को बेदखल

कर के वहां पर कबाड कम्पनी बना दी जो कि कुछ न बना पाई और अब कहा जा रहा है कि इसका राष्ट्रीयकरण कर के देश का हित होगा, देश का बहुत कुछ होगा।

इस कम्पनी का बनना, इसका संचालन धोखा रहा है। राष्ट्रीयकरण उसका सब से बड़ा फ़ाड़ है जो कि इस देश के लोगों के साथ किया जा रहा है। करोड़ों रुपये से ले कर अरबों रुपये तक खर्च किये जायेंगे जिनके लिए पूरे देश को सफाई चाहिए क्योंकि इस देश में जो सत्ता में बैठे हुए लोग हैं, जो जिम्मेदार लोग हैं, जो इस देश की सत्ता पर सब से ऊंचे पदों पर बैठे हैं उन पर सारे देश के लोगों की निगाहें हैं। आज जो लोग सत्ता में बैठे हैं, सर्वोच्च पदों पर बैठे हैं उनकी नीयत पर बाहर के लोगों को इस विल से संदेह हो रहा है। अच्छा तो यह होता कि जिन लोगों ने अब तक धोखा दिया, जिनकी बजह से देश को दसियों साल तक धोखा मिला है, क्योंकि लोगों को कार नहीं मिल पाई, बहुत से लोग यह कार बनाने को तैयार थे, उनको मौका नहीं दिया गया और उन लोगों को मौका दिया गया जिन्होंने उस समय भी सत्ता का दुरुपयोग किया था और आज भी सत्ता का दुरुपयोग किया जा रहा है, जिन लोगों ने इस सब में दुरुपयोग किया, जिन्होंने इस कम्पनी का तमाशा कर के सब कुछ कुकर्म किये, उनका प्रोसीक्यूशन होना चाहिए था, उन पर मुकद्दमा चलना चाहिए था ताकि सारे लोगों को पता लगता। यह सही है कि हमारे सामने कमीशन की रिपोर्ट है जिसको बेशक हम इकतरफा कह दें लेकिन उसका बायकाट किया गया।

लेकिन फिर भी उस कमीशन की रिपोर्ट से जो तथ्य सामने आये, अच्छा तो यह होता कि वह सारी ज़मीन जिसका

SHRI BIRENDRA SINGH RAO:

The price of onions now is much high—about three times the price that the farmers got during the regime which was probably being supported by you also.

SHRI JYOTIRMOY BASU: Where were you? (Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur): It is a very serious matter and the hon. Minister is taking it so lightly.

SHRI BIRENDRA SINGH RAO:

I am taking it lightly because I am happy that I am able to do my duty towards the farmers, as a Minister representing the farmers in this Government. But you have got no responsibility. Therefore, you can take it lightly and you can play with the farmers.

The price of onion in Maharashtra is Rs. 50 on an average, per quintal, in Andhra Pradesh—Rs. 75 and in Bihar—Rs. 65 per quintal. At present, the Government has been purchasing for export as a commercial operation. But if need be, when we see that the prices of onions are going down and there is no purchase of onion in Maharashtra and Gujarat—these are the two States where the onion crop probably is more than the local consumption—both the NAFED and the Maharashtra Government are prepared to start operations as a support measure.

Potatoes are also selling at a good price. In Bombay, potatoes are selling at Rs. 205 per quintal, in Patna—Rs. 150 and in Farukabad—above Rs. 125. Remember, last time, it was Rs. 15 in Farukabad for a bag of potatoes. In Kanpur, it is selling around Rs. 150 and in Delhi, the price is around Rs. 155.

You know the prices of paddy that we have fixed. You know the fast rate of procurement of paddy at present. We hope that with the measures that the Government is taking the far-

mers are fully satisfied. The Prime Minister has asked the Chief Ministers that if there are any genuine grievances of the farmers, look into them sympathetically and talk to the Central Government. The Prime Minister is always worried about the welfare of the farmers as has been seen from the policies her Government has pursued ever since this Government took office in January. (Interruptions)

SHRI BIJU PATNAIK (Kendrapara): If the farmers are satisfied, then why this agitation?

SHRI BIRENDRA SINGH RAO: If Mr. Patnaik is not satisfied and if certain... (Interruptions).

श्री मनीराम बागड़ी (हिसार) :
अध्यक्ष जी, .. (व्यवधान) ...

श्री बंरेद्र सिंह राव : बागड़ी जी, आपका तो फार्मर्स से कोई ताल्लुक रहा नहीं, आप तो बड़े लीडर हो गए हैं ।

श्री मनीराम बागड़ी : हम तुम्हारी तरह छोटे नहीं हैं, बड़े थे और बड़े हैं ।

SHRI BIJU PATNAIK: You are looking after the farmers by shooting them down.

SHRI BIRENDRA SINGH RAO: We want no repression against farmers. We also want that the farmers should not resort to violence. We do not like the path of violence. If the farmers are being misled by certain political leaders, I only feel sorry for the farmers. As a sincere friend of the farmers, I would only advise them to recognise their true friends in us and not the people who are exploiting them.

श्री राजेन्द्र प्रसाद यादव (मधेपुरा) : अध्यक्ष जी, हिन्दुस्तान किसानों का देश है और यहाँ की 90 प्रतिशत जनता खेती पर या उससे संबंधित कार्यों पर निर्भर करती है । इसलिए मैं कहना

[Shri Chitta Basu]

should learn the history. (*Interruptions*) You want to know that story, but time does not permit me to tell. It was only to satisfy the interest of an individual that this policy of the Government was reversed and licence was given to Maruti Limited. You should know that. Now, the question of nationalisation has come in. May I put this question: When and how the priority has been determined? With the automobile industry today at this present level of industrial development and with the requirement of other needs of the country, social needs, whether the automobile industry should enjoy the topmost priority at this present stage of industrial development and having regard to other economic situations in our country? Who is to determine it? Is it the Planning Commission? No. Sir, I want to give one illustration. No priority is determined or no priority is given to any public sector project unless it is processed by the Planning Commission. For example, for West Bengal Haldia Chemical project is hanging fire for more than 3 years. I mention only one. Now, it has been said by the Government that after so much of examination, examination of location, examination of feasibility report, how it has been referred to the Planning Commission and that project cannot be cleared unless it is cleared by the Planning Commission. Sir, for a project of this nature, namely, to have a car project with an estimated investment of Rs. 500 crores based on collaboration with foreign parties, has any project report or feasibility report been ever prepared? Has it been examined by the Company Affairs or has it been examined by the Ministry of Industry, or has it been cleared by the Planning Commission? Sir, the answer is 'No'. This procedure has not been followed. Why have you decided upon priority for automobiles? Why not for fertilisers, why not for a super thermal plant, why not

for a power plant, why for a project to manufacture cars? Therefore, it is arbitrary. They have not followed the set procedure. This has brought about distortions in the economic policy of the Government. This is more important than anything else.

Everybody will agree with me that every project report is preceded by a location survey report. I want a public sector project for the manufacture of cars, but why is it at Gurgaon, why not at Durgapur, why not at Avadi, why not at Bangalore? Who has determined the location site?

AN HON. MEMBER: It is Bansi Lal.

SHRI CHITTA BASU: If it is Bansi Lal, then God help the nation.

That process of location survey has not been undertaken. Therefore, it has not also followed the specific procedure.

A question has been raised regarding the availability and the value of the land. Some Member opposite made out a point that the valuation of the land that Maruti now possesses, illegally or legally, I am not going into the aspect...

SHRI SOMNATH CHATTERJEE: You can assume illegally unless proved to the contrary.

SHRI CHITTA BASU: The evaluation of the land is the main consideration, the asset of land is the main consideration. In my constituency I have got a closed industry, an engineering industry in non-ferrous metals.

SHRI SOMNATH CHATTERJEE: Have you got a viability report? If you have got a viability report, that will not be taken over.

SHRI CHITTA BASU: The company is in possession of a large area of land. Does possession of a large area of land as an asset qualify a

factory or a unit to be taken over by the Government?

SHRI SOMNATH CHATTERJEE: That land belongs to the company, which is not the case here.

SHRI CHITTA BASU: That particular company has got the land in legal possession. It has got 230 acres of land in its legal possession. Is that the only qualification? Does this single fact qualify it for being taken over? If so, why is this yardstick not applied to other units all over the country? The answer is no. Had the Government attitude been not *maia fide* but *bona fide*, they could have requisitioned the land under the existing laws of the land and then set up another company there, even this car factory itself, in that land. Why have they circumvented that law itself? Why was the land not acquired again?

As I mentioned earlier, there is a set procedure laid down under the Industries (Development and Regulation) Act. It has been made clear abundantly clear, by many Members of this House, particularly by my esteemed friend Mr. Jethmalani. Why have they circumvented the law? Does Maruti enjoy a status above the existing law of the land? Is it something superhuman? Why should not Maruti be subjected to the existing law of the land?

It is a deliberate attempt by the thinnest clique in the ruling party—I do not say, the entire ruling party, the ruling party should know about it—and that clique in the ruling party is out to subvert the law of the land, to subvert the Constitution of our country and to use the facade of “public interest” to subserve the interest of an individual supported by a clique and a coterie in the ruling party. Would the members of the ruling party not rise above the thinnest possible clique in the ruling party? Have they mortgaged their conscience to that coterie? I think,

they should rise above that coterie and see that the Government's economic policy continues in the right direction and that the laws of the land are implemented and respected by all irrespective of anybody.

Lastly, let us know what we are going to take over. What is Maruti which is going to be taken over?

MR. DEPUTY-SPEAKER: Till now, it has not been discussed in the House?

SHRI CHITTA BASU: Sir, in the Gupta Commission's report, there is a suggestion made which I would like to read out for their benefit. I quote:

“The Commission suggests that if a joint and coordinated examination of the records of the Maruti Company is done by the Department of Revenue and Company Affairs and their books of accounts are audited by a special team, many more irregularities are likely to come to light.”

Many irregularities have been already exposed. Many things have also been concealed. But many more things can also be exposed if there is another special team appointed to go into the affairs of Maruti. Before taking it over, may I know from the hon. Minister whether they would constitute such a team of experts or investigators to go into the affairs of Maruti, even at this late state?

In conclusion, I say, I am totally opposed to this Bill. This Bill is nothing but a sinister attempt at converting a private inability into a public liability. It subserves the interest of the thinnest clique in the ruling party. It is a despicable record of the arbitrariness and non-compliance of the laws of the land. This is bad from the point of view of law; it is immoral; it is an abuse of the parliamentary majority. Therefore, I hope, even at this last stage, the good sense will dawn on them and they

[Shri Chitta Basu]

will fight against the clique and sub-serve the interest of the nation as a whole.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): Mr. Deputy-Speaker, Sir, I would not at all like to use the language which the hon. Members on the other side have been using because, probably, they are left with that only. As far as the argument part of it is concerned, I will take up the main issues raised by them yesterday and today.

The first thing and the most important thing is about the automobile industry. Most of the friends on the other side have been trying to keep the automobile industry either in beautiful cars or just beautiful jargons that they had coined. The automobile industry in the country and the policy of developing the automobile industry in the country is not the outcome of *ad hoc*-ism at all. I would tell you. I could read out the statements, etc., of people who made comments, not knowing that they were only contradicting themselves in the past.

We have not deviated at all from our industrial policy and from our economic policy. We have taken this decision in view of the industrial policy of ours, not only of today but the industrial policy of the Government of India headed by the Congress (I) Party and the Congress Party. My friends on the other side have quoted many instances of that. I only take them as they are. But the most important thing that we have talked about today in respect of industry and industrial development is this: in this age of modernisation where we live—this is, in fact, indicated in para 24 of the Industrial Policy Statement made by me on the 23rd July, 1960—what is important is advancement of technology. We want the industry to

get rid of obsolescence because we want the industry of our country to live for tomorrows to come; we do not want the industry to live in yesterdays. For that, it is not only...

SHRI JYOTIRMOY BOSU: What about unutilised capacity of the existing units?

SHRI CHARANJIT CHANANA: I will come to each and every point of yours. I am just starting with the basic thing so that you might ultimately realise where you had said and where your Party had said. Those people who are today deviationists still reflect, according to you, the redness; may be, you call them more leftist or less leftist, I do not know; I would come to those things later.

Let me, first of all, talk about the main issues which I want the Opposition Parties and the House to know.

For the industry to live today, it has not only to get rid of obsolescence, you have also to update the technology for the tomorrows to come. It is very essential. Mr. Jyotirmoy Bosu should only think of his own concepts of modernisation which his mother countries have been talking about or his father countries have been talking about. I am talking of the advancement of technology that we have talked about. We have also talked about transfer of technology.

As far as the automobile industry in the country is concerned, the automobile industry in the country is obsolete and has refused to grow up in the last few decades. This is not only the statement of our Governments but this has also been the statement of Mr. George Fernandes. I only want him to know that what he had been saying, may be he had stolen the same lines from our earlier statements. But he has found it convenient to abstain himself. I do not know whether I should call it abstaining or whether he has absconded as he did during

the last time also; at that time also, Mr. Deputy-Speaker, Sir, through your goodself, I wanted the hon. Member to behave himself, to have the patience and the guts to sit here and listen to what we had to say.

When we talk of the automobile industry, one is updating of the industry; the other is the special things relating to the automobile industry. The automobile industry is within the protected tariff walls today. If somebody asks me as to what is the position of the automobile industry, I would say that it is not zero, it is below zero. We have said in our industrial policy also that one particular excuse that the industry gave, within the protected tariff walls, was that the domestic demand was not enough for them to change their dyes. So, we did make a mention of the transfer of technology and advancement of technology in our industrial policy and said that it would not only be the domestic market which would determine the size of the industry; we said, "If you believe that you cannot avail of the economies of the scale which large units do, try to produce things which have international market orientation, so that your domestic demand is not limited to 'X' number of products which you are making". It is not only the product; we would like them to change even the product mix also. International market orientation is a must now.

Mr. Unnikrishnan, for example, said something yesterday. I would like to fit in the whole thing. The hon. Member gave half a statement and went away. May be, that is his technique. Mr. Deputy-Speaker, Sir, I would appeal through you that, while we are talking of updating the technology, my friends on the other side must also make an effort to update the technology of filibustering also. That is also very essential. He talked of and to-day also members talked about the closure of automobile units in West Europe and in America. They must

try to understand why that is happening. That is happening because of the cost of production, the hyper-inflation created by the oil crisis and many other reasons including the high labour costs. All this has in fact put their survival to-day in danger and they cannot stand the competition of countries like Japan and South Korea.

Now, for their survival these countries are realising—you must understand; and if you know the international market situation—the only way out for them is to resort to and an economic participation with such countries which have mainly two benefits: one is the benefit of low cost and the other is the benefit of an infra-structure which has the capacity to absorb the latest technology. India is one of the rare countries which give them both these benefits and for that very reason, these countries are coming to us for economic participation. That is one thing why my friends talk of as a thing which appeared fiction to them because they shudder realities. It is not the export commitment, it is the exports for them for which they come and they give you export commitment. It is a simple matter of economics, of the law of supply and demand. With a low cost of production and a cheaper cost of the capacity to absorb the technology, the only countries which can give them that benefit are the developing countries like India...

PROF. MADHU DANDAVATE: Are there no oil constraints in our country?

SHRI CHARANJIT CHANANA: Prof. Dandavate has put a very interesting question. You only saw to the oil constraints. I have told you the two factors. One factor is the benefit of the low labour cost and the other is the capacity to absorb. (Interruptions) Kindly listen to me..:

SHRI INDRAJIT GUPTA: Our capitalist in this country is complaining all the time that the wages are too high.

SHRI CHARANJIT CHANANA: I am glad that Mr. Gupta is taking on behalf of the capitalists. Earlier also he was talking on behalf of the capitalists.

The process of transferring the technology now has undergone a change. In view of the difficulties being faced by the industry in the West, the process of transfer of technology also has undergone a change. There was a time when transfer of technology was used by the developed world as a nomenclature which suited them and under that caption they were transferring the obsolete technology to us. It is high time they know that they can transfer the software to us and we have the capacity to absorb that software and convert that into hardware and our automobile industry which is a generation behind will get updated. We think here that it is very essential that we update our technology...

SHRI JYOTIRMOY BOSU: This is the only sphere left now and we have updated in every other sphere?

SHRI CHARANJIT CHANANA: We have decided on division of labour. They have updated filibustering and I update the industry. This is the division of labour we have come to.

Now, Sir, the first thing is: the automobile industry does not cover cars alone; secondly, my hon. friends were talking of the priorities of the automobile industry in the industrial infrastructure of the country. My friends must know that the automobile does not include cars alone; automobile also includes buses; automobile also includes trucks. The benefit of the trucks and buses and

their utilisation would go to the common man and if we are able to produce with our efforts cars which have fuel economy and fuel efficiency, the cars which will have the efficiency of lower cost of production, I personally feel that we should not suffer from that complex; we should not speak out of the complex which I am surprised that the people do; now they are talking against the car. (Interruptions) I am talking of Mr. Fernandes who talked about the car as a luxury item in an interview along with his photograph given to Business Standard. An interview was given on the 2st July 1978 when he unfortunately was the Industries Minister also. It was published in the Business Standard of 22-7-78 where Mr. Fernandes says:

'I am looking at the car as a luxury item, but, as a utility item. (Interruptions)

Mr. Fernandes has looked at the problem this way. The petrol consumed by the three Indian cars is twice that consume by some of the model cars produced abroad. Now, I do not know which are those abroad. At that time, probably, he was the spokesman for the outside cars.

14.44 hrs.

[MR. SPEAKER in the Chair]
 The production of the Indian cars is cast by dyes that are outmoded. They consume more steel and are much heavier. At that time he was also viewing all these cars much heavier, the engine is also of a much older generation. All these add up to more consumption of petrol. I would not like to repeat the adjectives used by my friends here because they are all negative adjectives like professional black-mailers. I would not use the adjectives at all. Last time also I told the hon. Members that I would not use these. Now, for example he is talking of him as a model of inconsistency. But, whatever it may be, it

is a very interesting model of inconsistency.

Now, some person is talking of the mass transportation and this is not the end of it. As Industries Minister, I was surprised why the Opposition people forgot about it including Prof. Dandavate. I respect him very much and, Shri Indrajit Gupta who, in fact, I think, took exception and he said that they will beat him if he goes to the Maruti tomorrow. We respect him very highly and he should not talk any such things.

Mr. Fernandes, on the 15th June 1978—this is under the signature of Mr. Fernandes—on the 15th June 1978, he signs... (Interruptions)

SHRI JYOTIRMOY BOSU: On a point of order. He is oath-bound by the Official Secrets Act. He is displaying an official file while standing before the House. It is construed as a serious misconduct. A man, oath-bound, under the Official Secrets Act, cannot divulge the communication from the official file anywhere. It is a public forum and the press is taking note of it. (Interruptions)

MR. SPEAKER: You have pointed that out to me.

SHRI CHARANJIT CHANANA: With the permission of the House. (Interruption)

MR. SPEAKER: You have brought it to my notice.

SHRI JYOTIRMOY BOSU: I have one more submission to make. I would like the hon. Minister to tell us from which document he is reading. I would like you to record my request that it should be laid on the Table.

MR. SPEAKER: He is not reading from the document.

SHRI CHARANJIT CHANANA: I am talking of the things which the hon. Member talked yesterday. The only difference is the text and the

only difference is: I am only reminding them of facts and figures about the Maruti Ltd. and only I am talking of the re-structuring of the industry. My friends talked about nationalisation yesterday. Today I am talking of that nationalised process which was proposed by the Government of which Prof. Dandavate also was part and parcel at that time. It is restructuring of the industry.

SHRI JYOTIRMOY BOSU: He is quoting from some document. From which document is he quoting? Let him put it. (Interruptions)

SHRI CHARANJIT CHANANA: Rule 368 is there. I draw attention to Rule 368...

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): These are notes; you just see; these are notes.

DR. SUBRAMANIAM SWAMY: Rule 368 says this:

'If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table...'

SHRI JYOTIRMOY BOSU: It is a shameful thing; you have no moral courage to do so. I saw signature with my own eyes.

(Interruptions)

MR. SPEAKER: Mr. Bosu, why don't you listen? If he has quoted from any document, we will see to it.

SHRI JYOTIRMOY BOSU: I have seen signature from here.

MR. SPEAKER: I can see if it is a secret document. I can look into it.

SHRI JYOTIRMOY BOSU: On Rule 368, I am on a point of order. Rule 368 says:

श्री ज्योतिर्मय बसु : वहां मुक्तोज कटेंट कितना है ? हाइएस्ट है।

श्री वीरेन्द्र सिंह राव : महाराष्ट्र में हाइएस्ट रेट आफ रिकवरी है। यील्ड सब से ज्यादा है। गन्ने की प्रोड्यूस में महाराष्ट्र के किसान का प्राफिट का मार्जिन देश भर में सब से ज्यादा है और प्राइस उन को सब से ज्यादा मिल रही है। कारण यह है कि गन्ने की प्राइस रिकवरी के रेट पर मिलती है। पंजाब और हरियाणा में जहां रिकवरी भी कम है, यील्ड पर एकड़ भी कम है वहां अगर किसान समझता है कि मुनासिब कीमत है तो महाराष्ट्र का किसान कैसे कह सकता है कि मुनासिब कीमत गन्ने की नहीं है। ये सब चीजें भड़काने की वजह से हुई हैं। हम अपने किसानों को समझाएंगे। उन से हम बात करेंगे। उनकी जो उचित बात होगी उसको सुनेंगे। जहां जहां गन्ना पैदा होता है, प्याज पैदा होता है, वहां किसानों को कोई डिस्सैटिसफेक्शन है, डिस्कंटेंटमेंट है, भड़काने की वजह से, गुमराह होने की वजह से, उसको हम दूर करेंगे। प्रधान मंत्री जी ने चीफ मिनिस्टरज को हिदायत दी है कि किसानों के साथ हमदर्दी का सलूक किया जाए। उन से बातचीत की जाए। यह भोली कौम है किसान की। हम पालिटिशियन उनको भड़का सकते हैं उन के ऊपर ज्यादा नाराजगी इस बात के लिए नहीं होनी चाहिए कि वक्ती तौर पर वे दूसरों के बहकावे में आ गए हैं। जो चीफ मिनिस्टर मुझे बुलाए मैं जाने को तैयार हूं, मैं किसानों को फेस करने के वास्ते तैयार हूं। मैं पूरी जिम्मेदारी लेता हूं कि जो भाव यह सरकार दे रही है, किसानों को उम्मीद भी नहीं थी कि उतना हम उनको दे सकेंगे। फिर भी आप उनको भड़काते हैं।

जूट की बात आप ने कही है इसके भाव भी हमने बढ़ा दिए हैं। जूट की

खरीद भी की जा रही है। इसकी पूरी निगह दाख्त हम करेंगे कि जूट जो हिन्दुस्तान में काफी पैदा होता है उस में भी किसान को नुकसान न होने पाए।

श्री राजेश कुमार सिंह : (फिरोजाबाद) मंत्री महोदय ने अपने वक्तव्य में यह जाहिर किया है कि किसानों की मांगें बढ़ी हास्यास्पद और असंगत हैं। अध्यक्ष महोदय, आप भी किसान रहे हैं। अग्रदूर में आप ने चार बरस पूर्व पंजाब व हरियाणा में किसान नेता, हमारे नेता चौधरी देवी लाल जी और प्रकाश सिंह जी वादल के नेतृत्व में कपास का मूल्य प्रति क्विंटल पांच सौ रुपये की मांग की थी। मैं पूछना चाहता हूं कि क्या आप तब किसान थे और आज किसान नहीं हैं ?

12.58 hrs.

[MR. DEPUTY-SPEAKER in the Chair].

मंत्री महोदय ने चीनी की बात कही है मैं उनका ध्यान गन्ने की खेती की तरफ दिलाना चाहता हूं। उनको मालूम होना चाहिए कि एक एकड़ भूमि में जो सब्सिडी की फिगरज सामने आ रही है उन से साफ जाहिर होता है कि 2828 रुपये की लागत आती है और एक क्विंटल गन्ना 22 रुपये 50 पैसे में पड़ता है। इस हालत में आप उसको तेरह रुपये कैसे दे सकते हैं। ऐसी अवस्था में क्या आन्दोलनकारियों की मांगें न्यायोचित और उचित नहीं हैं ? उनके खून पसीने की कमाई की बढ़ौलत ही आज आप सत्ता में हैं। आपकी सांठ गांठ मिल मालिकों से है। श्रीमती इंदिरा गांधी ने चुनाव प्रचार के दौरान कहा था कि हम काश्तकारों और मजदूरों के हितों की रक्षा करेंगे।

it is a question of display of a document. It is not covered by the rule. We have seen it, at least ten of us. We have all seen him displaying that paper containing George Fernandes's signature—that light-green note here. Sir, he has removed them now. (Interruptions).

MR. SPEAKER: I won't let anybody escape the rule. I will not. If it is not to be quoted in public, he can give the gist. If he wants to lay it on the Table, he can do so. I will see that justice is done.

SHRI CHARANJIT CHANANA: Sir, I can appreciate their unpleasantness because what I am saying is in fact a contradiction of all those people's fiction which they were talking of. But fiction is fiction and we should call fiction as fiction only and I am only talking of facts. Their scheme of nationalisation of automobile industry. (Interruptions)

SHRI JYOTIRMOY BOSU: Sir, there is no clarification from the Minister to my point. Let him clarify that. (Interruptions) I want to know whether he is willing to lay it on the Table of the House. (Interruptions)

MR. SPEAKER: Or if he quoted from anything, he will have...

(Interruptions)

SHRI JYOTIRMOY BOSU: Sir, he displayed it. (Interruptions).

MR. SPEAKER: He has explained that these are his notes. If he has to remove a document or anything which he has not to show or some fear of showing it, why should he show it? He can give the gist of it. There is nothing binding on him. So it is not under the rule.

PROF. RUP CHAND PAL: Prior to that, he has said: "here is the signature of Mr. George Fernandes". That is on record. (Interruptions).

SHRI CHARANJIT CHANANA: I showed the note to them. I will have the photostat copy of this, Sir. (Interruptions).

SHRI K. P. UNNIKRIISHNAN (Badagara): He can say that there is a signature of his. But he can say that it is not consistent with the public interest to show that document. That is all right..... (Interruptions) Let him say that he has not said that. (Interruptions)

MR. SPEAKER: He can give you that gist from any document you like.

(Interruptions)

SHRI K. P. UNNIKRIISHNAN: Let him say that he has not said it.

(Interruptions)

MR. SPEAKER: You, say that he has not said that. There is nothing wrong Mr. Unnikrishnan, if he can give the gist. It is all right. What is holding his back? Under the rule he can give the gist.

(Interruptions)

SHRI RAM JATHMALANI: Now, we are entitled to verify whether the signature of Mr. George Fernandes is there.

SHRI CHARANJIT CHANANA: I never knew that they are so fond of Mr. Fernandes signature.

SHRI K. MAYATHEVAR (Dindigul): Whatever the Minister has said is not incriminating with the signature of Mr. George Fernandes. (Interruptions).

SHRI CHARANJIT CHANANA: Mr. Speaker, Sir, the Janata Government and the miscellaneous Government that we had in these 33 months

[Shri Charanjit Chanana]

had been playing with the idea of nationalising the automobile industry and interestingly enough, the same gentleman who was here yesterday talking about the things and I won't mind quoting if some of his former colleagues say that he is a man of inconsistency and I think that does not fit in here in a parliamentary system. Shri Fernandes had his plan for nationalisation of automobile industry. Prof. Dandavate should know that better. In his interview with the press people, he has again given quotations and has talked of the plus points of Maruti. He says:

"The operation of Maruti Ltd. can be coordinated as for instance in the manufacture of dyes, jigs and fixtures and toolings with those of other manufacturers of vehicles."

This, according to him, yesterday was junk. He yesterday asked what was the infrastructure. He refused to accept this as infrastructure whereas while talking of nationalisation in the press and otherwise, he admitted one thing that Maruti had the infrastructure of modern technology. My friends here also are talking of the absence of infrastructure. I would like them to understand what an infrastructure means. The infrastructure is the basic background of a system. Besides the value of land, which you yourself have been talking about, the infrastructure in this case consists of one million feet of covered area. The infrastructure also covers the basic underground drainage system; it consists of the drinking water system and the other industrial water system also. According to them, it is not infrastructure. I do not know what would be the definition of infrastructure in relation to Maruti Ltd.

My hon. friends also talked of the machines. I would like my friends to know that one hundred items of machinery including grinding machi-

nes, milling machines, shaping machines, jig-boring machines, balancing machines, laths, gear shapers etc. are there.

SHRI K. P. UNNIKRISHNAN: Are these in working condition?

SHRI CHARANJIT CHANANA: They are all being put into working condition now. For 33 months, if you lock up a unit, you have only to clean that; that process is on and soon they would be in working position.

Then, there is a test track all along the boundary. These are the basic things which you require for such an industry. One million ft. of covered area is not a part of the infrastructure according to them.

The hon. friends on the other side talked of the objectives and mentioned also about the modernization. For the sake of benefit of Shri Unnikrishnan, even at the cost of repetition, I would like to mention it again because he does not show any reluctance in knowing a little more than what he knows. He talked of the Brazilian model yesterday. Shri Unnikrishnan showed sympathy for the dying automobile units in the west. He should also know the reasons for that. Their survival lies only in an economic participation with developing countries like ours. This is in addition to what I am telling on the basis of facts and figures.

There was talk of the other objectives and the friends expressed their doubts. But, I know they were more for supporting their speeches rather than anything else. They mentioned about the generation of employment. The ratio of employment generated within and outside an automobile unit is 1 : 20.

15.00 hrs.

And I would like you, friends, to find out and check up these figures.

He was talking of figures of employment of Toyota. He must understand that Japan presents the best possible model of ancillaration and it produces two effects. One is the ancillaration effect, and the other is the spread effect, as far as their own country is concerned. So, the object of Maruti being nationalized and put into order is to have, besides modernization of automobile industry, the generation of a demonstration unit which can create an imitation effect, and other existing units would also generate employment.

My friends would, and must appreciate that our plans are expected to generate employment, within the factory, to the extent of between 7,000 and 10,000. My friend Prof. Dandavate was making mathematical calculations. He must make a mathematical calculation of the employment potential and employment, on the basis of 1:20. Then he can find out the correct figures. (*Interruptions*)

SHRI INDRAJIT GUPTA: Where is your project report?

SHRI CHARANJIT CHANANA: Mr. Indrajit Gupta must understand that the project report is already being worked out, if he has seen the whole thing in the newspapers. A committee has already been appointed, and we are getting details about the transfer of technology. It will only be after we get the details of transfer of technology, both on the complexion and size of it, that the project report would be finalized.

My friends yesterday tried to misquote the hon. Prime Minister without understanding her when she was talking of some automobile. From Mr. Gupta's comments, it appears that he was talking about project outline details. When we are talking about the total range of automobiles, you are trying to limit yourself to private car automobiles alone. It is

sometimes a luxury, according to you; according to us, this would mean the modernization of the total automobile industry; and when I am exporting these items, when I am producing something with an international market orientation, it will be to the benefit of both the Exchequer as well as the export man. The man here would also get the benefit of higher earnings.

SHRI KRISHNA CHANDRA HALDER (Durgapur): How many cars have you exported in 1980?

SHRI CHARANJIT CHANANA: The question is, how many cars we have exported. I confirm having told the hon. Member that the automobile industry today is obsolete. Secondly, I have told him that the obsolescence level is below zero. When I am telling this, he must get a reply to his own question.

Hon. Members from the opposition yesterday put a big question on the number of cars being mentioned. They talked of 100,000 cars per annum. They are thinking it as a fiction. Mr. Unnikrishnan should not consider it a fiction, because for economies of scale, for changing the dyes and undating a continuous technology, this is not a big number at all. This is the economic size, the size of an economic venture—i.e. 100,000 cars. It may be 50,000 in the beginning.

Now, Mr. Satish Agarwal made another unfortunate comment. Maybe he understands the things better? He talked of the item not being on the agenda. Maybe in their days the items not being on the agenda were discussed? Sir, the item was on the agenda. I can give even the number of the item. The proposal has the regular sanction of the Cabinet.

[Shri Charanjit Chanana]

Sir, Mr. Jyotirmoy Bosu and Shri Indrajit Gupta have soft feelings for the traders rather than shareholders. That was quite interesting. Shri Indrajit Gupta asked me as to why nationalisation was not done under the Industrial (Development and Regulation) Act?

SHRI INDRAJIT GUPTA: I never asked that. I asked why ordinance?

SHRI CHARANJIT CHANANA: Sir, although my colleague Shri Shiv Shankar has explained as to why the ordinance was issued he refuses to be convinced by the particular thing for which there is no solution. Those people who understand the economics of industry would also understand the implications of unwinding. Once you wind up a unit then putting it into proper shape is difficult. Just imagine I have told you that more than one hundred machines were there. You know the value of land. You know the other things. When on 17th October I know some decision is being taken the only resort we could take was to ordinance and the ordinance will become an actual thing after it receives the assent of the hon'ble House. The nationalisation was done in accordance with the Constitution Entry 42 of the Concurrent List of the 7th Schedule of the Constitution read with Entry 52 of the Union List of the same Schedule and sub-entry 5 of the Entry 7 of the 1st Schedule appended to the Industries (Development and Regulation) Act, 1951.

Sir, the comments made by the hon'ble Members on the members of the Prime Minister's family were very unfortunate. The value that they give to Rs. 4,100 worth of shares, I would be glad if they were in fact talking about the fate of the shareholder also. What the shareholders will get as against their shares it will be decided by the commissioner of

Payments within the priority schedule given in the Schedule of the Bill

So, Sir, I thank all the hon'ble Members who spoke and I am sure now they will come back home and they will support the Bill.

Sir, I request that the consideration motion may be adopted.

SHRI SATISH AGARWAL (Jaipur): I have heard with rapt attention the learned speeches of the hon. Members of this House from both sides on my resolution seeking disapproval of the Ordinance and also the motion for consideration moved by the hon. Minister. 16 Members have participated in the debate and four Members have opposed my motion. I would not like to deal with all the points that have been raised by them but cursorily I would refer to some of them.

15.12 hrs.

[SHRI K. RAJAMALLU in the Chair]

So far as my hon. friend Shri Arif is concerned, only one point he referred to in his speech and that was—*Virodh ke liye virodh*—and I wish to clarify the position on this score. This House is very well aware that I was one who supported bank nationalisation of six banks done by this government. I was one who supported their jute mills nationalisation. Further, many other companies are going to be nationalised and we are going to support some of them. We support nationalisation if it is in the interest of public, if it is in national interest. Mr. Bhagat was unfair to make a reference to some 10 or 15 years back.

SHRI H. K. L. BHAGAT: Was it wrong? Was it not Bharatiya Jan Sangh to which you belonged? Do you deny this?... (Interruptions)

SHRI SATISH AGARWAL: I belong to Bharatiya Janta Party and it had a policy in regard to this matter.

SHRI ARIF MOHAMMAD KHAN (Kanpur): If they are sorry for their misdeeds, we should forgive them.

SHRI SATISH AGARWAL: Mr. Arif was with us then. I make a humble request. Since yesterday, whatever abuses the hon. Members from the Congress Party hurled on us, I did not speak even a single word, did not interrupt even a single Member in whatever language he abused us. I am not going to deal with this matter in a political way; I am looking at this matter in terms of economical and finance. So far as Mr. Arif is concerned, I shall only point out that we have not opposed this Bill only for the purpose of opposition. About the rest, I do not want to comment on his observations because he is one of the youngest lot who is coming up and I wish him all well in his life.

So far as the other member is concerned, I do not wish to comment on his speech also because that does not need any reply. He said something about the take over of some ashram. It is not necessary that I am one with all the one hundred things done by the Janata Party. Even within the party we have been opposing so many things; we did not support everything that has been done. If some wrong has been done, does it justify a wrong being repeated here again? You have quoted some wrong precedents and on that basis you are building up arguments in favour of another wrong. Being a very eminent lawyer, Bar at law, you are going to justify the take over in the background of some take over which according to you was wrong. I do not want to say anything else, because I have got great

regard for him. He did not say anything with regard to my motion. But this is a fact that despite all these speeches, Mr. Bhagat, if you do not get a chance, I shall be too sorry for it. I sincerely wish you to get a chance. I am sorry you are only being used for defending the Government.

The hon. Law Minister intervened in the debate. I must confess that his reply in this House was more enlightening, more elaborate and more satisfactory in comparison to the reply given by the Minister of State for Industry today, who is in charge of the Bill. But Mr. Shiv Shankar, you have not been fair to this House because you did not put the record straight, despite the record being in your possession so far as the Punjab and Haryana High Court is concerned, because notice was issued by the Punjab and Haryana High Court to the Union of India and the Government of India got a copy of the notice along with a copy of the petition. Your Ministry is well aware of all the facts going on in the Punjab and Haryana High Court. When you mentioned in this House that there was an offer of Rs. 10 crores for Maruti Ltd., that the assets are much more and if the Government had not acted promptly on 13th October, 1980 in issuing this ordinance, an order was going to be passed by the Punjab and Haryana High Court on 17th October and that particular gentleman would have grabbed the whole project—is it a true interpretation of what you said yesterday?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Not interpretation; it is a fact.

SHRI SATISH AGARWAL: What were the proceedings going on in the Punjab and Haryana High Court? A scheme of management was filed in the High Court. Order was not going

[Shri Satish Agarwal]

to be passed on 17th October. It was only a scheme of management; it was a date of hearing. What this scheme of management contained. There is one paragraph in that scheme of management. You did not refer to that. In that it was asserted and it was a part of the scheme of management that the State of Haryana has revoked its order and is wanting back the land which was handed over to Maruti. An order of injunction was passed by the High Court of Punjab and Haryana and it was a condition precedent in that scheme of management. I have got a copy of the scheme of management or arrangement. The High Court should pass an injunction order restraining the Haryana Government not to take back the land because the valuation of the land, according to the petitioner, was very much more and that was the main interest. Various issues were mentioned in that particular application regarding foreign collaboration, offers, price, valuation, land not being taken away by the Haryana Government, because they had already cancelled that and issued notice somewhere in 1977-78. So, he prayed for an injunction from the Punjab and Haryana High Court. All these issues were to be heard in the presence of all the parties including the Government of India, Government of Haryana, dealers' representatives and workers of Maruti and then and then alone some scheme could have been finalised. So, you are absolutely wrong in saying that on 17th October, this project would have been grabbed by somebody. This is absolutely wrong. I am sorry to say that you have given a wrong impression to this House.

The hon. Law Minister referred to some inventory. I can only bring to your attention—that is already to your attention—that the Local Com-

missioner, Mr. Krishan Kumar, who was appointed by the High Court, went on the spot. He was not given cooperation. He made a complaint to the High Court that the inventory could not be prepared correctly and truthfully. That is the complaint before the High Court. Later on, applications were made that goods were being removed. On that basis, again, an official liquidator was appointed. That is the position. You should have brought all the facts before the House.

I may quote only one line from the judgment of Justice Harbans Lal, dated 3rd June, 1977 wherein lot of aspersions have been made:

"According to the Local Commissioner proper inventory could not be prepared of the stores and raw materials."

SHRI P. SHIV SHANKAR: For your information, the statement of assets filed by the Official Liquidator is of July, 1977 and not June, 1977.

SHRI SATISH AGARWAL: Now, you are referring to July, 1977. I have got a certified copy of the judgment of the Punjab and Haryana High Court of 22nd July, 1977.

(Interruption)

I quote from page 4 from the Judgment of Justice Bhopinder Singh Dhillon:

"The balance-sheet for the year ending 31st March, 1976, of the Company has been filed, which shows that the Company is in a bad state of affairs, and a total loss of Rs. 1,59,64,390/- has been mentioned therein."

This is with regard to 1976. Further it says:

"In the affidavit of Mr. S. M. Rege filed on behalf of the respondent Company, it has been averred that

the total liabilities of the Company towards unsecured creditors, excluding dealers' deposits, are estimated to be Rs. 1.25 lakhs. The amount deposited by the dealers along with interest has been shown as Rs. 256 lakhs in the balance-sheet as at 31st March, 1976. On these deposits interest for the year 1976-77 would be about Rs. 20 lakhs.... The Income-Tax authorities have approached the Court claiming lakhs of rupees as income-tax arrears."

Later on, he says:

"The Company has got a very little assets as compared to its liabilities. Keeping in view the facts and circumstances of this case, I am of the opinion that it is expedient in the interest of justice to appoint a provisional liquidator so that the claims and all other matters connected with the affairs of the Company are properly rationalised and the interests of the Company and all other concerned persons are protected."

That was the order passed on that. You did not bring all the facts before the House. You have very cleverly tried to impress this House and through the House to the rest of the country that the assets are not inflated and they are true assets and the assets are Rs. 684 lakhs and the liabilities are Rs. 628 lakhs. I am only dealing with the figures. (*Interruptions*) It is not a question of private sector or public sector. You have it in the public sector.

पूर्ति और पुनर्वासि मंत्रालय में राज्य मंत्री
 (श्री भगवत झा आजाद) : आवाज में दम है, दलील में दम नहीं है ।

SHRI SATISH AGARWAL: I would not reply to the comments because the man speaks the language of his standard. You have shown the assets as on the 22nd July, 1977. I will go

by those figures, because those figures have been adopted by you and placed on the Table of the House. So, I am entitled to ask you a question. The assets have been shown as Rs. 684 lakhs on 22nd July, 1977. You have provided depreciation for two years and you have deducted Rs. 27 lakhs. Now the value of plant and machinery is Rs. 153.27 lakhs and buildings Rs. 377 lakhs. The total comes to Rs. 530 lakhs, out of which you have deducted Rs. 27 lakhs. That is perfectly all right. But what about depreciation, which is deductible under the income-tax law, for the years 1977-78, 1978-79, 1979-80 and 1980-81 for the period upto the date of taking over? Under the income-tax law, for these 3½ years the amount of depreciation, which is admissible and permissible according to the rules laid down under the income-tax law, under the written down value method, comes to Rs. 128 lakhs.

SHRI BHIKU RAM JAIN (Chandni Chowk): How can there be depreciation when the company is not functioning? (*Interruptions*)

SHRI SATISH AGARWAL: If even Minister like Shri Vikram Mahajan, a lawyer of some standing, go on interrupting, what can I do? I am prepared to answer all the questions. I am now on the question of the accounting procedure adopted by the Government. You have to see the value of the assets as on 13th October, 1980.

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN): We have to consider the market value and not the written down value.

SHRI SATISH AGARWAL: Let the Minister say that they took into account the market value. But the Government is not going to pay compensation on the basis of the market value.... (*Interruptions*) The principle of market value is out-dated and

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this Government does not subscribe to the idea or philosophy of market value. Is it not correct? If that is the position, I would like to know what is the correct value of the assets, as per the statement of accounts furnished by you and placed on the Table of the House, on the basis of which you issued the Ordinance. Under the income-tax law, under the principle of written down value method, the depreciation come to Rs. 128 lakhs, whereas you have shown only Rs. 27 lakhs; so, there is a difference of Rs. 1 crore.

Shri Bhiku Ram Jain asked a question how there could be depreciation when the factory is closed and the machinery is not working. Under the income-tax law, when the machinery is not working, much more depreciation is allowed, because the machines become junk.

SHRI BHIKU RAM JAIN: Is it permissible under the income-tax law?

SHRI SATISH AGARWAL: Yes. For the last six years 90 per cent of the machinery is unpacked, and unpacked machine is no better than junk. You have not put them to use and they are lying packed. Some of the imported machines are still lying unpacked. Naturally, one does not know whether they are serviceable, what is their value and whether they can be put to use.... (Interruptions) Unpacked machines not in use for several years, lying packed for more than 6 years. (Interruptions). My only point is that the valuation as stated, as shown on the floor of Parliament is not correct. It is absolutely wrong and if you take Rs. 1 crore depreciation into account, then the assets are inflated and the liabilities are deflated.

Apart from this, Mr. Chairman, I would like to make one more point.

What was the financial position of the Company? You are always including land. Land belongs to the Government, whether it belongs to the Government of Haryana or to the Central Government. That land belongs to Government of Haryana. You cannot take it into account so far as the valuation of the land is concerned, because that is your land, that is your property, whether it is of this Government or of that Government. Legally that land does not vest in Maruti, it has not been registered in the name of Maruti. (Interruptions) That is a different matter. But legally the position is that the land does not vest in Maruti. (Interruptions) The land has to be taken back by the Haryana Government, notice has been issued, proceedings are going on and so you cannot take it into consideration. That is the position. One thing more....

SHRI BHAGWAT JHA AZAD: The land belongs to Maruti....

(Interruptions)

SHRI SATISH AGARWAL: I am only stating the legal position. You may say anything, you may not say anything. In that particular case, I would like to know why did you not inform this House as to what was the State of Affairs of this Company for the last 4.5 years. What was the financial position, what were the profits made and what were the losses of this Company? What was the financial position—only in that context I made a point here: Why did the Government not take action as far back as in 1972-73 or 1973-74 when the affairs of this Company were being mismanaged and the Company was running in losses? Now, I will give you an idea of the extent of losses that the Company has claimed in its balance-sheets and as mentioned in the returns filed with the Income-Tax Department. For 1972-73, the loss shown by the company is Rs. 7,27,380. For 1973-74 it is Rs.

25,89,000 for 1974-75 it is Rs. 60,35,000, for 1975-76 the loss is Rs. 1,43,37,000, for 1976-77, it is Rs. 2,38,00,000, and the total is Rs. 4,74,88,380. These are the losses suffered by the Company from 1972 onwards till this date. This is the position. (Interruptions)

SHRI B. V. DESAI (Raichur): The losses are only depreciation and interest. There is no cash loss, it is only depreciation and interest. You explain it.

(Interruptions)

SHRI SATISH AGARWAL: Rs. 128 lakhs. (Interruptions) Provided only Rs. 27 lakhs. (Interruptions). That is the position. (Interruptions) Now, I would like to know from the hon. Law Minister an answer to this question: Is it not a fact that it was brought to the notice of the High Court of Punjab and Haryana that there are vehicles, buses standing within the premises of Maruti and their valuation is Rs. 34 lakhs? The High Court passed an order. I have got a copy of that.

SHRI VIKRAM MAHAJAN:
 Interim.

SHRI SATISH AGARWAL: If there is no appeal against the interim order, that becomes final.

Coming to the buses to be delivered to the State Transport Corporations and the money to be deposited, if the buses have not been given to them, they should be available, and their value should have been added under vehicles which you show only as Rs. 7 lakhs, while it should be Rs. 34 lakhs. If they have been delivered, then your bank balance or cash in hand should be much more but it is not so. So what happened to these buses and where are they?

This is the order of Justice Harbans Lal:

"It has been urged by Mr. G. C. Mittal, learned counsel for the dealers, that a sum of Rs. 34 lacs and odd is due to the Maruti Ltd., from various State Governments regarding the jobs performed by the Maruti Ltd., and that a sum of Rs. 16 lacs and odd is due to the Maruti Ltd., from various private parties and that 9 buses in complete form in all respects and 3 incomplete buses are standing in the premises of the Maruti Ltd. ..."

Later on, the hon. Judge granted an injunction that if the buses were delivered to the respective State Corporations, the amount should be deposited in the bank. Where is that amount? It does not find a place anywhere. It is neither included under the valuation of the vehicles, nor in cash in hand which you have shown only as Rs. 7 lakhs. So, this is absolutely hopeless.

Lastly, the hon. Law Minister and the Minister of Industries have said in this House that if they had not issued the ordinance on 13th October, something would have happened. This is an absolutely wrong thesis, a wrong premise, in order to justify the wrong they have done. Orders are being misinterpreted. Mr. Law Minister, I am sorry to say that knowing the legal position absolutely, you are duty bound to defend the Bill and you did your job. That way I am doing my duty, and you are doing your duty, but I say that the arguments that have been put forward are wrong. I say that the assets have been highly inflated and liabilities deflated. Ninety per cent of the machinery which has been left in tact is practically junk, it is of no use. You have earmarked a sum of Rs. 434 lakhs to be paid for nationalisation, but you have not appointed even a

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Commissioner for Payment. You have not formed the company, though you have taken the money. You may have done it now, but you took the money from the Consolidated Fund of India on 27th October, 1980 when it was still under consideration. You withdrew Rs. 90,000 from the Contingency Fund.

In this background, I once again say that instead of taking action against the criminality and frauds committed on the dealers, shareholders and the people of India and on government departments, as advised in the Gupta Commission Report, you are doing something else. Mr. Shiv Shankar, the Law Minister was very unkind. He is a very clever lawyer. Whenever there is a weak point, he mentions the Gupta Commission and then goes on to the Shah Commission and then to Trikha Commission and then some other commission. He did not say a single word against the Gupta Commission's findings, his conscience did not permit him.

So, I say that you are throwing Rs. 434 lakhs into a drain. This is wastage of public money, a blatant misuse of Presidential powers, a blatant misuse of the authority of the massive mandate that you have got. Instead of ameliorating the poor conditions of the teeming millions of this country, you are throwing down this money, the hard-earned money of the tax-payers of this country, into the drain. The story of the Maruti Ltd., for the last decade is a story of frauds and frauds. You are again going to cheat the public, cheat Parliament, deceive Parliament, deceive the people of this country, in order to please one person. I strongly condemn your Bill and strongly recommend the adoption of my Resolution.

MR. CHAIRMAN: I shall now put the Statutory Resolution to the vote of the House.

The question is:

"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 Lok Sabha divided:

Division No. 53]

[15.50 hrs.

AYES

Acharia, Shri Basudeb
Agarwal, Shri Satish
Ashfaq Hussain, Shri
Basu, Shri Chitta
Bhattacharyya, Shri Sushil
Bhim Singh, Shri
Chatterjee, Shri Somnath
Chaturbhuji, Shri
Chaudhuri, Shri Tridib
Choubey, Shri Narayan
Dandavate, Prof. Madhu
Dandavate, Shrimati Pramila
Das, Shri R. P.
Ghosh, Shri Niren
Giri, Shri Sudhir
Gopalan, Shrimati Suseela
Goyal, Shri Krishna Kumar
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Hannan Mollah, Shri
Harikesh Bahadur, Shri
Hasda, Shri Matilal
Horo, Shri N. E.
Jatiya, Shri Satyanarayan
Jethmalani, Shri Ram
Khan, Shri Mahmood Hasan

Kodiyan, Shri P. K.
Kunhambu, Shri K.
Kurien, Prof. P. J.
Lawrence, Shri M. M.
Mahata, Shri Chitta
Maitra, Shri Sunil
Mandal, Shri Dhanik Lal
Masudal Hossain, Shri Syed
Mehta, Prof. Ajit Kumar
Mhalgi, Shri R. K.
Misra, Shri Satyagopal
Modak, Shri Bijoy
Mukherjee, Shrimati Geeta
Mukherjee, Shri Samar
Nihal Singh, Shri
Pal, Prof. Rup Chand
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Pathak, Shri Ananda
Rai, Shri M. Ramanna
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Rajesh Kumar Singh, Shri
Riyan, Shri Baju Ban
Roy, Shri A. K.
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Sarangi, Shri R. P.
Sen, Shri Subodh
Shakya, Shri Daya Ram
*Shakyawar, Shri Nathuram
Shamanna, Shri T. R.
Shastri, Shri Ramavatar
Shejwalkar, Shri N. K.
Singh, Shri B. D.
Suraj Bhan, Shri
Surya Narayan Singh, Shri
Swamy, Dr. Subramaniam
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Verma, Shri Chandradeo Prasad
Verma, Shri Phool Chand
Verma, Shri R. L. P.
Yadav, Shri R. P.
Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
Ahmed, Shri Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Anand Singh, Shri
Ankineedu, Shri M.
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arjunan, Shri K.
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi
Bairwa, Shri Banwari Lal
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansj Lal, Shri
Behera, Shri Rasabehari
Bhagat, Shri H. K. L.
Bhagwan Dev, Acharya
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhole, Shri R. R.
Bhoye, Shri Reshma Motiram
Bhuria, Shri Dileep Singh
Birbal, Shri
Brar, Shrimati Gurbrinder Kaur
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandu Lal

Chaturvedi, Shrimati Vidyawati
Chavan, Shri S. B.
Chennupati, Shrimati Vidya
Choudhari, Shrimati Usha Prakash
Choudhury, Shri A. B. A. Ghani Khan
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Shri
Damor, Shri Somjibhai
Das, Shri A. C.
Dennis, Shri N.
Desai, Shri B. V.
Dev, Shri Sontosh Mohan
Dhandapani, Shri C. T.
Digvijay Sinh, Shri
Dogra, Shri G. L.
Doongar Singh, Shri
Dubey, Shri Ramnath
Era Mohan, Shri
Gadgil, Shri V. N.
Gadhavi, Shri Bheravadan K.
Gamit, Shri Chhitubhai
Gehlot, Shri Ashok
Gireraj Singh, Shri
Gohil, Shri G. B.
Gomango, Shri Giridhar
Gowda, Shri D. M. Putte
Hembrom, Shri Seth
Jadeja, Shri Daulatsinhji
Jaffer Sharief, Shri C. K.
Jaideep Singh, Shri
Jain, Shri Bhiku Ram
Jain, Shri Virdhi Chander
Jamilur Rahman, Shri
Jena, Shri Chintamani
Jitendra Prasad, Shri
Kamal Nath, Shri
Kamla Kumari, Kumari
Karma, Shri Laxman
Kaul, Shrimati Sheila
Khan, Shri Arif Mohammad

Khan, Shri Malik M. M. A.
Khan, Shri Zulfiquar Ali
Kidwai, Shrimati Mohsina
Krishan Dutt, Shri
Krishna, Shri S. M.
Krishna Pratap Singh, Shri
Krishnan, Shri G. Y.
Kuchan, Shri Gangadhar S.
Madhuri Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Vikram
Mahendra Prasad, Shri
Makwana, Shri Narsinh
Mallanna, Shri K.
Mallick, Shri Lakshman
Mallikarjun, Shri
Mallu, Shri A. R.
Mane, Shri R. S.
Mayathevar, Shri K.
Mishra, Shri Gargi Shankar
Misra, Shri Harinatha
Misra, Shri Nityananda
Mohanty, Shri Brajamohan
Mohite, Shri Yashawantrao
Mohsin, Shri F. H.
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murthy, Shri M. V. Chandrashekara
Murugian, Shri S.
Muthu Kumaran, Shri R.
Muttemwar, Shri Vilas
Muzaffar Hussain, Shri Syed
Nagaratnam, Shri T.
Nagina Rai, Shri
Naikar, Shri D. K.
Nair, Shri B. K.
Namgyal, Shri P.
Nandi Yellaiah, Shri
Netam, Shri Arvind
Nihal Singh, Shri
Odedra, Shri Maldevji M.

Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Parmar, Shri Hiralal R.
 Patel, Shri C. D.
 Patel, Shri Mohanbhai
 Patel, Shri Uttambhai H.
 Patil, Shri A. T.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Pradhani, Shri K.
 Prasan Kumar, Shri S. N.
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranga, Prof. N. G.
 Ranjit Singh, Shri
 Rao, Shri Jagannath
 Rao, Shri M. Nageswara
 Rao, Shri M. Satyanarayan
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bholā
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha

Reddy, Shri K. Brahmananda
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Sajjan Kumar, Shri
 Saminuddin, Shri
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kalj Charan
 Sharma, Shri Mundar
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shingda, Shri D. B.
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalapnath
 Soren, Shri Shibu
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri

Tapeshwar Singh, Shri
Tariq Anwar, Shri
Tewary, Prof. K. K.
Tiwari, Shri Narayan Datt
Tripathi, Shri Kamalapati
Tripathi, Shri R. N.
Tytler, Shri Jagdish
Vairale, Shri Madhusudan
Verma, Shrimati Usha
Virbhadra Singh, Shri
Vyas, Shri Giridhari Lal
Wagh, Dr. Pratap
Yadav, Shri Ram Singh
Yazdani, Dr. Golam
Zail Singh, Shri
Zainul Basher, Shri

15.54 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

MR. DEPUTY-SPEAKER: Subject to correction the result* of the Division is: Ayes 71; Noes 211. The 'Noes' have it, the 'Noes' have it. The Resolution is negatived.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, Sarvashri A. K. Roy, Ramavatar Shastri and Somnath Chatterjee have moved amendments to the consideration motion. They are all for circulation of the Bill. Shall I put them all together?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: I now put the amendments, moved by Sarvashri A. K. Roy, Ramavatar Shastri and Somnath Chatterjee, to the vote of the House.

Amendments Nos. 8, 9 and 30 were put and negatived.

MR. DEPUTY-SPEAKER: I will now put amendment No. 53 of Shri Jyotirmoy Bosu for referring the Bill to a Select Committee to vote.

Amendment No. 53 was put and negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"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."

The motion was adopted.

Clause 2—(Definitions)

SHRI A. K. ROY: Sir, I beg to move:

Page 2, line 19,—

for "13th day of October, 1980" substitute—

"day both the Houses of Parliament pass this Act" (37)

Sir, my amendment is very simple. That is, the 'appointed day' means the day the Parliament passes this Bill not "13th day of October, 1980" which they have stipulated. What I wanted to impress is that already a lot of confusion and suspicion has been created for completing the payment before the House commenced on 17th. This is just taking the House for

*The following Members also recorded their votes:

NOES: Sarvashree V. S. Vijaya raghavan, A. A. Rahim, Amrit Patel, Pasala Penchalaiah, Anwar Ahmad, Ram Chandra Rathi, P. V. G. Raju and Nathuram Shakyawar.

granted. No one knows how the House would react to this entire ordinance. The House cannot be taken for a ride. That is why my amendment and the minimum courtesy they could show to the House is by making the 'appointed day' as 'the day the Parliament passes this Bill'.

Another point about the reason for promulgating the ordinance, etc. The hon. Law Minister has said that the entire assets would be liquidated and all that. But he could not produce any reason why the entire payment should be done before the House commences. On both the grounds, I would say to dispel the suspicion which is very logical and reasonable, they should make the 'appointed day' as 'the day both the Houses of Parliament pass this Act.'

SHRI CHARANJIT CHANANA: The reply has already been given.

MR. DEPUTY-SPEAKER: He has already replied.

I shall put the amendment No. 37.

SHRI A. K. ROY: My point is this.

MR. DEPUTY-SPEAKER: You make a request to the Minister for the reply. I cannot force him to reply. He has already stated.

SHRI A. K. ROY: I have requested him.

MR. DEPUTY-SPEAKER: I respect your request. I have to put your amendment now.

Amendment No. 37 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER: There is no amendment. I shall put it. The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(General Effect of vesting)

MR. DEPUTY-SPEAKER: There are two amendments by Shri Sudhir Kumar Giri and Shri T. R. Shamanna. Are you moving?

SHRI SUDHIR GIRI: I beg to move:

"Page 3, line 11,—

omit " , book debts". (11)

SHRI T. R. SHAMANNA: I beg to move:

"Page 4,—

after line 12, insert—

"(7) After all assets and liabilities are taken over and value is fixed, a list of all assets and liabilities together with value of such assets and liabilities shall be sent to the Accountant-General for verification and to certify the correctness of the assets and liabilities and value thereof." (27)

SHRI T. R. SHAMANNA: Sir, I want to speak on this.

MR. DEPUTY-SPEAKER: That stage is over. Now, I shall put the amendments together.

Amendments Nos. 11 and 27 were put and negatived.

MR. DEPUTY-SPEAKER: There are no amendments to Clauses 5 and 6. So, I shall put clauses 4, 5 and 6 together.

The question is:

"That Clauses 4, 5 and 6 stand part of the Bill."

The motion was adopted.

Clauses 4, 5 and 6 were added to the Bill.

Clause 7—(Payment of Amount)

MR. DEPUTY-SPEAKER: There are amendments. If all the amendments are put together, we will have more time for the Third Reading.

SHRI CHITTA BASU: I beg to move:

"Page 5, lines 13 and 14,—

for "of rupees four hundred and thirty-four lakhs"

substitute "to be determined by a Committee appointed for the purpose"

(2)

SHRI SUDHIR GIRI: I beg to move:

"Page 5, lines 13 and 14,—

for "of rupees four hundred and thirty-four lakhs"

substitute "to be determined by the Commissioner after taking into consideration the market value of the land and equipments only"

(13)

SHRI A. K. ROY: I beg to move:

"Page 5, lines 12 to 14,—

for "in cash, and in the manner specified in Chapter VI, an amount of rupees four hundred and thirty-four lakhs"

substitute "the amount and the manner of payment of which shall be decided by a Committee of Members of both Houses of Parliament nominated by the Speaker for the purpose". (38)

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 5, lines 12 to 14,—

for "and in the manner specified in Chapter VI, an amount of rupees four hundred and thirty-four lakhs."

substitute "an amount which shall be determined by a Committee of Members of Parliament comprising one member from each political party". (47)

MR. DEPUTY-SPEAKER: If all of you want to speak, then you will have more time in the Third Reading stage. You should give your name.

SHRI RAMAVATAR SHASTRI: This is a right. Otherwise, you will not give us any time.

MR. DEPUTY-SPEAKER: Mr. Chitta Basu. Only one minute—sixty seconds only.

SHRI CHITTA BASU: My amendment No. 2 is for this. The bill provides for payment of Rs. 434 lakhs. Please listen. In the House, allegations have been made that the assets are computed at inflated rate and the magnitude has been deflated and the Government could not also provide an offensive coming to assets and liabilities, the bill provides for the payment of an amount of Rs. 434 lakhs.

This blanket payment is without justifying the assets and liabilities. My simple amendment is—I think government should accept it—that these amounts should be determined by a committee appointed to verify the assets and liabilities and then to determine the amount to be paid to the companies as provided.

MR. DEPUTY-SPEAKER: Shri Sudhir Kumar Giri. You are given sixty-seconds to speak.

16.00 hrs.

SHRI SUDHIR GIRI: After the explanation of the hon. Minister I am of the firm conviction that this amount of money is going to be mis-used. This amount of money is going only to patronise the persons of the ruling political party. This is my considered opinion. I don't want to say anything more.

SHRI A. K. ROY: In the debate much time was spent by members voicing their suspicion about the amount calculated for compensation. Sir, in any such nationalisation of undertakings, such things should be above suspicion. My proposal is this. You will be glad to know this. Mr. Deputy-Speaker, I have given to you some power in that. I have proposed that you should decide it. Mr. George Fernandes challenged the Minister. The Minister made a counter-challenge. That was about the demand for a Parliamentary Committee. Now, you, I think, have seen my amendment. It puts you in an important position. You can have the committee and that should decide the total amount of compensation. The Committee is to be appointed by you, Mr. Deputy Speaker.

MR. DEPUTY-SPEAKER: If at all any such committee is appointed, you will be certainly given a place there.

SHRI A. K. ROY: May I appeal to the Minister, through you, Sir? May I make a request that my amendment may be accepted?

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, मेरा संशोधन नं० 47 है जो कि 4 करोड़ 34 लाख देने से ही सम्बन्धित है। मैंने इसके जरिये मांग की है कि कम्पनी की सम्पत्ति और देनदारी, ऐसेट्स एण्ड लायब्लिटीज का ठीक से पता लगा कर कितना पैसा दिया जाये, इसको निश्चित करने के लिए संसद् के सभी दलों के प्रतिनिधियों की एक समिति गठित की जाये, जो इन बातों का

निर्णय करे और उसी के अनुसार सरकार कार्यवाही करे। मेरा संशोधन बड़ा ही स्पष्ट है, इसमें सरकार को मंजूर करने में कोई आनाकानी नहीं करनी चाहिए।

MR. DEPUTY-SPEAKER: Now I will put amendments Nos. 2, 13, 38 and 47 to the vote of the House.

Do you want division? Do you want it to be put together?

SHRI A. K. ROY: I want it to be put.

SHRI RAMAVATAR SHASTRI: Put them together.

SHRI CHITTA BASU: I want it to be put.

SHRI SUDHIR GIRI: I am also pressing.

MR. DEPUTY-SPEAKER: Do you want division?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: The machine, it appears, is not in working order. I would request you to agree to decide it by voice vote.

SOME HON. MEMBERS: All right, Sir.

MR. DEPUTY-SPEAKER: I shall now put all the amendments moved to clause 7 to the vote of the House.

Amendments Nos. 2, 13, 38 and 47 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 7 stands part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Payment of further amount.

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 21,—

for "in addition to" substitute "including" (48)

MR. DEPUTY-SPEAKER: I shall now put amendment No. 48 moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 48 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 8 stands part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

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

SHRI CHITTA BASU: I beg to move:

Page 5, line 38,—

for "one or more Custodians" substitute "Government company". (3)

Page 5, lines 40 and 41,—

omit "or the Custodian or Custodians so appointed, as the case may be," (4)

Page 6, lines 1 and 2,—

omit "one or more individuals or" (5)

SHRI INDRAJIT GUPTA: I beg to move:

Page 5, line 38,—

for "one or more Custodians appointed".

substitute "a Government company appointed for the purpose." (14)

SHRI T. R. SHAMANNA: I beg to move:

Page 6,

after line 4, insert—

"(3) For general guidance and supervision of the new company, the Government shall, in consultation with the Speaker, Lok Sabha and Chairman, Rajya Sabha, appoint a Committee of Members of the Parliament which shall prepare and submit to the Parliament, a report on the taking over of the company." (28)

SHRI A. K. ROY: I beg to move:

Page 5, line 39,—

after "Central Government"

inset "in consultation with the leaders of the Opposition in both the Houses of Parliament." (39)

SHRI A. K. ROY: Sir, Maruti Ltd. being a political undertaking the leaders of the Opposition should be taken into confidence. That is why my simple amendment is that in appointing custodians the leaders of the Opposition should be consulted. I think that the hon. Minister will have no objection to accepting my amendment.

SHRI CHARANJIT CHANANA: Sir, I do not accept it.

MR. DEPUTY-SPEAKER: I will now put amendments Nos 3, 4, 5, 14, 28 and 39 to the vote of the House.

Amendments Nos. 3, 4, 5, 14, 28 and 39 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 9 stands part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10—(Duty to deliver possession of the undertakings of the Company and documents relating thereto):

MR. DEPUTY-SPEAKER: Shri Ramavatar Shastri to move his amendment.

श्री रामावतार शास्त्री : मैं अपना संशोधन सं० 49 मूव करता हूँ, जो इस प्रकार है—

पृष्ठ 6,—

पंक्ति 14 से 16 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाये —

“(5) अभिरक्षक कम्पनी के उपक्रमों की निधियों में से प्रतिमास दो हजार रुपये से अधिक पारिश्रमिक लेगा/लेंगे तथा वह या वे एक समय पर तीन वर्ष से अधिक समय तक पद धारण नहीं करेगा/करेंगे।” (49)

उपाध्यक्ष महोदय, बिल के पृष्ठ 6 पर पंक्ति नं० 14 से 16 के स्थान पर मैं उपर्युक्त पैरा देना चाहता हूँ। इस समय मूल बिल में निम्नलिखित पैरा दिया गया है —

“(5) अभिरक्षक कम्पनी के उपक्रमों की निधियों में से ऐसे पारिश्रमिक ले सकेगा/सकेंगे जो केन्द्रीय सरकार नियत करे और केन्द्रीय सरकार के प्रसादपर्यन्त पद धारण करेगा/करेंगे।”

इस पैरे को हटा दिया जाये तथा मैंने जो संशोधन दिया है उस पैरे को रख दिया जाये। इस समय जो सरकार की व्यवस्था है उस में मनमाना ज्यादा पैसा भी दिया जा सकता है, उन की अवधि भी बढ़ाते जा सकते हैं। इस लिये मैं चाहता हूँ कि इन को भी कैद में डाला जाये। ये हम को कैद में डालने वाले हैं, इस लिए हम चाहते हैं कि इन को भी इस बिल की कैद में डाला जाये तथा इन के अधिकार को सीमित किया जाये। इसलिए मेरा अनुरोध है कि आप मेरे संशोधन को स्वीकार करें।

SHRI CHARANJIT CHANANA: I do not accept it.

MR. DEPUTY-SPEAKER: I will now put the amendment to the vote of the House.

Amendment No. 49 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clause 10 stands part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(Duty to furnish particulars)

SHRI CHITTA BASU: I beg to move:

“Page 6, lines 38 and 39,—

for “such period as the Central Government may allow in this behalf”

substitute “thirty days from the date of vesting”(6)

SHRI INDRAJIT GUPTA: I beg to move:

“Page 6, lines 38 and 39,—

for “such period as the Central Government may allow in this behalf”

substitute “thirty days from the appointed day” (17)

SHRI SUDHIR GIRI: I beg to move:

“Page 6, lines 38 and 39,—

for “within such period as the Central Government may allow in this behalf”.

substitute “by the 31st January, 1981” (18)

SHRI RAMAVATAR SHASTRI: I beg to move:

“Page 6, lines 38 and 39,—

for “such period as the Central Government may allow in this behalf”

substitute “thirty days” (50)

SHRI SUDHIR GIRI: Sir, this nationalisation is a *mala fide* operation on the part of the government. It is also part of the conspiracy of the patrons of the present ruling party. That is why the government has given time for submitting the inventory. Why has so much time been given to them? I, therefore, put forward the amendment and appeal to the hon'ble Minister to come forward and accept the amendment.

श्री रामावतार शास्त्री : मेरा संशोधन भी यही है कि उनको अनिश्चित समय मत दीजिए । हम चाहते हैं कि उसके लिए समय की सीमा निर्धारित की जाय और मैंने 30 दिन की सीमा सजेस्ट की है । उनको इस समय के भीतर सम्पत्ति का ब्योरा दे देना चाहिए, इन्वेण्टरी बना कर दे देनी चाहिए ।

MR. DEPUTY-SPEAKER: I put amendments No. 6, 17, 18 and 50 to the vote of the House.

Amendments Nos. 6, 17, 18 and 50 were put and negatived.

MR. DEPUTY-SPEAKER: There is no amendment to Clause 12. So, I put Clauses 11 and 12 together to the vote of the House.

The question is:

"That Clauses 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 11 and 12 were added to the Bill.

MR. DEPUTY-SPEAKER: Mr. Shamanna, are you moving your amendment?

SHRI T. R. SHAMANNA: I am not.

MR. DEPUTY-SPEAKER: There is no amendment to Clause 14. So, I am putting Clauses 13 and 14 together. The question is:

"That Clauses 13 and 14 stand part of the Bill."

The motion was adopted.

Clauses 13 and 14 were added to the Bill.

Clause 15—(Appointment of Commissioner of Payments)

SHRI A. K. ROY: I beg to move:

Page 8, line 9,—

add at the end—

"in consultation with the leaders of the Opposition of both the Houses" (40)

Page 8, line 21,—

add at the end—

"as determined by an Advisory Committee appointed by both the Houses of Parliament" (41)

Here also, I plead that an Advisory Committee should be formed from both the Houses of Parliament to assist the disbursements of the amounts, etc. of the Company, to the Commissioner of Payments. My only emphasis is that there should be no hush-hush about this Company. At every stage, the Members of Parliament should be consulted, taken into confidence and involved, so that each step should be scrutinized, and all the sources of wrong things, and all possibilities could be plugged. I think the Minister of Industry who is sitting dumb, should stand up and speak something.

SHRI CHARANJIT CHANANA: I don't accept.

MR. DEPUTY-SPEAKER: I put amendments No. 40 and 41, moved by Shri A. K. Roy, to the vote of the House.

Amendments Nos. 40 and 41 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Payment by the Central Government of the Commissions)

SHRI CHITTA BASU: I beg to move:

Page 8, line 22,—

for "thirty days" substitute "ninety days". (7)

SHRI A. K. ROY: I beg to move:

Page 8, lines 22 and 23,—

for "thirty days from the specified date" substitute "a period specified by the Advisory Committee" (42)

MR. DEPUTY-SPEAKER: I now put Amendments Nos. 7 and 42 to Clause 16 to the vote of the House.

Amendments Nos. 7 and 42 were put and negatived.

MR. DEPUTY-SPEAKER: There is no amendment to Clause 17. So, I put Clauses 16 and 17 together to the vote of the House.

The question is:

"That Clauses 16 and 17 stand part of the Bill."

The motion was adopted.

Clauses 16 and 17 were added to the Bill.

Clause 18—(Claims to be made to the Commissioner)

SHRI SUDHIR GIRI: I beg to move:

Page 9,—

after line 24, insert—

"Provided further that no claim shall be entertained, which has been barred by the Act of Limitation." (20)

DR. SUBRAMANIAM SWAMY: I beg to move:

Page 9, line 15,—

add at the end—

"Every person who prefers such a claim shall furnish his address, telephone number, if any, and the complete list of such claimants with their respective addresses and telephone numbers shall be placed on the Table of Lok Sabha." (54)

SHRI SUDHIR GIRI: I have already made it clear to the House that this nationalization is a *mala fide* operation on the part of the Government. This nationalization is going to patronize the patrons of the present ruling party. That is why they are going to give to the shareholders some claims which are barred by limitation. Therefore, I have given this amendment, so that the payment of claims which are barred by limitation cannot be made to the shareholders.

DR. SUBRAMANIAM SWAMY: The amendment that I have moved is a very reasonable one. I have suggested therein that every person who prefers such a claim shall furnish his address, I should have put, his or her also, telephone number, if any, and the complete list of such claimants, their respective addresses and telephone numbers shall be placed on the table of the Lok Sabha.

Sir, this is a very reasonable request. Why? There is a general

[Dr. Subramaniam Swamy]

feeling that the claimants are bogus, fictitious, that the money is going to be distributed for a few people. May be, that impression is wrong. How to remove that impression? So, if my amendment is accepted, then, it will go a long way in establishing the *bona fides* of the Government.

So, I quote from the newspaper *Patriot*. Normally, I do not quote from *Patriot* because I do not believe what is published in that. So, this is a letter to the Editor. So, I give a slightly different status from the editorial of the paper to the news item of the paper. The letter is signed by Shri P. C. Aggarwal, Secretary General, All India Maruti Dealers Association. The latter is published and there is no reaction. The letter says that the dealers will be cheated under this Bill. And I made some calculation on the basis of some statistics they have given, that the dealers who deposit Rs. 2 crores 40 lakhs, if they were paid 10 per cent interest, then, using compound interest tables, this works out to Rs. 5 crores 80 lakhs. This is what they should be actually paid plus they were given a promise that Rs. 650/- per car will be given to them, as commission, and 50,000 cars will be produced. That calculation works out to an output of 50,000 cars. This is a very serious matter. This is part of mathematics. Rs. 650/- per car, promise of 50,000 cars, that means, Rs. 3.25 crores. So, total of Rs. 9 crores is due to the dealers. Now, a dealer was getting nothing of that kind.

Therefore, you look at this. All I am saying is that the list should be laid on the table of the House. I am prepared to withdraw this amendment if the Minister gives an assurance that he will place the list on the table. Let him accept the amendment, that will be very gracious. So, he should agree to place the list as soon as possible with the telephone num-

ber, his or her address, on the table of the House. If he is willing to accept, I am ready to withdraw, but if he does not, I must press my amendment.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): Sir, the Hon. Member's confession is very interesting. He has confessed, that he has spoken, he has no faith in the source of the printed thing. He said this. I do not accept that.

DR. SUBRAMANIAM SWAMY: That means he has got something to hide and therefore I press my amendment.

MR. DEPUTY-SPEAKER: I put amendments Nos. 20 and 54 to the vote of the House.

Amendments Nos. 20 and 54 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clauses 18, 19 and 20 stand part of the Bill."

The motion was adopted.

Clauses 18, 19 and 20 were added to the Bill.

Clause 21—(Admissions or rejections of Claims.)

SHRI SOMNATH CHATTERJEE: I have an amendment to this clause. I beg to move:

Page 10,

after line 21, insert

"Provided that no amount shall be payable to any person against whom an order is made under section 30A of this Act."
 (31)

This amendment is related to my next amendment. I am saying that if a person is guilty of commission of

an offence as mentioned in my amendment No. 32 for insertion of clause 31A, he should not be paid any money. Therefore, I have to press this amendment strongly.

श्री. रीतलाल प्रसाद वर्मा : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ : पृष्ठ 9, पंक्ति 36 के पश्चात् निम्नलिखित अन्तः-स्थापित किए जाएं :—

“आयुक्त ऐसे दावेदारों के दावों पर भी अन्वेषण करेगा जिन्हें मारुति लिमिटेड के अधिकारियों के द्वारा छल-बल प्रयोग कर प्राप्त करके वसूली पत्र पर हस्ताक्षर करा लिया गया है और उसकी एजेंसी की राशि का दुर्विनियोग किया है।” (51)

मैं कहना चाहता हूँ कि मारुति डीलरशिप के लिए जितने डिपोजिट्स हुए हैं अगर उसमें देखा जाए तो 1972-73 में 1,64,10,900 रुपये, 1973-74 में 2,18,91,042 रुपये, 1974-75 में 2,30,47,073 रुपये, 1975-76 में, 25,57,688 रुपये हैं, लेकिन बुक्स आफ अकाउंट में अगर देखा जाए तो हर वर्ष में घटा कर लिखा गया है, जैसे कि आप देखें 1975 में 27,67,000 रुपये दिया है, 1976 में 21,81,000 दिया है, 1977 में 20,63,000 दिया है, तो यह बहुत ही गड़बड़ हुई है। इस प्रकार बहुत लोगों ने जो डीलरशिप के लिए रुपया जमा किया, मारुति के अधिकारियों ने छल-बल का प्रयोग कर, दबाव डालकर उनसे वसूली-पत्र लिखा लिया है। तो जब अन्वेषण हो, उस समय जो अपने दावे प्रस्तुत करें, संदाय आयुक्त उन पर विचार करे। मंत्री महोदय ने उनकी क्षति-पूर्ति के लिए प्रावधान किया है, मैं उनसे आग्रह करूंगा कि यदि आप ईमानदारी के साथ उनका

भुगतान करना चाहते हैं तो मैं समझता हूँ कि ये अमेंडमेंट्स एक्सेप्ट कर लेंगे।

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 31 and 51 to the vote of the House.

Amendments Nos. 31 and 51 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That clause 21 stand part of the Bill.”

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22—(Disbursement of money by the Commissioner of claimants.)

MR. DEPUTY-SPEAKER: Shri R. L. P. Verma has an amendment to this clause—No. 52. Is he moving?

SHRI R. L. P. VERMA: I beg to move:

Page 10, after line 42, insert—

“Provided that the Commissioner of payments, while considering the claims of the claimants shall also take into consideration the suggestions and directions given by the Gupta Commission appointed on Maruti Limited and shall grant compensation so that the genuine claimants do not suffer.” (52)

श्री. रीतलाल प्रसाद वर्मा : क्लॉज 22 में मेरा संशोधन 52 जो है उसका मंशा यह है कि संदाय आयुक्त को देनदारियों और दावों पर विचार करते समय गुप्ता आयोग ने जो सुझाव या निर्देश दिए थे उन पर भी विचार करना चाहिए ताकि डीलरशिप आदि के लिए जिन लोगों ने पैसे जमा कराए थे उनकी भी क्षतिपूर्ति हो सके और उनको हानि न हो।

MR. DEPUTY-SPEAKER: I shall now put amendment No. 52 to the vote of the House.

Amendment No. 52 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 and 24 were added to the Bill.

MR. DEPUTY-SPEAKER: There is an amendment No. 43 by Shri A. K. Roy for the insertion of a new clause 24A.

SHRI A. K. ROY: I beg to move:
Page 11,—

after line 17, insert—

"24A. Notwithstanding anything contained in the Chapter VI the Commissioner of Payment shall be guided by the Report of the Gupta Commission on the Maruti Ltd. to decide the *bona fide* of the claimant for compensation."
(43)

You know we have discussed so much about the *bona fides* of the claimants. A lot of suspicions and apprehensions are existing as to how to identify the *bona fide* claimants. Government has not clarified its position regarding Gupta Commission's report. You know that that Commission had more than 100 sittings, examined more than 300 witnesses and probed more than 2000 to 3000 files. It has categorised all people associated with Maruti Ltd. Government should clarify its position with regard to the Gupta Commission and accept my amendment.

SHRI CHARANJIT CHANANA. I do not accept the amendment. The

bona fides of the Commission have already been explained.

MR. DEPUTY-SPEAKER: I shall now put to the vote of the House amendment No. 43 seeking insertion of a new clause 24A.

Amendment No. 43 was put and negatived.

MR. DEPUTY-SPEAKER: There are no amendments to clauses 25 to 28. I shall put them.

The question is:

"That clauses 25 to 28 stand part of the Bill."

The motion was adopted.

Clauses 25 to 28 were added to the Bill.

Clause 29—(Penalties.)

SHRI A. K. ROY: I beg to move:

Page 12,—

after line 38, insert—

"(g) and against whom adverse findings are there in the Report of the Gupta Commission in the Maruti affairs". (44)

It has given details of categorisation, who are the persons against whom penal action may be taken and what are the circumstances under which penal action may be called for.

You kindly look at it. Here I have only added that penal action also should be taken against whom adverse findings are there in the Report of the Gupta Commission in the Maruti affairs. I think, there is no difficulty in accepting this amendment.

SHRI CHARANJIT CHANANA: I do not accept it.

MR. DEPUTY-SPEAKER: Now, I put amendment No. 44 to clause 29, of Shri A. K. Roy to vote.

*Amendment No. 44 was put and
 negatived.*

MR. DEPUTY-SPEAKER: There are no amendments to clause 30. So, I shall put Clauses 29 and 30 together to vote.

The question is:

"That clauses 29 and 30 stand part of the Bill".

The motion was adopted.

*Clauses 29 and 30 were added to the
 Bill.*

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 13,—

after line 11, insert—

"Court to assess damages against delinquent Directors etc.

30A. (1) Notwithstanding any judgement, decree or order of any Court, Tribunal or other authority or anything contained in any law for the time being in force and the provisions of this Act, an enquiry shall be held by a Judge of the Supreme Court as may be selected by the Chief Justice of that Court to ascertain whether any person who has taken part in the promotion or formation of the Company or any past or present Director, Manager or Officer of the Company has misapplied or retained or became liable or accountable for any money or property of the Company or has been guilty of any misfeasance or breach of trust in relation to the Company.

(2) For the purpose of such enquiry, the Judge shall be entitled to examine into the conduct of the person, Director, Manager or Officer aforesaid.

(3) If upon such enquiry, if such person, Director, Manager

or Officer aforesaid as the case may be, is found guilty of any of the acts mentioned in subsection (1) above, then such person shall be compelled to repay or restore the money or property or any part thereof respectively with interest at such rate as may be determined by the Judge or to contribute such sum to the assets of the Company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the judge thinks just.

(4) The enquiry shall be completed within a period of one year from the date of the commencement of this Act.

(5) This section shall apply notwithstanding that the matter is one for which the person concerned may be criminally liable." (32)

May I draw the attention of the hon. Members and the hon. Minister to this amendment? I feel, if some objective approach is made to this amendment, all bona fide persons—I am not making any personal reflection on anybody—would accept it. It has been stated on the floor of this House that the takeover of Maruti Limited was not to stop the liquidation proceedings as such but to stop a private entrepreneur from grabbing this Company which has sufficient assets. If liquidation proceedings were to go on, then certainly consequences would have followed under the ordinary normal law of this country, viz. the Companies Act. One of the very salutary provisions of the Companies Act is that if it is found that anybody connected with the formation or management of a company has been guilty of any activity which has caused loss to the company, then there is a power of investigation. If Delhi Automobiles had not come into the scene, then these provisions would

[Shri Somnath Chatterjee]

have been applicable so far as Maruti Limited is concerned. What I am submitting is that a very salutary principle which is provided in the Companies Act of 1956, which was brought in by the predecessor of this Government, contains a provision that so far as corporate management in this country is concerned, there may not be participation by such persons who should not be there nor any person should obtain any benefit out of a corporate promotion and management of a corporate body.

I believe many of the hon. Members and even the Minister have not read it. May I read it with your permission? I quote:

"Notwithstanding any judgment, decree or order of any Court, Tribunal or other authority contained in any law for the time being in force and the provisions of this Act, an enquiry shall be held by a Judge of the Supreme Court...."

I have provided the highest Court.

"...as may be selected by the Chief Justice of that Court to ascertain whether any person who has taken part in the promotion or formation of the Company or any past or present Director, Manager or Officer of the Company has misapplied or retained or became liable or accountable for any money or property of the Company or has been guilty of any misfeasance or breach of trust in relation to the Company.

(2) For the purpose of such enquiry, the Judge shall be entitled to examine into the conduct of the person, etc.

(3) If upon such enquiry, if such person Director, Manager or Officer aforesaid as the case may be, is found guilty of any of the acts mentioned in sub-section (1) above, then such person shall be

compelled to repay or restore the money or property or any part thereof respectively, with interest at such rate as may be determined by the Judge or to contribute such sum to the assets of the Company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Judge thinks just."

Then I am saying that this will be completed within one year from the date of commencement of this Act. It is almost a verbatim reproduction of the provision in the Companies Act. I take it that there is no intention on that side, specially on the Government side, to provide this Bill as a shield to protect those persons who have been guilty of any of these acts. Is it a shield which you are providing by this clause, shield so far as any person guilty of any of these acts, which the law of the land discourages, disfavours and provides a remedy for?

There is no personal element involved here. In view of the unfortunate situation that has arisen, there is no question of any personal vendetta against any individual. Now public money is being given for the acquisition of this Company. Large sums of money were invested in this Company, rightly or wrongly. I am not going into the reasons, but it has not rectified or resulted in the production of cars. There is no commercial production of cars. The money which has come in from the banks, from the private persons etc. has not resulted in the commercial manufacture of cars. If any person is found guilty for this sorry state of affairs of this Company, if any person has obtained any personal benefit out of this, why not ask him to make the contribution, which will go to the Government company, so that the Government will reap the benefit of this compensation, and it will not go to any private person. Therefore,

if X is found guilty of any misapplication of funds, if there is such a suspicion—I am sure the hon. Minister cannot say everything was all right there—if there was any *male fide* involved, or any *mens rea* was involved—I am not going into that but—there may have been misapplication of funds by persons who were managing the Company, why not the money be realised from them, which will go to the coffers of the Government, so that public interest will be served.

Therefore, I very strongly request the Government and the hon. Members on the other side not to take it as a political amendment. This is not for cheap political campaign. This is what is contained in the Companies Act, which I am providing here, so that no guilty person, or even a person suspected guilty, can get out of the provisions of the ordinary law of the land. So, I am requesting the Government to accept it.

SHRI CHARANJIT CHANANA: I am not accepting it.

SHRI SOMNATH CHATTERJEE: Is this a fair approach? Is this Parliament to be taken so casually? Then why should we have deliberations in this Parliament? I have not brought any politics here; I have only brought in the provisions of the Companies Act. If this is the approach and attitude of the Government, if they refuse even to give an answer...

MR. DEPUTY-SPEAKER: He has answered it.

SHRI SOMNATH CHATTERJEE: The irresistible conclusion that one can draw is that you want to use it as a shield against some persons. Sir, you said the Minister has replied. It is an insensitive reaction to a good suggestion.

SHRI CHARANJIT CHANANA: I have heard every word of your speech. But I do not agree with your suggestion in the amendment.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 32 moved by Mr. Somnath Chatterjee for insertion of new clause 30A to the vote of the House.

The question is:

Page 13,—

after line 11, insert—

“Court to assess damages against delinquent Directors etc.

30A. (1) Notwithstanding any judgment, decree or order of any Court, Tribunal or other authority or anything contained in any law for the time being in force and the provisions of this Act, an enquiry shall be held by a Judge of the Supreme Court as may be selected by the Chief Justice of that Court to ascertain whether any person who has taken part in the promotion or formation of the Company or any past or present Director, Manager or Officer of the Company has misapplied or retained or became liable or accountable for any money or property of the Company or has been guilty of any misfeasance or breach of trust in relation to the Company.

(2) For the purpose of such enquiry, the Judge shall be entitled to examine into the conduct of the person, Director, Manager or Officer aforesaid,

(3) If upon such enquiry, if such person, Director, Manager or Officer aforesaid as the case may be, is found guilty of any of the acts mentioned in sub-section (1) above, then such person shall be compelled to repay or restore the money or property or any part thereof respectively, with interest at such rate as may be determined by the Judge or to contribute such sum to the assets of the Company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Judge thinks just.

[Mr. Deputy-Speaker]

(4) The enquiry shall be completed within a period of one year from the date of the commencement of this Act.

(5) This section shall apply notwithstanding that the matter is one for which the person concerned may be criminally liable."(32)

The Lok Sabha divided.

Division No. 54]

[16.56 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Choubey, Shri Narayan
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Ghosh, Shri Niren
 Giri, Shri Sudhir
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Kodyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Mahata, Shri Chitta
 Mandal, Shri Dhanik Lal
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar

Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 *Ranga, Prof. N. G.
 Riyan, Shri Bajju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Shakya, Shri Ram Singh
 Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Swamy, Dr. Subramaniam
 Unnikrishnan, Shri K. P.
 Vijpayee, Shri Atal Bihari
 Verma, Shri Phool Chand
 Verma, Shri Raghunath Singh
 Yadav, Shri R. P.
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasad Rao, Shri P.
 Anwar Ahmad, Shri
 Appalanaidu, Shri S. R. A. S.
 Arunachalam, Shri M.
 Azad, Shri Bhagwat Jha

*Wrongly voted for Ayes.

Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhagwan Dev, Acharya
 Bhakta, Shri Manoranjan
 Bhoi, Dr. Krupasindhu
 Bhoje, Shri Reshma Motiram
 Bhuria, Shri Dileep Singh
 Birbal, Shri
 Brar, Shrimati Gurbrinder Kaur
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chaturvedi, Shrimati Vidyawati
 Chennupati, Shrimati Vidya
 Choudhari, Shrimati Usha Prakash
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Damor, Shri Somjibhai
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dev, Shri Santosh Mohan
 Dhandapani, Shri C. T.
 Dogra, Shri G. L.
 Doongar Singh, Shri
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 *Gangwar, Shri Harish Kumar

Gehlot, Shri Ashok
 Gireraaj Singh, Shri
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gouzagin, Shri N.
 Gowda, Shri D. M. Putte
 Jadeja, Shri Daulatsinhji
 Jai Narain Roat, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Krishnan, Shri G. Y.
 Kuchan, Shri Gangadhar S.
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mahendra Prasad, Shri
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mallu, Shri A. R.
 Mane, Shri R. S.
 Mani, Shri K. B. S.
 Mavani, Shri Ramjibhai
 Mishra, Shri Gargi Shankar

Mishra, Shri Ram Nagina
Misra, Shri Nityananda
Mohanty, Shri Brajamohan
Mohite, Shri Yashawantrao
Mohsin, Shri F. H.
Mukhopadhyay, Shri Ananda Gopal
Mundackal, Shri George Joseph
Murthy, Shri M. V. Chandrashekara
Murugian, Shri S.
Muttemwar, Shri Vilas
Muzaffar Hussain, Shri Syed
Nagina Rai, Shri
Naikar, Shri D. K.
Nair, Shri B. K.
Namgyal, Shri P.
Nandi Yellaiah, Shri
Netam, Shri Arvind
Nikhra, Shri Rameshwar
Odedra Shri Maldevji M.
Palaniappan, Shri C.
Panday, Shri Kedar
Pandey, Shri Krishna Chandra
Panigrahi, Shri Chintamani
Panika, Shri Ram Pyare
Pardhi, Shri Keshao Rao
Patel, Shri Amrit
Patel, Shri C. D.
Patel, Shri Mohanbhai
Patel, Shri Uttambhai H.
Patil, Shri A. T.
Patil, Shri Balasaheb Vikhe
Patil, Shri Chandrabhan Athare
Patil, Shri Shankarrao
Patil, Shri Veerendra
Pattabhi Rama Rao, Shri S. B. P.
Phulwariya, Shri Virda Ram
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Pradhani, Shri K.
Prasan Kumar, Shri S. N.
Quadri, Shri S. T.
Rahim, Shri A. A.

Rajamallu, Shri K.
Raju Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ranjit Singh, Shri
Rao, Shri M. Nageswara
Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bholu
Ravani, Shri Navin
Rawat, Shri Hariash Chandra Singh
Reddi, Shri G. S.
Reddy Shri G Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul
Reddy, Shri P. Venkata
Reddy, Shri T. Damodar
Sahi, Shrimati Krishna
Sajjan Kumar, Shri
Satish Prasad Singh, Shri
Satya Deo Singh, Prof.
Sawant, Shri T. M.
Sebastian, Shri S. A. Dorai
Sethi, Shri Arjun
Sethi, Shri P. C.
Shailani, Shri Chandra Pal
Shaktawat, Prof. Nirmala Kumari
Shakyawar, Shri Nathuram
Shankaranand, Shri B.
Shanmugam, Shri P.
Sharma, Shri Kali Charan
Sharma, Shri Nand Kishore
Sharma, Dr. Shanker Dayal
Shastri, Shri Dharam Dass
Shastri, Shri Hari Krishna
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Dr. B. N.
Singh, Shri C. P. N.
Singh Deo, Shri K. P.
Sinha Shrimati Ramdulari

Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Subburaman, Shri A. G.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Swaminathan, Shri R. V.
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tripathi, Shri Kamalapati
 Tripathi, Shri R. N.
 Tytler, Shri Jagdish
 Verma, Shri Jai Ram
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Yadav, Shri Ram Singh
 Yazdani, Dr. Golam
 Zainul Basher, Shri

THE DEPUTY-SPEAKER: Subject to Correction, the result* of the division is:

AYES : 58.

NOES : 198.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 31 and 32 stand part of the Bill."

The motion was adopted.

Clauses 31 and 32 were added to the Bill.

CLAUSE 33—(Repeal and saving)

SHRI A. K. ROY: I beg to move:

Page 14, —

omit lines 11 to 13. (45)

MR. DEPUTY-SPEAKER: I put the amendment to the House.

Amendment No. 45 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 33 stand part of the Bill."

The motion was adopted.

Clause 33 was added to the Bill.

THE SCHEDULE

SHRI INDRAJIT GUPTA: I beg to move:

Page 14, after line 24, insert —

"(c) Secured loans with interest" (21)

Page 14, — for line 26, substitute —

"(a) Any credit availed of for purposes of trade or manufacturing operations;

(b) Deposits towards dealership;

(c) Deposits received from the public or from the members of the Company; and

(d) Share application monies where shares were not allotted." (22)

Page 14, — for line 28, substitute —

*The following Members also recorded their votes:

AYES: Shri Harish Kumar Gangwar.

NOES: Sarvashree Dalbir Singh, Godil Prasad Anuragi, Seth Hem brom, H. N. Nanje Gowda, A. Senapathi Gounder and Prof. N. G. Ranga.

[Shri Indrajit Gupta]

"Amount, due to the Government of Haryana towards the cost of land" (23)

Page 14, for lines 30 to 35, substitute —

"Any other dues" (25)

Page 14, —

omit lines 36 and 37. (26)

The points I had raised relating to the Schedule during the discussion have not been dealt with at all by the hon. Minister in his reply.

The Law Minister yesterday had tried to explain that the amount of Rs. 434 lakhs is adequate to meet the liabilities in respect of the first four categories of people. He gave a break-up and said that Rs. 434 lakhs can meet all these liabilities. If that is the case, what is the need for so many categories, because according to Clauses 19 and 20, Category I is given preference over Category II, Category II over Category III and so on. If it is not possible to pay a particular category because the higher category has exhausted all the funds, then the other people will be left without any payment. But here, according to the Law Minister, such a contingency should not arise because the total amount is enough to meet all the liabilities.

In my speech I had suggested that they should all be in one category logically. If there is not one category, through my amendments I have suggested that Categories I and III should be in one category. I do not see why secured loans should get a lower place than the amounts due to the Government of Haryana towards the cost of land, because a lot of questions have arisen about this land and nothing has been clarified as to whether the land is registered in the name of the company or not. There-

fore, I have suggested that (a) and (b) of Category I may remain as they are, that secured loans with interest be added as (c) of Category I, items mentioned in the present Category IV constitute the new Category III, to be followed by amounts due to the Haryana Government in Category IV, with any other dues in the last category.

17.00 hrs.

Because, otherwise, I hope the hon. Minister will kindly explain what is the object of fixing these priorities unless he has got in his mind that at some stage he will find that he has not got enough money left to discharge the liabilities of people in the lower categories. If that is so and that is the apprehension I have also got, then I do not want the Government of Haryana to get priority over other people. Why should the Government of Haryana get a higher priority? Why did they give land at a concessional rate? Why have they not tried to recover money all these years? They must also wait in the queue. There is no reason why they should be pushed up. Therefore, I am moving this amendment which, I think, is a mild amendment. The real amendment should have been that they should all have been put in one category if what the Law Minister has said is to be believed.

SHRI CHARANJIT CHANANA: I should like to mention one thing even at the cost of repetition that the non-Member was told at the time of the introduction of the Bill also. First of all the priority schedule is always given. The Commissioner of Payments is authorised to make disbursements within this schedule. It is very surprising that the hon. Member gives a lower priority to the Government and a higher priority to others. He has a different schedule

of priorities. I do not accept his amendment.

MR. DEPUTY-SPEAKER: Now, I put Amendment Nos. 21, 22, 23, 25 and 26 moved by Shri Indrajit Gupta to the vote of the House.

Amendments Nos. 21, 22, 23, 25 and 26 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill Clause 1

SHRI A. K. ROY: I beg to move: Page 2, lines 14 and 15, —

for "the Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980".

substitute "the Maruti Security Act, 1980" (36)

Sir, I am moving this amendment only to give a meaningful, short, precise and appropriate title to the Bill. The name of the Bill, as it is, is: The Maruti Limited (Acquisition and Transfer of undertakings) Bill, 1980. I have given a small name, that is, the Maruti Security Act, 1980. There is the National Security Act, 1980. This will be, the Maruti Security Act, 1980. So, it will fall in line with that. I hope, the ruling party will have no difficulty in accepting it.

MR. DEPUTY-SPEAKER: I put Amendment No. 36 moved by Shri A. K. Roy to vote.

Amendment No. 36 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula was added to the Bill.

Preamble

SHRI A. K. ROY: I beg to move: Page 2, —

after line 3, insert —

"AND WHEREAS the Commission of Enquiry by Justice Shri A. C. Gupta has already submitted its report revealing facts regarding various irregularities committed;" (34)

Page 2, line 8, —

after "motor vehicles" insert —
 "other than passenger cars" (35)

I want to just read out my amendment No. 34. It reads:

"Page 2, —

after line 3, insert —

"AND WHEREAS the Commission of Enquiry by Justice Shri A. C. Gupta has already submitted its report revealing facts regarding various irregularities committed;"

I do not want to make any more comment on it.

I wanted to speak on Amendment No. 35. I do not like to speak now. I will speak on my Amendment No. 33.

MR. DEPUTY-SPEAKER: I shall now put Amendments Nos. 34 and 35, moved by Shri A. K. Roy, to the Preamble to the vote of the House.

Amendments Nos. 34 and 35 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

[Mr. Deputy-Speaker]

"That the Preamble stand part of the Bill"

The motion was adopted.

The Preamble was added to the Bill.

TITLE

SHRI A. K. ROY: I beg to move:

Page 1, in the Long Title, —
after "motor vehicles"

insert "other than the passenger cars" (33)

My amendment is very simple. Here, I think, many of the Members from that side also will support me. In the Bill it is written:

"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 ..."

After 'motod vehicles', I have inserted:

"other than the passenger cars"

Now, what I would like to say is this. (*Interruptions*) The automobiles will be, not for private purposes, but for public uses—trucks, buses, power tillers, and so on. After all, what is an automobile factory? It is a factory basically meant for making internal combustion engine and other things. The basic thing is the internal combustion engine. (*Interruptions*) You try to understand the chemistry of it. It is only to convert the chemical energy unleashed due to the combustion of fuel inside the carburettor, into mechanical energy. (*Interruptions*) Kindly do not behave like Maruti. This internal combustion engine is not to convert the unaccounted money into accounted money, but to convert the chemical energy into mechanical energy. You

will be surprised to know this. We are nationalising this. You will understand that we are havnig so many factories and laboratories for our research and development and technology, thanks to our Minister, but the standard is not up-to-date. So, for everything, we have to run to France or to Italy or to Germany or to England or to America or to, I do not know where else, because the Ministers are now having their tours for unknown destinations; not much is known to us. That is why I say that in this country it is a question of principle. This country is a poor country. We are already spending more than Rs. 6000 crores of foreign exchange for importing oil. You know 36 per cent of our oil is used only for transportation. Our petrol consumption is increasing like anything and our factories which have capacity to manufacture passenger cars are under-utilised. Therefore, I would make an appeal to the Minister that he should use this Maruti factory for manufacturing automobiles for public use and not for personal cars or cars for private use and things like that. I think the Minister will accept my amendment.

SHRI CHARANJIT CHANANA: It is already there and I do not accept the amendment, Sir.

MR. DEPUTY-SPEAKER: The question is:

"Page 1, in the Long Title,—
after "motor vehicles"

insert "other than the passenger cars" (33)

The Lok Sabha divided:

Division No. 55] [17.17 hrs.

AYES

Acharia, Shri Basudeb
Agarwal, Shri Satish
Basu, Shri Chitta

Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chaturbhuj, Shri
 Choubey, Shri Narayan
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 *Era Anbarasu, Shri
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Kashyap, Shri Jaipal Singh
 Kodiyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Masudal Hossain, Shri Syed
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saha, Shri Ajit Kumar

Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Yadav, Shri R. P.
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Anwar Ahmad, Shri
 Appalanaidu, Shri S. R. A. S.
 Arunachalam, Shri M.
 Azad, Shri Bhagwat Jha
 Bagun Sumbhui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhagwan Dev, Acharya
 Bhakta, Shri Manoranjan
 Bhatia, Shri R. L.
 Bheekhabhai, Shri
 Bhoi, Dr. Krupasindhu
 Bhoje, Shri Reshma Motiram
 Bhuria, Shri Dileep Singh
 Birbal, Shri
 Birender Singh Rao, Shri

Brar, Shrimati Gurbinder Kaur
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Choudhari, Shrimati Usha Prakash
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Damor, Shri Somjibhai
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dev, Shri Sontosh Mohan
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Doongar Singh, Shri
 Dubey, Shri Ramnath
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaikwad, Shri Udaysingrao
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gireraj Singh, Shri
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gouzagin, Shri N.
 Gowda, Shri D. M. Putte
 Gowda, Shri H. N. Nanje
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jai Narain Roat, Shri
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamal Nath, Shri

Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammed
 Khan, Shri Malik M.M.A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Krishan, Shri G. Y.
 Kuchan, Shri Gangadhar S.
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mahendra Prasad, Shri
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mallu, Shri A. R.
 Mane, Shri R. S.
 Mani, Shri K. B. S.
 Mavani, Shri Ramjibhai
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashawantrao
 Mohsin, Shri F. H.
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. V. Chandrashekara
 Murugian, Shri S.
 Muttemwar, Shri Vilas
 Nagina Rai, Shri
 Nahata, Shri B. R.
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Netam, Shri Arvind

Nihal Singh, Shri
Nikhra, Shri Rameshwar
Odedra, Shri Maldevji M.
Palaniappan, Shri C.
Pandey, Shri Kedar
Pandey, Shri Krishna Chandra
Panigrahi, Shri Chintamani
Panika, Shri Ram Pyare
Pardhi, Shri Keshao Rao
Patel, Shri Amrit
Patel, Shri C. D.
Patel, Shri Mohanbhai
Patel, Shri Uttambhai H.
Patil, Shri A. T.
Patil, Shri Balasaheb Vikhe
Patil, Shri Chandrabhan Athare
Patil, Shri Shankarrao
Pattabhi Rama Rao, Shri S. B. P.
Phulwariya, Shri Virda Ram
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Pradhani, Shri K.
Prasan Kumar, Shri S. N.
Quadri, Shri S. T.
Rahim, Shri A. A.
Rajamallu, Shri K.
Raju, Shri P. V. G.
Ramalingam, Shri N. Kudanthai
Ran Vir Singh, Shri
Ranga, Prof. N. G.
Ranjit Singh, Shri
Rao, Shri M. Nageswara
Rath, Shri Rama Chandra
Rathawa, Shri Amarsiah
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish Chandra Singh
Reddi, Shri G. S.
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri K. Obul

Reddy, Shri P. Venkata
Reddy, Shri T. Damodar
Sahi, Shrimati Krishna
Sajjan Kumar, Shri
Satish Prasad Singh, Shri
Satya Deo Singh, Prof.
Sawant, Shri T. M.
Sethi, Shri Arjun
Sethi, Shri P. C.
Shailani, Shri Chandra Pal
Shaktawat, Prof. Nirmala Kumari
Shakyawar, Shri Nathuram
Shankaranand, Shri B.
Shanmugam, Shri P.
Sharma, Shri Kali Charan
Sharma, Shri Nand Kishore
Sharma, Dr. Shanker Dayal
Shastri, Shri Dharam Dass
Shastri, Shri Hari Krishna
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Dr. B. N.
Singh Deo, Shri K. P.
Sinha, Shrimati Ramdulari
Sonkar, Shri Kalapnath
Soren, Shri Hari Har
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukhadia, Shri Mohan Lal
Sukhbuns Kaur, Shrimati
Sunder Singh, Shri
Suryawanshi, Shri Narsing
Swaminathan, Shri R. V.
Tariq Anwar, Shri
Tayyab Hussain, Shri
Tewary, Prof. K. K.
Tripathi, Shri Kamalapati
Tripathi, Shri R. N.
Tytler, Shri Jagdish

Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Yadav, Shri Ram Singh
 Yadav, Shri Subhash Chandra
 Yazdani, Dr. Golam
 Zainul Basher, Shri

stick to the time factor—not more than five minutes. Mr. Bosu.

SHRI JYOTIRMOY BOSU: Kindly bring the House to order.

MR. DEPUTY-SPEAKER: Order, please. You will take the new points which have not been discussed. Only five minutes please.

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is:

AYES : 56

NOES : 210

The motion was negatived

MR. DEPUTY-SPEAKER: The question is:

“That the Title stand part of the Bill.”

The motion was adopted.

The Title was added to the Bill.

Mr. DEPUTY-SPEAKER: The Minister.

SHRI CHARANJIT CHANANA: I beg to move:

“That the Bill be passed”.

MR. DEPUTY-SPEAKER: Shri Bosu. Though you have already spoken, as a special case, I shall give you time.

SHRI JYOTIRMOY BOSU: Sir, the Minister has taken the House for a ride. He thought that he has succeeded in doing so.

MR. DEPUTY-SPEAKER: Just a minute. Every hon. Member will

SHRI JYOTIRMOY BOSU: Sir, if the Minister would be honest, I have to look into the Annual Report and statements of accounts for 1975, that is the last year, available to us, he will see that the secured loans with the bank guarantee to the two directors come to Rs. 1,75,693 existing and the future tool room and other plant and machinery equipments and building materials guaranteed to the extent of Rs. 1,05,93,215. Sir, I have got the reply dated 14th June, 1977 in regard to Question No. 283 in which the reply is—in the heading, amounts of loans outstanding against the companies on the date of the closing—of which the erstwhile Prime Minister and her family members had the equity shares in the Maruti Ltd.—that the secured loans other than banks are Rs. 1,26,27,123. Unsecured loans, Rs. 6,77,785. I would like the Minister to explain clearly and categorically in the context of the reply given to my question. What is this amount ‘other than bank loans’ coming from? Why is it not shown in the liability? Mr. Shiv Shankar tried to explain it. This is how the Law Minister loses credibility Sir, unless Ministers enjoy credibility, they are not worth their salt. They have quoted one Delhi Firm, owned by Mr. Sagar Suri who has huge apartment house in which the former Managing Director had a luxury apartment. He has offered a value, if I got him right; I

*The following Members also recorded their votes:

AYES: Sarvashri Harish Kumar Gangwar, Somnath Chatterjee and Chaudhary Multan Singh.

NOES: Shri A. Senapathi Gounder and Era Anbarasu.

am subject to correction; he had offered Rs. 8 crores; who gives that money? The peasantry of that area numbering several thousand heads. When this 297 acres of land was acquired, at that time, I had produced certified photostat copies from the local sub-registrar's office in 1971-72 on prices in that area. I made an understatement that it is Rs. 60,000 per acre. Mr. A. C. Gupta, the renowned and glorious judge, who was sitting in judgment on this finding had done a very excellent job and the House should convey its great pleasure and its congratulations. He had made it out clearly that at that time the cost of the land which should have been paid to the poor peasants would amount to Rs. 75,000 per acre. Last night I verified this. I am now positive about it. According to the market value of today it is Rs. 1,50,000. If you rob the peasant, as you have done in the past, price of land alone would come to more than Rs. 4 crores. Besides, the Minister has misled the House, saying that building and shed is having 85,000 sq. metres. If you take even modest amount 50 rupees per sq. metre covered space, that would amount to Rs. 4 crores. By robbing the poor peasants in that area this company has flourished. For the building several thousand tonnes of steel have been taken and diverted to the blackmarket. Thousands of tonnes of cement were taken and diverted to the blackmarket. Supply of wagons of coal was taken and they were given to the brick kiln owners in that area for the consideration of free supply of bricks. In the 'Books of accounts' these were all entered as 'amounts paid'. But the amount was swallowed. That is the position. Here you say 8½ to 10 crores. It should have been outright nationalisation without compensation. So, Sir, these poor peasants have been cheated, they have been uprooted from their ancestral homes; they have been shedding crocodile tears for the poor people and rural people. They should

be adequately compensated today at the present market value.

If you come to 'Sundry Creditors' what do you find? The figure here given is Rs. 39,15,551. The Deposit figure, according to the Annual Report, is Rs. 2,55,00,000. Other liabilities come to Rs. 3594,965. Mr. Banerjee the Income-Tax Commissioner has observed that all this money came from benami people; benami names are there. That is precisely the reason why the Government are not prepared to lay the list of the depositors on the table of the House.

SHRI K. P. UNNIKRISHNAN: Now they will have to do it.

SHRI JYOTIRMOY BOSU: No, I don't think so; this Government will never do it.

Now you come to fixed assets, plant and machinery and structures including the laboratory equipment. I asked for a complete inventory. They will not give it, because, much of it has been sold outside after Janata party has come to power. What is the value? Rs. 1,40,59,092. If you come to raw material, parts and components it is Rs. 34.75 lakhs. Work-in-progress including expenditure on prototype would come to Rs. 20,66,687.

Now, if you come to the bottom figure, you will find the figures for Prototype Development expenditure. It is Rs. 57,92,103.00. The total of this item comes to Rs. 58,35,048.00. Now, the share application money is Rs. 46,89,350. The aforesaid amount of Rs. 46,89,350/- includes sums aggregating to Rs. 39,89,350 received by the Company upto 31st March, 1976 in respect of which former application has yet to be received from the applicants concerned. Now, coming to the question of actual production, total number of motor car produced is 21 as on 31st March, 1976. Besides some spare components/dies etc. were

(Shri Jyotirmoy Bosu)

produced on part of the installed machine. Now, I come to raw materials, parts and components consumed during the year. Steel/cast iron, pig iron etc. consumed during the year was to the extent of Rs. 5,46,425. Aluminium Alloy/CI casting lead was to the extent of Rs. 9,41,661. In the Director's report they had clearly stated that the net loss of the company during the year as at 31st March, 1976 after changing all expenses of management except depreciation but before creating Development Rebate Reserve, comes to Rs. 52,67,969; to which is added Development Reserve—Rs. 43,100 thus making a total of Rs. 53,11,069, to which is added the balance of loss brought forward to the next year Rs. 1,06,53,321.

Now, I do not know where the Law Minister is. He talks of others obscoding, but he is now obscoding and hiding. He mentioned in this House about "fountain of lies". If you do not clarify these things, everybody in this country will understand that a big fraud has been committed on the poor peasantry that their land has been acquired at the rate of Rs. 9000 per acre, the market value of which is Rs. 1.5 lakhs per acre.

SHRI NITYANAND MISRA (Bolangir): Sir, I rise to support this Bill. This is not the first time that we are talking of nationalising the industries. In the past a number of Bills of this nature had been discussed in this House and we have passed them. Recently, Bills for nationalisation of some Jute Mills and Bengal Chemicals were discussed and in most of the cases, the hon. Members sitting Opposite had risen to the occasion and supported them. That present Bill is based on the same principle in so far as the nationalisation is concerned. That is the reason why I appeal to the hon. Members of this House to support this Bill wholeheartedly. The idea of nationalisa-

tion has been supported by all the hon. Members of this House and this Bill seeks to nationalise one of the industries. The Leftist parties say that they are wedded to the principle of nationalisation. They prefer that the ownership of the means of production should be with the State. I appeal to them, specially to our hon. friend Mr. Jyotirmoy Bosu to give his wholehearted support to this. He is committed to the principle of State ownership of the means of production and I appealed to him to support this Bill.

Why has our country not made any substantial progress in the field of car manufacture? We know from our experience that this is because sufficient amount of attention has not been devoted to research and development. As a result of this, the prices of cars are very high and it is only the very affluent and rich people who can afford to purchase it. Even professional persons like doctors, engineers, and administrative people are not able to purchase and maintain a car. Then, there is another drawback. The performance of our cars is not of a very high order; the consumption of petrol is very high. However the position in very small countries like Italy and Switzerland is very different. The consumption there is very low, the performance is very good; they have got sophisticated mechanical devices. As I said, the consumption is low, the cost of maintenance is also low. Should we not have a car in our country, whose performance should be very good and satisfactory? Should we not build up in our country gigantic automobile industry which will fulfil the long-felt need of the people and which would be within the purse of an average man?

It was pointed out by some hon. friends that the automobile industry is facing difficulties even in the developed countries because of recession all over. I would like to tell them

that this is only a temporary phase and it will continue only for a short while. This is no reason that we should not go in for this industry in a big way. We should go in for this industry in a big way, which will not only cater to the domestic needs, but we should also be able to export the cars and it will be an economic proposition for this country.

Sir, so far, the automobile industry in this country has been in the hands of private industrialists, who have been having monopolistic control over the production, distribution and sale of the cars. This is one of the reasons why there is stagnation in the development of automobile technology in our country. As I said, sufficient attention has not been devoted to research and development of technology, as a result of which we are not in a position to manufacture a car which should be within the reach of everybody.

I whole-heartedly support this Bill. Though this Bill seeks to nationalise an industry, it is surprising that it has met with such opposition. This is because there has been an organised campaign of vilification against Maruti and people associated with this company. It has been going on for a number of years. It started during the time of emergency and it continued during the Janta and the Lok Dal regimes and it still continues. As a result of this criticism what have they achieved? They have a political purpose behind that. They wanted to achieve a political objective and political purpose, but they failed miserably. This exercise has been self-defeating and counter-productive and it has boomeranged on those who indulged in this type of criticism.

Sir, in the 1980 parliamentary elections we have seen how a person on whom all the allegations were levelled got a massive mandate from the people. We have absolute confidence in that person and that is why I ap-

peal to the hon. Members of this House, particularly members of the Leftist parties who are committed to the principle of nationalisation to support this Bill. Sir, when any sick unit is taken over, it is in a state of economic distress. So, I appeal to the hon. Members not to think of these considerations, and support the Bill. Thank you.

SHRI RAM JETHMALANI: Mr. Deputy Speaker, Sir, my first task following the maiden speech is to say a word of praise for my distinguished friend from Orissa, Shri Misra, who has just delivered one of the good maiden speeches that I have heard in this House. I only regret that it was a maiden speech but delivered in support of an immoral enterprise which had never any innocence of maiden-hood.

Sir, I have also to congratulate the hon. Minister of State. This morning he made a great claim of being very civil and parliamentary. I concede that the claim is good so far as today is concerned but only three days ago the record of the proceedings of the House will show that he used unparliamentary expressions of 'cheating' and other expressions against me when I was not present. I have not asked either the Speaker or the Deputy Speaker to expunge those remarks because I want that record to remain as a permanent record to exhibit the vulgarity and the kind of unparliamentary expressions that the members of this government continue to use.

SHRI JAGDISH TYTLER: You should know who inspired those remarks.

SHRI RAM JETHMALANI: I request my learned young friends not to get involved in this controversy.

Sir, I have to congratulate the hon. Minister for one more thing. During some close questioning by Mr. Indrajit

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Gupta he made a confession—a confession on behalf of his entire government—that his government first decides and then thinks. He was asked: Before you decided to take over and start this huge enterprise did you have the feasibility report or the project report? He said that the two documents are being compiled. Did you have any investigation or enquiry done as to whether government should embark on such an enterprise? He said that they were still thinking whether they should or should not. Sir, it is a strange thing that they take decisions and then rationalise afterwards. You first act in a haste and then think slowly according to the intellectual equipment that you are capable of.

Now, there are three matters which require particular comment at this late stage of the Bill. The first is that let us make it very clear on behalf of the Opposition that we are not opposed to nationalisation of any industry which is in a situation of that kind. It is unnecessarily being mis-represented, that the Opposition or any section of the Opposition is opposed to nationalization. It is not a question of nationalization. The evil part of this Bill is Clause 7, under which a payment of Rs. 434 lakhs is being made by way of compensation for the take-over of the alleged assets. I only say this: you might have been satisfied that you are not taking up junk. We are satisfied that it is junk. There is a controversy between us. If you are sensitive, if you have some respect for the Opposition and for those voters whom we represent and for every section of the population of this country, it is very easy for you to resolve this doubt. This doubt can be resolved by at least making a provision in the Bill that you shall pay by way of compensation, such amounts as are determined by a committee of experts consisting of judges,

architects, engineers and valuers to be appointed by the Supreme Court of India. Whatever that committee says is the value of this property may well be paid over; and once that is done, it will blunt a good bit of our criticism of this Bill.

We believe to-day and we believe honestly; and in support of the honest belief I am willing to assume that we are mortals and human, and our beliefs may be wrong; but we are reasonable people who have reasonable material on which a reasonable man would well entertain this belief. Let me, first of all, talk of the reasonable material, and I want some answers from the Minister, if he is in a position to give these answers.

First of all, let us look at the figure of Rs. 434 lakhs. The three digits, 4, 3, 4 give an appearance as if you have not done some guess work. If you had adopted round figures, you may have given that impression. But when you adopt the figures of Rs. 434 lakhs, it appears that you have done a lot of thinking about it, and you have done a lot of calculations and have arrived at the exact mathematical figure of Rs. 434 lakhs. I want to ask, and I will ask in all seriousness: the Minister, before he put this figure, must have done his home-work and his calculations. I want to know how this figure of Rs. 434 lakhs was arrived at. It is not the total, it is not, of any set of figures, either in the balance sheet of the company or in the so-called Liquidator's Report of 22nd July, 1977. I challenge him. Let him pick up any figures from anywhere; and I challenge him something more. Let him jumble up the figures on the credit side and on the debit side, and let him arrive at a figure of Rs. 434 lakhs. We want to know, the nation wants to know, at least the people of this country who have voted for us want to know it.

I want to say this to him: this Rs. 434 lakhs figure is a bogus figure; and I will show to you how bogus it is, by another simple arithmetical calculation. Look at the Schedule. It has Category I—my hon. friend the Minister has forgotten that on a previous occasion he has committed himself to certain figures, by giving the written answer to a question posed by my leader; and in that answer which is a part of the proceedings of this House and which is, before this House, Category I will exhaust Rs. 2 lakhs; Category II will exhaust Rs. 60 lakhs; Category III will exhaust Rs. 180 lakhs. I am rounding off small figures. The total comes to Rs. 240 lakhs. If you deduct Rs. 240 lakhs from Rs. 434 lakhs, it leaves you Rs. 194 lakhs. I want to know how Rs. 194 lakhs can ever meet Category IV. In Category IV, you have "Deposits towards dealership". Deposits towards dealership are themselves Rs. 240 lakhs. Rs. 240 lakhs are shown as dealership deposits. How are you going to meet them from Rs. 194 lakhs which are left out? Then you have got other deposits—Rs. 64 lakhs. How are you going to meet them if you have only Rs. 194 lakhs? And how are you going to give to Category IV(d)? How are you going to give to Category V at all? This shows that the figure Rs. 434 lakhs was an arbitrary figure, just selected to give a smokescreen and camouflage, that some very very detailed and careful calculations have been done, when the figures show that every single figure in this Bill, is bogus and, more so, when it does not fit up or coordinate with any entries in the balance-sheet or in the statement of the liquidators.

Then, Sir, another circumstance which shows that our reasonable belief is a reasonable belief that you are taking over junk is that as far back as 1971-72, the company's balance-sheet contains a statement and I am glad that we insisted that these documents be pro-

duced and we now realise the reluctance with which they were produced and why that reluctance took place. The balance sheet of 1971-72 contains a statement on behalf of the management of the company that the company is now poised for commercial production. In 1971-72, it was poised for commercial production and with all the facilities which the late Managing Director of the company enjoyed, with the whole power of the bureaucracy behind him, with the whole influence which the family commands at his beck and call with the Prime Minister as his mother, in spite of that fact...

SHRI RAM SINGH YADAV: Sir, the discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments, which shall be of a general character. He cannot go into the details of that case. That was old. That was at the time of consideration of the Bill. Now, he cannot go into that. He must confine to that (*Interruptions*)

SHRI RAM JETHMALANI: We are only saying that our belief that the Government is taking over junk is a reasonable belief.

MR. DEPUTY-SPEAKER: I am asking him to adhere to the rules.

SHRI RAM JETHMALANI: But for five years, with all the facilities, at its disposal, it did not produce a single car about which it was said in 1971-72 that the company is now poised for what they called commercial production. Then, Sir, the balance-sheet of 1975-76 showed that liabilities were at Rs. 66 crores as unsecured

[Shri Ram Jethmalani]

debts, 1975-76 to 1976-77, the document on which they are relying shows that these unsecured loans increased from Rs. 66 lakhs to Rs. 388 lakhs. Now, Sir, this shows ... (Interruptions). From 66 lakhs to Rs. 388 crores which shows that during the period of Emergency that is, 1976-77, they succeeded in mopping up Rs. 3.22 crores. 322 lakhs more. Now, these Rs. 322 lakhs which are mopped up during the period of Emergency are then interspersed in the previous years by making false, bogus, credit and debit entries in the books of that year. Now, this is a matter which is apparent to any accountant as indeed it was apparent to Mr. Justice Gupta. Mr. Justice Gupta may be wrong, I may be wrong, but we say that we have a reasonable apprehension that these assets are being over-valued and if you have any democratic sense left, accept this proposal, and have the valuation revised and have it determined by a Committee of Experts of the kind which I have talked about.

Sir, that takes me to ...

MR. DEPUTY-SPEAKER: This is the third reading. You must also take note of that.

SHRI RAM JETHMALANI: The second point of great controversy is: to whom are you going to pay Rs. 434 lakhs. I suggest that in the interest of the principle that governments must not only act with financial honest but they must also seem to act with financial honesty, particularly in a case where the Prime Minister and her family are connected with an enterprise the principle is all the more sacrosanct. I say this: pay to those people only who come and prove their debt before a judicial authority; let him ask for proper evidence. Let it not be in Minister's office or in Mr. Chanas office or anybody else's office but in front of

a public judicial enquiry, let anybody prove his loan or debt and let him be paid.

MR. DEPUTY-SPEAKER: You have taken ten hours for this discussion.

SHRI RAM JETHMALANI: I have not taken that time. I want to come to my third point. It starts with the year 1970. On 23 September 1970 in a city, in Ahmedabad Mrs. Gandhi told her audience that Maruti car was a fairly comfortable car, that it was suited to Indian conditions and that it was going to be very suitable to the middle class. I do not blame if that is an unrealised dream 1970 is still sought to be realised in the year 1980-81. In can only tell them what we on this side of the House think: it is a dream and it will never be realised, because we are all mortals and we are all inexorably moving, nearing the end which has its design over mortals. So is Mrs. Gandhi who is not an exception. I suggest that within her lifetime or my own, this dream is not going to be realised. It remains a cruel joke upon the people of this country, upon the middle classes of our country. People live in 30s and 40s, huddled together in garages. As I said it remains a cruel joke upon the middle class people of this country who will neither appreciate nor absorb it; you alone can do it ... (Interruptions)

MR. DEPUTY-SPEAKER: We have already taken ten hours. The Business Advisory Committee fixed four and half hours. It was agreed that it should be extended to 7 hours. Now we have already completed ten hours. Therefore for each party, I am going to call one. Shri Somnath Chatterjee and Dr. Subramaniam Swamy—these are the only two speakers. Now Dr. Subramaniam Swamy.

DR. SUBRAMANIAM SWAMY:
 There has been general complaint on the other side that we repeat old facts. There has been complaint from you also ...

MR. DEPUTY-SPEAKER: No.

DR. SUBRAMANIAM SWAMY:
 Since you are not complaining, we can repeat old facts. Sometimes repetition of old facts is necessary not only for ourselves but for future generations also. Your name, Sir, is Lakshmanan. Every year we have Ramayan; everybody knows the story of Ramayan but it is repeated over and over again. The actions of Ravana are repeated over and over again so that we never forget what happened. If one goes through the voluminous records that are available on Maruti it is clear that every conceivable law was broken. It is easier to specify which laws were not broken rather than which laws were broken. I do not hold Mr. Sanjay Gandhi or Mrs. Gandhi exclusively responsible for it; in fact Members of the Cabinet, if they had any character in them they could have stopped the whole thing. If Mr. Dinesh Singh and succeeding Industries Ministers stood up to the Prime Minister or stood up to Mr. Gandhi and said: No, I cannot do this, if you force me to do it, I will resign, I think this would have stopped and perhaps it would have taken Mr. Sanjay Gandhi in a different path from the one he had pursued. When people go wrong, the people around those persons should point out that what they are doing is wrong. So, it is our responsibility to point out the wrong. I would like to say this to Mr. Chanana: If you want to be remembered in future that there was a Minister of Industries called Shri Charanjit Chanana, you must stand up for what is right and oppose what is wrong.

MR. DEPUTY-SPEAKER: He is going to stand up after some time!

DR. SUBRAMANIAM SWAMY:
 For what? I cannot be responsible for what Mr. George Fernandes did in the previous Government. I opposed him then also. Everybody knows that. So, nobody can accuse me of inconsistency. This project was born in sin and it is dying today in sin.

Sir, you are now in the august position of Deputy Speaker. You were once upon a time in the DMK.

SHRI C. T. DHANDAPANI: He is still in the DMK.

Dr. Subramaniam Swamy
MR. DEPUTY-SPEAKER: The Deputy-Speaker can be a member of a political party. (Interruptions). You are not objecting; I am not objecting. Why should they object? What is wrong in my saying that you were a member of the DMK? You had a very honourable colleague, Minister of Industries in Tamilnadu, called Shri Madhavan, He came to Delhi in 1974, and took a ride in the Maruti car, one of the two cars with foreign engines; He said afterwards—you don't remember; I will remind you—that this is worse than a Vanaspati dabha; for God's sake, this car should not be inflicted on the country.

MR. DEPUTY-SPEAKER: Where were you at that time?

DR. SUBRAMANIAM SWAMY: I was in Rajya Sabha.

None of us has got a car to go in, but the nation has been taken for a ride. The whole operation that is being conducted today is a very fishy operation. (Interruptions). I do not know why the hon. member from Mangalore should object. Perhaps he is a vegetarian and he does not like the word 'fishy'. I was going to say something favourable about Mangalore, but now perhaps I should not say it. The objection is not clear. Is

[Dr. Subramaniam Swamy]

it export? If it is export, why keep it in Haryana? What will be the cost of transportation? The infrastructure is heavily strained. It will be better if it is dismantled and put up in—I was going to say Mangalore, but now I will say, Calcutta—where you have a port and export is easier. The objective is fishy. The timing is extremely fishy. There is internecine warfare going on in Congress (I). We know that Congress (I) today is sick. (Interruptions).

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH): He is already a sick man in a sick party!

DR. SUBRAMANIAM SWAMY: Why should Mr. Buta Singh object? Congress (I) is a sick party. The Janata Government collapsed in 2½ years. I do not know whether this Government will last more than 1½ years. This timing is very fishy. That everybody knows. They have not been able to controvert it. Finally, I come to the figures given to Shri Atal Bihari Vajpayee by the Minister. I am not talking of what Shri Vajpayee said. I may have differences with what he said. But the Minister gave it in writing of Mr. Vajpayee, which you cannot controvert. I must quote the figures—employees' dues Rs. 25 lakhs; Haryana Government Rs. 46 lakhs ...

18.00 hrs.

MR. DEPUTY-SPEAKER: This is repetition.

DR. SUBRAMANIAM SWAMY: It is like Ramayan! Please see Question No. 3270 and other such questions. The whole amount is Rs. 543 lakhs and they ask for Rs. 494 lakhs. Therefore, that is fishy.

MR. DEPUTY-SPEAKER: I think, tonight you will have fish in your dinner.

DR. SUBRAMANIAM SWAMY: I am vegetarian except for chicken.

If the demand for compensation is more than the supply of compensation, what does it mean? You know the basic economics. It means that there is a fear that there will be under the table arrangement also in such a matter. That is why, I think, the full amount is not there. Why did they not ask for Rs. 8 crores? The surplus amount could have been sent back to the Consolidated Fund. They have not done it because I have heard from property dealers of the Maruti Association that they are being subjected to negotiation. I would like the Minister to give an assurance that everything will be above board. Those who claim the money, please put their names, addresses and telephone numbers so that we can check.

SHRI SOMNATH CHATTERJEE: I, being the last speaker before the outrage is committed finally, may be allowed some more time.

I consider this as another shameful day for this august House which is participating in a debate for defiling the statute book of this country permanently. We are going through the drama of enacting a law which is nothing but a calculated hoax perpetrated on the people of this country. By the way Maruti Limited has been purpoorted to be nationalised, the whole concept of nationalication has become suspect in the eyes of the people of this country. Eminent domain—I hope, the Minister knows this phrase—power of acquisition given to the State—has to be for public purpose. It is a basic requirement of our Constitution to which they pay only lip service. I cannot think of any point of time when this power, very important State power, has been exercised for such a gross private purpose to extricate a certain group of individual and a family

from the consequences of law enacted by themselves.

Yesterday, the hon. Law Minister tried to come to the rescue of the Industry Minister. If we go through his long speech, the sum total of his speech is that the Government has got a very valuable property at a cheap rate. And that somebody, some ordinary private businessman was going to acquire it. He had made an application before the Court and would have got that very valuable property at a cheap rate and, therefore, the Government to acquire the very valuable assets, had gone to the exercise of passing an ordinance. Therefore, the object is to get a property, a valuable property. Now admittedly, there is no project report, admittedly till today the Government does not know how much money they will have to bring about to put this company into a running condition. Whether they can at all produce a car, which will not be a push model car? That was Maruti, I am told. One has to push it, because there was no operating engine. This is a very serious matter. I would like to remind the hon. Members that when we are mentioning one after another sick companies, about which viability report has been obtained, which can be made viable by some investment from the Government, because they are very valuable units or companies with a large number of employees, some of them having even thousands and thousands of employees, when we are requesting them to take over those companies, then the Minister says "Well, I have not got such a viability report, which will make the company run profitably". There are innumerable instances. There is the Hindustan Pilkington, where thousands of workers are employed, there is the Indian Paper Pulp Company, on which the Prime Minister has given a commitment to take over this company, the rubber manufacturing

companies are there; the Minister knows about all of them. There are many undertakings in this country, which are valuable units, which have become sick due to mismanagement by private owners, but which have not been taken over. Why is it that they are not being taken over? Not a single unit has been taken over, even though every day we are requesting him to do that, because, he says, there are no viability reports or feasibility reports. We can give any number of examples. The Minister owes us an explanation why in this particular case, without a project report in their file, and no study whatsoever, without any assurance being given to the country in this House that they will ever be able to manufacture a single car ...

MR. DEPUTY-SPEAKER: He should conclude now.

SHRI SOMNATH CHATTERJEE: I do not think I have spoken nonsense.

MR. DEPUTY-SPEAKER: Not at all.

SHRI SOMNATH CHATTERJEE: I may submit that they are talking today that we are against nationalisation. Such types of cruel jokes—in fact these are cheap jokes, not even cruel jokes—should not be bandied about here. If they were satisfied that this was for the purpose of really supporting an industry, for which there is a great need in this country, then they would not have completely shut their eyes against many good undertakings, which can be made profitable by investing a little of the Government money. But the Government is not willing to revive them, even though there are so many units like that in the country.

Yet, Maruti is separately treated. I call it the biggest cover-up action in this country since independence and the biggest pre-emptive move.

[Shri Somnath Chatterjee]

which has been done by this Ordinance, to cover up the whole set of laws of this country. All the relevant laws of this country are to be covered up. If there had been a proper investigation and inquiry, everything would have come out. The liquidation proceedings are there. The pre-emptive move is ...

AN HON. MEMBER: The Law Minister's job.

SHRI SOMNATH CHATTERJEE: I know I cannot blame him. He is an honest man. But, in that company what can he do?

SHRI JYOTIRMOY BOSU: He is in charge of Company law.

SHRI SOMNATH CHATTERJEE: Now he has finished that by bringing such laws. Sir, you are restricting the time. Let us also know some of the laws of the country. All the time we are indulging in making illegal laws, *ultra vires* laws, or anti-people laws. So far as the Companies Act is concerned, until now, I do not think they had any allergy to it. In fact, they have been liberally using the Companies Act against any person whom they wanted to catch hold of.

It is known to everybody that there are so many powers given to the court in the course of liquidation proceedings to ascertain facts, to recover the assets of the company, or to avoid the effects of what are known as 'fraudulent preferences'. I will just mention the headings of some of the sections—penalty for falsification of books, offences by officers of companies in liquidation, penalty for fraud by officers, liability for proper accounts not kept, liability for fraudulent conduct of business, power

of court to assess damages for what is called misfeasance against delinquent directors, prosecution of delinquent officers and members of the company. All these provisions of the Companies Act are completely covered now and no action can be taken.

Since proceedings were going on before the court, the problem was how to stop it. They cannot go before the court and show their face. So, what do they do? They take away the powers from the court, so that there will be no misfeasance proceedings, no inquiry, no delinquent officer removed or punished, no penalty for falsification of books. Nothing can be done and everybody is being exonerated. Therefore, the object is not nationalisation of the Company for public benefit. This is nationalisation of all illegalities that have been committed, which they want to cover up by this pre-emptive action. Our respectful submission is that their object is not to start on industry. If it was so, then they would have come out today with a detailed project report or even an indication as to when they will be able to start this factory. They do not know even what is there in the factory. they do not know whether the machines are working. The hon. Minister said, it is being put into working condition. (*Interruptions*). Polish your faces and look at the mirror... (*Interruptions*) You are very handsome and nice people, but your face today is the ugliest one in this country. (*Interruptions*). I appeal to the hon. Members that under the present laws of this country—forget about the penal provisions—they could have achieved what they have got now or wanted to get by applying the Industries (Development and Regulation) Act. There is a provision in this Act. Now, I hope Mr. Shiv Shankar will correctly advise the Industry Minister. There is a provision here to the effect that even if a company is in

liquidation, if the Government is of the opinion that the company can be revived, the Government can make an application to the court to go for an investigation, for appointment of an authorised controller and all liquidation proceedings will be stayed. The Government gets the power over the management of the company and that management can be continued for 12 years and the court has no option if the Government makes an application stating that 'we want to take it up, there is going to be an investigation! Without payment of a single paisa as compensation, they could have taken over the entire management of the company without any liability and the court would have been bound to stay the winding up proceedings so that the company can be run and managed by the Government. It contains a provision that the Government by issuing a notification could have stayed the operation of contracts, orders and decrees against this company. They would have even be able to avoid payment of liability for 12 years. If they had been honest, they would have gone to the court, made an application under the IDR Act stating 'Give us the power to manage, we want to see whether this company can be revived or not', the court could have given this power. Why did they not try this way? They are playing with Rs. 434 lakhs of the people (*Interruptions*). Apart from the compensation now, they will have to spend money to run it. This Rs. 434 lakhs is not the entire amount that will be needed for this factory. This is to pay compensation to their own persons whose identity even is not certain, whose existence is not even accepted to-day. They are unable to give the particulars. Once I find that Dr. Subramaniam Swamy has put in a relevant emendment. They are not agreeable to give even the particulars of the existing persons. They are making charity of Rs. 434 lakhs to themselves. They are making the

Companies Act non-applicable. They are pre-empting any action being taken by the court, they are covering up all illegalities, and all misfeasance and at the same time they are doling out Rs. 434 lakhs for themselves and the people of this country are taken for a ride. Don't think that everybody is a fool in this country. They have got a majority. Merely a few more topiwallas day by day will not help them. There may be more topiwallas on that side, but the people of this country are not being guided by these Ayarams and Gayarams.

MR. DEPUTY-SPEAKER: The people in our country are more intelligent than the politicians.

SHRI SOMNATH CHATTERJEE: They cannot find even PCC Presidents, senior Ministers are being derailed, treated in a lackadaisical fashion, we know what will happen.

Therefore, I want to say that this Bill was conceived in fraud. The whole undertaking was conceived in fraud, it was reared up in fraud, let that fraud not be perpetuated for ever. Therefore, I oppose every word of this Bill.

SHRI CHARANJIT CHANANA: There are a few things which the hon. Members have said. I will take them up first.

One is that Mr. Jethmalani has rightly said that the whole thing was more of a drama, but who played the villain and other parts they will have to identify.

SHRI P. SHIV SHANKAR: He is the villain of the piece.

DR. CHARANJIT CHANANA: Secondly, Shri Jyotirmoy Bosu was making some statements on nationalisation.

SHRI JYOTIRMOY BOSU: Without compensation.

SHRI CHARANJIT CHANANA: He says without compensation, while the other hon. Member was just now saying we were doling out compensation. First they should settle between themselves. (*Interruptions*).

Noise is a very important factor on their part, but that noise speaks more of their political frustration. I cannot do anything about that at all. I am replying to each point. Have patience also.

SHRI JYOTIRMOY BOSU: On a point of order. Kindly advise the Minister not to quote the uncorrected speeches of yesterday. They have to be corrected today and sent back.

SHRI CHARANJIT CHANANA: I am glad the hon. Member is advising us not to talk of yesterday.

SHRI JYOTIRMOY BOSU: Don't quote yesterday's speeches.

SHRI CHARANJIT CHANANA: He himself wants to remain in yesterday. As far as the speeches are concerned, he should check up with Mr. Samar Mukherjee whether he did write a letter to the then Industries Minister for nationalising this company or not.

Secondly, he should also check up—because I am told that the CPI and the CPM are flirting to their convenience very much these days—from the Minutes of the politbureau of the Communists Party... (*Interruptions*)

I am very particular about one thing, the way Shri Bosu gets exited. It might affect his health, especially his blood pressure. He is a friend of ours, and we do not want that to happen at all.

But he is indulging in games of speculation. He says what happened after the Janata Party came to power, and he wants to talk about what happened after 31-3-1976. As to what you have been doing during

the Janata Period, I do not want to expose you people at all.

It is very surprising that the CPM Member is talking of sundry creditors, he is not bothered about the public sector at all, about Government dues. (*Interruptions*) May I only request the hon. Member that he should stick to the so-called ideals of his party?

Another member was talking of another thing that the gross capital is now being replaced by some other thing. Then, Shri Ram Jethmalani who is a so-called a lawyer...

AN HON. MEMBER: Why so-called? Is he a so-called Minister?

SHRI CHARANJIT CHANANA: I am surprised that he is talking of a code of morality. It is rather surprising that those codes of morality I am finding are different from area to area. The hon. Member once again started talking about Rs. 434 lakhs. I would only say that the hon. Member was trying to show, as if he knows the game of numbers so well that 434 is a jumbling figure. I am not an expert in numerology at all. I can only say that this amount was decided as fair and reasonable.

About the schedule of priorities, I have already explained that and I gave the details of that also.

AN HON. MEMBER: Instead of 434, why not 420?

SHRI CHARANJIT CHANANA: I have no objection at all if in that code of morality, an hon. Member would like to adopt that code of himself. But I would not like that. I would advise him not to talk of that. If he so desires, I have no objection. (*Interruptions*) The latest journal of *Psychology* talks about psychic cases of some people who always indulge in ridiculing others—they carefully try to ridicule others—but they forget that sometimes in

that process they do not know that they are ridiculing themselves. I personally feel that he was doing that. I would advise him not to indulge in such practices at all.

The hon. Member, Dr. Subramaniam Swamy, must be given the credit of having broken that artificial mixture of whatever political parties were. He criticised those people. I am very glad about that.

Shri Somnath Chatterjee was talking aloud about some companies he knows. He is trying to put some words in my mouth...

SHRI SOMNATH CHATTERJEE: You correct me if I am wrong; I will stand corrected.

SHRI CHARANJIT CHANANA: I would only like to tell him, when he is talking of the project report—this is my subject incidentally—the project report is always prepared after a thing known as economic viability. Since we introduced this Bill in the House, we are talking of in the Statement of Objects and Reasons about economic viability. A project report means all the details of machinery, etc.

SHRI SOMNATH CHATTERJEE: I said, both.

SHRI CHARANJIT CHANANA: I am only saying, we are talking of economic viability when I am talking of international market orientation, etc., these are potentials which must guide the House on the question of economic viability.

SHRI SOMNATH CHATTERJEE: What is your reaction to the taking over of companies which are sick?

SHRI CHARANJIT CHANANA: About the companies he is referring to, the hon. Member knows, more than anybody else, that we are already in the process of doing whatever has to be done...

SHRI SOMNATH CHATTERJEE: Let him commit that he has no closed mind.

SHRI CHARANJIT CHANANA: I would like to commit in this House that my Government is always committed to the industrial development of the country, as also curing of the sick units.

SHRI SOMNATH CHATTERJEE: Please tell us that you have no closed mind with regard to them...

SHRI CHARANJIT CHANANA: I would like to add one thing which I forgot. Hon. Member Shri Yotirmoy Bosu wanted me to comment on the 'bunch of lies' or whatever they have. I would not like to encroach on that territory of his at all. That is his monopoly, and I want him to maintain his monopoly.

RROF. MADHU DANDAVATE: One question, if he is willing to answer; one clarification. How did you arrive at that figure of 434?

श्री चरणजीत चानना: इस बारे में बल बैठ कर बात करेंगे।

MR. DEPUTY-SPEAKER: The question is...

SHRI RAM JETHMALANI: Since he has not replied to any of our questions, we walk out. (*Interruptions*)

16.26 hrs.

(*Shri Ram Jethmalani and some other hon. Members then left the House*)

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.