

13.04 hrs.

ESTIMATES COMMITTEE

FIRST REPORT

SHRI S. B. P. PATTABHI RAMA RAO (Rajahraundry): I beg to present the First Report (Hindi and English versions) of the Estimates Committee on Action Taken by Government on the recommendations contained in the Twenty-first Report of the Estimates Committee (Sixth Lok Sabha) on the Ministry of Railways-- Demands for Grants (Railways)-- Restructuring of Form and Contents.

13.05 hrs.

The Lok Sabha adjourned for Lunch till five minutes past Fourteen of the Clock.

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

[MR. SPEAKER in the Chair]

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

MR. SPEAKER: The House will now take up further consideration of the following motion moved by Shri Charanjit Chanana on the 5th December, 1980, namely:—

“That leave be granted to introduce a 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.”

Shri Niren Ghosh.

SHRI NIREN GHOSH (Dum Dum): Mr. Speaker, Sir, first of all, I would like to draw your attention to Rule 371 of the Rules of Procedure and Conduct of Business, which reads:

“If the vote of a member in a division in the House is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Speaker may, if he considers necessary, call upon the Member making the challenge to state precisely the grounds of his objection and the member whose vote has been challenged to state his case and shall decide whether the vote of the member should be disallowed or not and his decision shall be final...”

Provided that the vote of a member or members is challenged immediately after the division is over and before the result is announced by the Speaker.

MR. SPEAKER: For what you are referring to, Mr. Ghosh?

SHRI NIREN GHOSH: I am telling you. I am reading for the Minister, not for you.

“Explanation: For the purposes of this rule, the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any class or section thereof...”

MR. SPEAKER: Why are you referring to this? This is what I want to know.

SHRI NIREN GHOSH: I am referring to this because, I think, if the Cabinet member has a direct personal and pecuniary interest in this Bill, the Bill that we are opposing and when the Cabinet as a whole concurred with it, I raise the question whether the Cabinet can bring this Bill at all before the House. Because Cabinet itself has concurred with that member

and to safeguarding the pecuniary interests of the family member.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): Rule 371 has nothing to do. The Hon. member is trying to bring baseless things with mala fide intention.

SHRI NIREN GHOSH: Since the person is holding the highest office in the country, the family members are directly interested in Maruti Ltd. and since Cabinet has concurred collectively with it. I do not think the Cabinet can bring forward this Bill before this House. That is the first point that I want to make and it would be a mal-practice and insult in the face of the whole country. I want to make the next point.

MR. SPEAKER: There is nothing personal in it. Over-ruled.

SHRI NIREN GHOSH: This Bill is not concerned with national interest.

MR. SPEAKER: No, no. You go ahead with the arguments if you have got any.

SHRI NIREN GHOSH: The grounds for my objection.

MR. SPEAKER: This ground is over-ruled.

SHRI NIREN GHOSH: This Bill does not concern with the national interest of the country as a whole in any way because this Maruti Ltd. was born in mal-practices and it is resounding throughout the whole world perhaps by this time know about this Bill. The peoples' car, Sir, small peoples' car, was cleared by the Industry Ministry. It was before the Cabinet. At that stage, it was born and thrown into cold-storage and this Maruti Ltd. sprang up by cancelling—it was before the Cabinet—the proposition of the Industry Ministry to an agreement with renault was also made at that time and perhaps because of that, Shri Moinul Haque Chaudhary

had to resign his post at that time, because he cleared it. Now, that is why it was born in mal-practice. About the Maruti Ltd. and other mal-practices, that even those things will come up in the general debate. But it is known to the whole world and to the entire country that it was conceived in mal-practices. It was wrong, is in defiance of all cannons of public law, and it is now, liquidation proceedings are going on before the court as already pointed out by Shri Chitta Basu and Shri Ram Jethamalani and it is a contempt of the court, by-passing the court, by-passing the industrial resolution and everything in it. So, this Bill can benefit only those share-holders, the family members of Gandhi family, who are directly and personally interested in it and huge sum of compensation, Rs. 400 crores. Of that certain things will go for others, for workers, for whatever that I do not know. A huge sum of that will be diverted there for which they do not receive a single copper. For that, this Bill has been brought forward. What constitutional, legal, political and moral ground have they got to bring forward such a Bill before the country? Not only that, it is a junk to take over. More than Rs. 400 crores are being given as compensation for this junk. What will they do with that junk? Afterwards, perhaps Rs. 300 to Rs. 400 crores will be invested to transform it into a truck manufacturing company. That is what we hear from the Press report. You cannot do anything with this junk. The acquisition and transfer proceedings are undertaken by the government of India of only that concern which is running and whose maintenance is necessary. This concern is not being run, is not being maintained. It is a junk. For such a concern, such a Bill cannot at all come. It is an immoral thing.

MR. SPEAKER: This thing you have been repeating so many times.

(Interruptions)

SHRI K. RAMAMURTHY (Krishnagiri): The hon. member can oppose

[Shri K. Ramamurthy]

the Bill in the introduction stage only on two grounds. (1) He can oppose it if it contravenes the rules laid down by this House; (2) if any of the provisions of the Bill is *ultra-vire* the Constitution. He can explain the *pros* and *cons* of the Bill at the time of discussion; because at that time he will be having ample time. (*Interruptions*).

MR. SPEAKER: Please sit down. (*Interruptions*).

SHRI NIREN GHOSH: I reject the object of this Bill which is being brought forward and suggest that it should not be introduced.

श्री राम विलास पासवान (हाजीपुर) : अध्यक्ष महोदय, मंत्री जी ने जो यट बिल मूव करने की अनुमति चाही है, इस बिल के जो उद्देश्य और कारण हैं उनको आप यदि पढ़ें तो उसमें लिखा हुआ है कि कतिपय प्रतिकूल बातें, जिनका पूर्वा-नुमान नहीं किया गया था, परिणाम स्वरूप कम्पनी उस स्तर तक उत्पादन नहीं कर सकी जिसकी आशा थी और अपनी वित्तीय बाधाओं को पार नहीं कर सकी—यह उनकी शुरुआत है। अब मैं मंत्री जी से जानना चाहता हूँ कि जब किसी चीज की पैदायश ही नहीं हुई तो वह जवान कैसे हो सकती है? आपने जो दिया है उसमें कहीं नहीं बतलाया है, हां एक बात जरूर अखबारों में हम पढ़ते थे कि 1972 में एक हजार कारें सड़क पर आ जायेंगी, 1973 में इस हजार कारें सड़क पर आ जायेंगी, 1975 में 25 हजार कारें सड़क पर आ जायेंगी और 1976 में 50 हजार कारें सड़क पर आ जायेंगी। (व्यवधान)। तो जब किसी चीज का उत्पादन ही नहीं हुआ तब उसमें घटने और बढ़ने का सवाल ही कहां पैदा होता है? आपने कहा कि आशा के अनुरूप उत्पादन नहीं हुआ लेकिन आपने

कहीं यह नहीं बतलाया कि कितना उत्पादन हुआ था? यदि उत्पादन होगा तभी आप कहेंगे कि आशा के अनुरूप हुआ या नहीं हुआ। इसलिए यहां जो शुरुआत है वही गलत है। मैं तो कहता हूँ कि कोई क्रिमीनल चोरी करता है या डकैती करता है तो उसको आप सजा देते हैं लेकिन इस देश की कैबिनेट बैठकर हिन्दुस्तान के लोगों के साढ़े चार सौ लाख रुपये की दिन दहाड़े डकैती करती है... (व्यवधान) साढ़े चार सौ लाख रुपये की रकम कम नहीं होती है। (व्यवधान) अध्यक्ष जी, मैं कहता हूँ कि साढ़े चार लाख हैं, मैं उस पर नहीं जाना चाहता हूँ। मैं इनका कहना चाहता हूँ कि कैबिनेट ने बैठकर डिजीजन लिया और इतना बड़ा जघन्य अपराध किया है कि जिसका कोई लेखा जोखा नहीं है और चानना साहब को, भले आदमी को, बली का बकरा बनाया जा रहा है।

अध्यक्ष महोदय : आज तो बड़ी हमदर्दी आ रही है।

श्री राम विलास पासवान : अध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि जब मंत्री महोदय ने पेश किया है, तो उसकी बैलेंसशीट कहां है। उसमें किसका कितना शेयर था? एक लाख से ज्यादा किसका शेयर था और उसमें कितने फर्जी शेयर होलडर्स हैं? अब जिसकी शुरुआत ही.... (व्यवधान)....

अध्यक्ष महोदय : पांडे जी आप बीच में क्यों बोल रहे हैं, बैठ कर ?

श्री कृष्णचन्द्र पांडे (खलीलाबाद) : मैं खड़ा हो कर बोल रहा हूँ।

अध्यक्ष महोदय : अब भी आप बैठे हुए लग रहे हैं।... आप क्यों बोल रहे हैं, मंत्री जी जवाब दे देंगे।

श्री राम बिलास पासवान : अध्यक्ष जी, मैं कह रहा था कि मंत्री महोदय को बताना चाहिए था कि कहां-कहां पैसा गया है। ज़मीन के मामले में पढ़ रहा था—हरियाणा गवर्नमेंट ने जिस ढंग से ज़मीन को एकबायर किया और वह ज़मीन का पैसा कम्पनी के द्वारा पे किया या हरियाणा सरकार ने उस पैसे को पे किया। आप की बैलेंसेंशोट कहां है ? इसमें किनने एक लाख के ऊपर के शेयर होल्डर्स हैं ? यह आम लोगों के दिमाग में बात है कि आधे से अधिक और जितनी मेज़र राशि लगी हुई है, वह सब फर्जी नाम पर है। मैं मंत्री महोदय से पूछना चाहता हूँ कि वे बतलायें जो फारेन देश के साथ समझौता हुआ है, वह किन-किन के साथ हुआ है और क्या क्या शर्तें हुई हैं ? आपने एक जगह बहुत बड़िया ढंग से लिखा है कि पर्याप्त रूप से रोज़गार दिया जा सकेगा, लेकिन हम लोग नारा लगाते थे कि ... (व्यवधान) ...

श्री मलिक एम० एम० ए० खां० (एटा) : माननीय सदस्य मैरिट आफ दी केस पर जा रहे हैं।

... (व्यवधान) ...

श्री राम बिलास पासवान : मैं जानता हूँ कि किस आधार पर विरोध किया जाना चाहिए—खां साहब। आप ही से सीखा है। मैं यह कहता हूँ कि मंत्री महोदय ने जो कथन दिया है, हम उसी के आधार पर विरोध कर सकते हैं। इन्होंने अपने कथन में कहा है कि रोज़गार मिलेगा और उसी के आधार पर कार की फैक्टरी को टेक-ओवर कर रहे हैं। मैं यह कहना चाहता हूँ कि फिर तो साइकिल की फैक्ट्री खुलवाते, छोटी-छोटी फैक्ट्री खुलवाते, लघु उद्योग और काटेज इंडस्ट्री खुलवाते। यह कार की फैक्ट्री को टेक-ओवर करके, केवल एक

पार्टी ही नहीं, बल्कि एक परिवार और कुछ ग्रुप के लोगों को ओबलाइज करने का काम आप कर रहे हैं। इसको आप इस नाम पर करना चाहते हैं कि उस से रोज़गार मिलेगा। मैं समझता हूँ कि यह जो उद्देश्य आपने अपने कथन में दिया है, यह बिल्कुल गलत है ... (व्यवधान) ... जब मैं डिसकशन में आऊंगा, तो मैं बताऊंगा कि कौन शेयर-होल्डर्स हैं, कौन डायरेक्टर्स हैं और कौन क्या-क्या है—यह बात कोई छिपी नहीं है, यह तो लोगों को पहले से ही मालूम है। मैं इसलिए इसका विरोध करता हूँ कि इसमें राष्ट्रीय हित सन्निहित नहीं है और न इससे राष्ट्र का भला होने वाला है कि आप इससे रोज़गार दे सकेंगे ... (व्यवधान) ... हम नारा लगाते थे—बेटा कार बनाता है, मां बेकार बनाती है। इससे तो और बेकारी ही फैलेगी।

MR. SPEAKER: Why don't you co-operate?

(Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur): Sir, I would like to make a very brief statement.

(Interruptions)

MR. SPEAKER: Very good.

(Interruptions)

SHRI HARIKESH BAHADUR: I will make a very brief statement.

There is no genuine need to take over this industry. (Interruptions) There is no genuine reason to take over this industry because this will ultimately become a burden on the national exchequer. There are certain criteria on the basis of which an industry is nationalised. If production is deteriorating, if the quality of a

[Shri Harikesh Bahadur]

any labour unrest, if industrial relations are tense such type of things are there, then certainly one industry can be taken over and it has been a general practice also. But none of these things had happened in that particular industry. What are the reasons for which the Government is going to take over that industry? Sir, I would like to say it very clearly that it is a deliberate attempt to provide compensation to certain people who are not having a genuine interest and that is the only reason that this company is being taken over. Therefore on the basis of this I oppose this Bill at the introduction stage.

MR. SPEAKER: Shri Indrajit Gupta.

(Interruptions)

MR. SPEAKER: You are not interested?

SHRI INDRAJIT GUPTA (Basirhat): I am sorry, Sir. (Interruptions)

MR. SPEAKER: I thought you have lost interest in this.

(Interruptions)

SHRI INDRAJIT GUPTA (Basirhat): Sir, they are forcing me now to talk about nationalisation, because in this very House, Sir, at that time one of the leading Members of our group, Shri Hiren Mukerjee had pleaded at length, that this company should not be in the private sector but it should be in the public sector. Then all these gentlemen or those who were here, turned it down. When we had pleaded for take over of Birlas' Hindustan Motors Factory then Mr. Moinul Haque Choudhury, who was then the Industry Minister had said "Why should we take it over? It is a lot of junk. You want us to take over a lot of junk?" Please don't

say all these things. Now, I want to say some more grounds, relevant basically at the introduction stage, that the Ordinance-making power of the President under Article 123 of the Constitution has been misused. That Ordinance-making power is not meant to be used in order to defraud the public exchequer and to present the House with a *fait accompli*. This is my argument. Yes, Sir, see this Statement of Objects and Reasons. It is only all wrong statements and untruths. I wan't say lies.

(Interruptions)

MR. SPEAKER: Because I will expunge it?

(Interruptions)

HON'BLE MEMBER:

(Interruptions)

SHRI INDRAJIT GUPTA: Sir, the Statement of Objects and Reasons says—

"As a result of certain unanticipated adverse factors, the Company could not achieve the expected level of production and meet its financial obligations. There was a run on the Company by the creditors, and liquidation proceedings were initiated..."

First of all, I want to say this is a complete travesty, distortion of truth. What is the meaning of the words 'could not achieve the expected level of production'? Quite simple. That means they were producing cars, but they could not reach the target of 'expected level'. Will you kindly, tell us how many cars were produced? I am asking, how many passenger cars have been produced? Only two cars, two cars fitted with imported engines were turned out, were being tested and nothing else. Here, let us see the impression that is sought to be given. They say—

"it would be desirable to set up a public sector undertaking under

the Central Government for the manufacture of passenger cars, commercial vehicles...etc. etc.'.

Now, where is the necessity to promulgate an Ordinance a few days before the Parliament was to assemble? A public sector factory for making cars and vehicles is not a thing which can be done in two days. So much preparation is required for it. Lot of investment will be required. Collaboration will be required. Is it a matter which you are going to solve by bringing an ordinance just a few days before Parliament is going to meet? We want to know what was the urgency, because article 123 says that the President must be satisfied that circumstances exist which render it necessary for him to take immediate action. What were those circumstances? You must tell us. You cannot expect Parliament to swallow anything that you come up with. He may be reluctant to tell us. So, I am telling the House. What was it that necessitated immediate action? The only one thing that could necessitate immediate action was to forestal the liquidation proceedings in the court. A receiver had been appointed and it is the job of the Receiver to make a proper evaluation of the assets and liabilities, etc. and find out who is to be paid, how much can be paid and so on. In order to short-circuit the liquidation proceedings this ordinance has been hurriedly promulgated.

You will find in the Bill, in the Schedule, the order of priorities is laid down for the discharge of liabilities. I have nothing to say about Category I. They have four categories and in the body of the Bill it is said that Category I shall have precedence over all other categories; Category II shall have precedence over Category II and so on. Category I says:

"Employees' dues on account of unpaid salaries, wages, provident fund, etc."

These have to be cleared first and that is the normal practice. Next comes "Revenues, taxes, cesses, rates or other dues to the Central Government, State Government and local authorities or the State Electricity Board". These undoubtedly have to be cleared. Then, Category II, which is to be given priority over Categories III and IV is "Amounts due to the Government of Haryana towards the cost of land". I say this is a gross example of discrimination. Why should the Haryana Government be given the position of Category II? At that time the Government of Mr. Bansi Lal decided to give land throwing all other considerations to the wind and since then they have never bothered to recover their dues. So, the Government of Haryana also has to stand in the queue of creditors. They cannot be given this priority in Category II. Why is this being given to them? Right at the bottom, in Category IV come the following:

"Deposits received from the public or from the members of the company;

Deposits towards dealership;

Any credit availed of for purposes of trade or manufacturing operations...."

Suppose they bought stores from small trader who has given them stores worth Rs. 2 or 3 or 4 lakhs on credit; His dues come under Category IV. Section 19 of the Bill says:

"The question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities in the immediately higher category."

That means, the people who are being discriminated against are those people who were forced to accept dealerships those who gave stores and other materials on credit and some public people who gave deposits. If there is any money left for them, then only their liabilities

[Shri Indrajit Gupta]

will be discharged; otherwise not. This reveals the real *mala fide* intent behind this ordinance, which is to benefit a certain small group of people, a small coterie of people, the big shareholders and certain people whom everybody knows—I do not know why members object so much, because everybody knows that certain members of a particular family were interested in this. There was another company associated with it called Maruti Technical Services and you know who the Directors of that company are. Maruti Technical Services has a 20-year agreement with Maruti.

MR. SPEAKER: Let us be specific. What are the points?

SHRI INDRAJIT GUPTA: As Mr. Chitta Basu said the other day, private liabilities are being transferred into public liabilities and the Consolidated Fund of India is being asked to make a contribution of nearly Rs. 4.5 crores now.—later it may be more—in order to discharge a certain private debt which arises out of the mismanagement and mess into which certain people have brought this Company.

I know that you will say that share-holders must be given compensation. According to our Constitution we cannot take over anything without giving compensation. The whole trouble is that there was an Inquiry Commission headed by Mr. Justice A. C. Gupta and that Inquiry Commission's Report was available to everyone. I quote from that Inquiry Commission's Report a small quotation:

"Shares of Maruti Limited were allotted to persons who knew nothing about the transactions and in February, 1977 large sums were paid to fictitious persons."

That is what the Gupta Commission has said. They have also said—and I am not quoting that—that steel,

coal, cement and such items were secured in excess of the allotted quantities. They have also said that many violations of Company Law and Banking Regulations took place. Now, all this is sought to be covered up and concealed by coming forward with this Ordinance and with this Bill. It is in order to prevent all these things coming to light that this thing is being done. Therefore, I humbly submit that the Articles of the Constitution should not be played with like this. The President's ordinance making power is not meant for this purpose. It is meant for some national interest. It is not meant for this purpose that when a private company is under liquidation proceedings in order to avoid those liquidation proceedings they promulgate an ordinance just a few days before the Parliament assembly. Why should they do it? The Parliament was due to assemble. What would have happened if they had brought this Bill now? Therefore, I oppose this very strongly at the stage of introduction.

The cash payment for the liabilities, according to this, has already passed from the Consolidated Fund to the Commissioner of Payments. Within 30 days, the payment has to be made. That money has already gone out of the Consolidated Fund. It is now with the Commissioner of Payments who may have already started making payments. Who has authorised them to spend this money in this way for this purpose? Therefore, this is a monstrous fraud from every point of view. This is not the purpose of the President's ordinance making power. Therefore, I oppose this totally. The Bill should never be introduced. It is an insult, I should say, to the Parliament.

THE MINISTER OF STATE IN
THE MINISTRY OF INDUSTRY
(SHRI CHARANJIT CHANAÑA):
Mr. Speaker, Sir, I should have your permission of course, not to take

note of the verbosity and the speeches given for the sake of speeches. But the most unfortunate thing is that even senior Members, who by the virtue of their seniority must have acquired maturity, have spoken of a few things which contradicts their own statements. Half the statement they decide to read because the rest of the half does not suit them, so, they do not read that at all.

The most unfortunate thing is that Mr. Indrajit Gupta being a very senior Member and who, I think has a red label on him—it is very surprising and the House must be shocked at—is speaking for the dealers rather than the State Government of Haryana. I could understand if he was talking with vengeance against Shri Bansilal, who is no more there, because he was mentioning his name. If the Left has now changed its order of priority, that the dealers must come first and the public sector must come later, well I do not know. I am yet to see their manifesto if they have evolved a new one. (*Interruptions*) I do not think senior Members like Mr. Indrajit Gupta would get that type of allergy.

Mr. Speaker, I would seek your permission to confirm certain aspects in regard to Maruti Limited (Acquisition and Transfer of Undertakings) Bill, arising out of the doubts cast by some of my friends. I am not talking for those who have cast doubts just for the sake of casting doubts, because that is a different thing. If Shri Paswan has done it with a broad smile, that is an entirely different thing.

At the very outset, let me reiterate and announce that the Ordinance for the acquisition of Maruti Limited was issued at a time when Parliament was not in session, in fact, five weeks before it assembled for this session. The detailed reasons were also given. Yet, I would like to repeat them for the benefit of those hon. Members who have tried to just pick out a few sentences out of context and also for

purposes of record so that in case they bother to go through the records after the House has adopted it, they know the real position.

As the order for the winding up of the Company has already been passed by the hon. High Court of Punjab and Haryana there was a possibility of the undertaking being broken up in smaller units and sold to third parties. I do not think the hon. Members have any interest at all in the third parties. It was considered that it would be against public interest to allow such a possibility to materialise. As Parliament was not then in session, it was considered necessary to take immediate action for the acquisition of the assets of the undertakings of Maruti Limited by promulgating an Ordinance before the Official Liquidator took any irreversible steps.

A perusal of this would convince the House that cogent reasons did exist, necessitating the promulgation of the Ordinance. My Government, the present Government, does not believe in circumventing or short-circuiting the procedure of law. At the same time, if the situation warrants action to be taken in accordance with law and the Constitution of India, Government is duty-bound to act in public interest. I find the definition of "public interest" given by the hon. Members on the other side very odd. I hope even my hon. friend, Shri Chitta Basu, would now be satisfied that Parliament has not been side-tracked; in fact, we have taken the first opportunity to come before this august House, seeking its leave to introduce the Bill.

Now I would like to mention for the education of those hon. Members who do not know it that there are cases where companies which were under liquidation have been nationalised previously. One is the Alock Ashdon Acquisition Act and another is the Sick Textile Mill Undertakings Nationalisation Act, under which some

[Shri Charanjit Chanana]

mills under liquidation were taken over.

I would like to be very brief at this stage and touch only the more important aspects for the information of the House, since there would be time and opportunity for a full discussion on the Bill after the House is pleased to allow its introduction.

Shri Chitta Basu referred to the liquidation proceedings and the fact that a winding up order has been passed by the Punjab and Haryana High Court. It is a fact. However, I am sure the House would appreciate that once the Government decided to set up a public undertaking under the Central Government for the manufacture of automobiles, including commercial vehicles and passenger cars, the availability of the infrastructure of Maruti Limited became a matter incidental thereto. In fact, it would be against public interest if the undertaking of Maruti Limited had been parcelled out in the process of dissolution of the company. So, it would be in the public interest if these are to form a nucleus of the public sector undertaking, as contemplated now.

As Shri Paswan does not know the difference between Rs. 400 crores and Rs. 4 crores, I would like to inform him that the liabilities are to the tune of 4.34 crores, if he wants it in crores, or Rs. 434 lakhs whereas the assets come to Rs. 6.84 crores.

SHRI INDRAJIT GUPTA: Who evaluated them?

SHRI CHARANJIT CHANANA: Shri Indrajit Gupta has to be told a very important thing, which he did not bother to know. In your days, it was an evaluation made by your own Government. So, you were involved in it very seriously. I do not know whether on the negative side or positive side.

A statement of Affairs as on the 22nd July 1977 filed before the official Liquidator appointed by the High Court, gives the figure at Rs. 6.84 crores. You should know that, if anything, it would have appreciated because the value of money....

SHRI INDRAJIT GUPTA: I do not know what he is referring to, with which I was associated.

SHRI CHARANJIT CHANANA: I would like to clarify that I did say I do not know whether the association was negative or positive.

SHRI INDRAJIT GUPTA: This is the trouble with being too junior in the House.

SHRI CHARANJIT CHANANA: Shri Ram Jethmalani probably found it convenient to abstain today, because yesterday we saw a very interesting, although awful, exercise in monstrous verbosity. I do not know how Shri Indrajit Gupta today is affected by his verbosity, because he was repeating the same words. I would request the hon. Member in his own interest, not to get into the environment of monstrosity like that.

My friend, Shri Jethmalani, tried to assail the Bill as unconstitutional. I thought as a lawyer he will not probably touch the constitutional part of it and that he will deal with only the other points. He knows, or he should have known, that the Bill is constitutional, legal and valid. He should also have known—I am not saying he knows it, I am only saying he should have known it—that this is not the first Bill of this type and that the undertakings of many companies have been acquired by the Government in the public interest. I have already given some instances.

Claiming to be a brilliant advocate, Shri Jethmalani should have the persuasion of a successful advocate not to try to communicate, just for the sake of newspapers, a version which was in fact cheating; as he was talking of prositution, probably he was

prostituting law, according to me. I need hardly remind him and the House that the power to nationalise the undertakings of the companies flows from the Constitution itself. I would refer to Entry 42 of the Concurrent List of the Seventh Schedule, read with Entry 52 of the Union List of the same Schedule. I would also invite the attention of the House to Entry 7 of the First Schedule, appended to the Industries (Development and Regulation) Act, 1951, Sub-entry (5) of Entry 7 of the said Schedule covers "automobiles", which includes both commercial vehicles and passenger cars. I am sure the House is satisfied that the Bill is constitutional, legal and valid.... (Interruptions)

One of the other shocking observations made by Shri Jethmalani the other day was that he was crying hoarse for the poor. He forgot that the commercial vehicles are vehicles which are meant for the poor. He forgot that the automobile division would generate employment, that the ancillary industries created by the automobile industry would generate employment. You must remember that the engineering industry has the high-ets potential for employment. I am repeating this for the benefit of those hon. Members so that they do not repeat this mistake.

It is unfortunate that Mr. Jethmalani chose to use his illegal brilliance to assail the Prime Minister, Mrs. Gandhi. An impression is being created that nationalisation of the undertaking of Maruti Limited has been effected with a view to helping the family. Sir, kindly note that it is contrary to the facts and the truth is that out of the total subscribed capital of the company amounting to Rs. 3 crores, the face value of the shares held by late Shri Sanjay Gandhi and other members of Prime Minister's family is only Rs. 4,100. It would work out to less than 0.1 per cent.

This is the magnitude of her interests in the company.

Sir, the Bill has been assailed by Mr. Jethmalani on the grounds that the objects and reasons as stated are misleading and false. I have already given you the reasons and you kindly guide him and tell him that he should go through the whole thing as it is, and not pick up only the parts which will suit his convenience to fabricate an argument in this House and for a mass communication to be spread by him.

Mr. Jethmalani has called the Bill as monstrously unconstitutional. In the light of the submission that I have just made, it is for the House to decide whether it is so or whether he has indulged in monstrous verbosity or verbal monstrosity.

Sir, the points raised today have all been already replied to, but our friend, Mr. Paswan talked of production. He read out the figures. My friend, when you set up an industrial unit the most important thing when you talk of production, when you are in the process of setting up an industrial unit, is known as production potential and you should know what is the production potential in the case of a car factory. It is only after that you should comment on that. But if you want some data, I can always guide you on that data also. About employment part, I have already told you.

So, Sir, I have tried to cover the so-called points raised by the hon. Members and I propose that the Bill may be allowed to be introduced in the House.

SHRI INDRAJIT GUPTA: Sir, are you satisfied with this explanation on why an Ordinance was necessary? (Interruptions). The point here is, why an Ordinance was necessary in such a hurry? Are you satisfied with what he has said? He read out something from a prepared text. I do not know what is all for.

15.00 hrs.

MR. SPEAKER: I shall put the motion to the vote of the House. The question is:

"That leave be granted to introduce a 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."

The Lok Sabha divided:

Division No. 5]

[15.01 hrs.

AYES

Alluri, Shri Subhash Chandra Bose
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S.R.A.S.
Arjunan, Shri K.
Bagun Sumbrui, Shri
Baitha, Shri D. L.
Behera, Shri Rasabehari
Bhagwan Dev, Acharya
Bhatia, Shri R. L.
Bheekhabhai, Shri
Bhoi, Dr. Krupasindhu
Bhole, Shri R. R.
Bhuria, Shri Dileep Singh
Chandra Shekhar Singh, Shri
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Shri
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dogra, Shri G. L.
Gamit, Shri Chhitubhai
Gireraj Singh, Shri
Gomang, Shri Giridhar

Gounder, Shri A. Senapathi

Jain, Shri Bhiku Ram
Jamilur Rahman, Shri
Jena, Shri Chintamani
Jha, Shri Kamal Nath
Jitendra Prasad, Shri

Kailash Pati, Shrimati
Karma, Shri Laxman
Karunanithi, Shri Thazhai M.
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Malik M.M.A.
Kidwai, Shrimati Mohsina
Krishna Pratap Singh, Shri
Kuchan, Shri Gangadhar S.

Lakshmanan, Shri G.

Mallanna, Shri K.

Mallick, Shri Lakshman

Mallikarjun, Shri

Mallu, Shri A. R.

Mishra, Shri Gargi Shankar

Misra, Shri Nityananda

Mohite, Shri Yashawantrao

Mundackal, Shri George Joseph

Murthy, Shri M. V. Chandrashekara

Muthu Kumaran, Shri R.

Nahata, Shri B. R.

Namgyal, Shri P.

Netam, Shri Arvind

Pandey, Shri Krishna Chandra

Panigrahi, Shri Chintamani

Patel, Shri Ahmed Mohammed

Patel, Shri C. D.

Patil, Shri A. T.

Patil, Shri Shankarrao

Patil, Shri Vijay N.

Pattabhi Rama Rao, Shri S. B. P.

Potdhukhe, Shri Shantaram

Pradhani, Shri K.

Pullaiah, Shri Darur

Quadri, Shri S. T.

Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri P. Venkata
 Sahu, Shri Shiv Prasad
 Satya Deo Singh, Prof.
 Scindia, Shri Madhav Rao
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Sharma, Shri Nand Kishore
 Shiv Shankar, Shri P.
 Sidnal, Shri S. B.
 Singh Deo, Shri K. P.
 Soren, Shri Hari Har
 Sreenivasa Prasad, Shri V.
 Subba, Shri P. M.
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tayeng, Shri Sobeng
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thorat, Shri Bhausaheb
 Tripathi, Shri R. N.
 Tytler, Shri Jagdish
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Virbhadra Singh, Shri
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Subhash Chandra

Yazdani, Dr. Golam
 Zainul Basher, Shri
 NOES
 Agarwal, Shri Satish
 Azmi, Dr. A. U.
 Barman, Shri Palas
 Basu, Shri Chitta
 Chandra Pal Singh, Shri
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Ghosh, Shri Niren
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Jagpal Singh, Shri
 Jethmalani, Shri Ram
 Lawrence, Shri M. M.
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mukherjee, Shri Samar
 Nihal Singh, Shri
 Pandit, Dr. Vasant Kumar
 Paswan, Shri Ram Vilas
 *Patil, Shri Chandrabhan Athare
 Rajda, Shri Ratansinh
 Rasheed Masood, Shri
 Roy, Dr. Saradish

Roy Pradhan, Shri Amar

Saha, Shri Ajit Kumar

Saran, Shri Daulat Ram

Shamanna, Shri T. R.

Shastri, Shri Ramavatar

Shejwalkar, Shri N. K.

Singh, Shri B. D.

Sinha, Shri Satyendra Narayan

Unnikrishnan, Shri K. P.

Verma, Shri R. L. P.

*Vyas, Shri Girdhari Lal

Yadav, Shri R. P.

Yadav, Shri Vijay Kumar

*Zail Singh, Shri

Zainal Abedin, Shri

*Wrongly voted for NOES.

MR. SPEAKER: The result of the Division—subject to correction* is as follows:

Ayes : 107

Noes : 46

The motion was adopted.

SHRI CHARANJIT CHANANA :
I introduce† the Bill.

15.02 hrs.

STATEMENT RE. MARUTI LIMITED
(ACQUISITION AND TRANSFER OF
UNDERTAKINGS) ORDINANCE, 1980

THE MINISTER OF STATE IN
THE MINISTRY OF INDUSTRY
(SHRI CHARANJIT CHANANA): I
beg to lay on the Table an explana-
tory statement (Hindi and English
versions) giving reasons for imme-
diate legislation by the Maruti Limi-
ted (Acquisition and Transfer of Un-
dertakings) Ordinance, 1980.

15.02 hrs.

Payment of Bonus Act, 1965."
AMENDMENT) BILL@

THE MINISTER OF PLANNING
AND LABOUR (SHRI NARAYAN
DATT TIWARI): Sir, I beg to move
for leave to introduce a Bill further
to amend the Payment of Bonus Act,
1965.

MR. SPEAKER: The question is:

"That leave be granted to intro-
duce a Bill further to amend the
Payment of Bonus Act, 1965."

The motion was adopted.

SHRI NARAYAN DATT TIWARI :
I introduce the Bill.

*The following Members also recorded their votes:

AYES: Sarvashri V. S. Vijayaraghavan, Ramnath Dubey, Narayan Dutt Tiwari, Ananda Gopal Mukhopadhyay, P. Shanmugam, Krishna Dutt, R. Y. Ghorpade, Madhusudan Vaurale, S. N. Prasan Kumar, D. K. Naikar, R. P. Mahala, Ram Pyare Panika, Mahabir Prasad, Jai Narain Roat, Virdhi Chander Jain, Era Anbarasu, Doongar Singh; Zail Singh, Chandrabhan Athare Patil and Girdhari Lal Vyas,

NOES: Sarvashri R. P. Sarangi, Devi Lal, Shri Kamla Mishra Madhu-
kar, Ananda Pathak, Trilok Chandra.

†Introduced with the recommendation of the President.

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