

[Prof. N. G. Ranga]

by the hon. Minister. It is a most extraordinary thing for the Minister to realise that one of the amendments which he has included in the Bill would not really serve the purpose for which this Bill was brought forward. He has cooperated with the House in dropping that particular Clause from the Bill. It is a very good precedent. I hope that other Ministers will be able to follow that procedure whenever it becomes necessary to do so. For a long time the Cine workers have been living without any sort of protection whatsoever. For the first time my friend the hon. Minister has come forward with this Bill to give them this protection. I hope that the cine proprietors and owners would try to discharge their part of the responsibilities, and that they would cooperate with the Government in seeing that the workers get the maximum possible benefit that this House would like them to get. I also hope that the Tribunal and other organisations which would be there in order to decide on matters of disputes, would also try their best to complete their enquiry and give judgments within the short period of 3 months which has been prescribed here for ordinarily settling these cases.

MR. CHAIRMAN: Now, the question is;

"That the Bill, as amended, be passed."

The Motion was adopted.

MR. CHAIRMAN: The motion is adopted. The Bill is passed. We move on to the next item.

17.00 hrs.

ECONOMIC OFFENCES (INAPPLICABILITY OF LIMITATION) AMENDMENT BILL.

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

"That the Bill further to amend the Economic Offences (Inapplicability of Limitation) Act, 1974, be taken into consideration".

lity of Limitation) Act, 1974, be taken into consideration".

The Industries (Development and Regulation) Act was enacted in 1951 with a view to provide for development and regulation of certain industries specified in the First Schedule to the Act. Any industrial undertaking producing goods without a licence, or having installed capacity in excess of the licensed/registered capacity, is subject to penal action under Section 24 of the Act.

However, in actual administration of the Act, it has been observed that the provisions of the Act are not capable of being enforced because by the time the offence is detected and decision to proceed against the defaulting industrial undertaking is taken, the offence becomes time-barred by virtue of the operation of the limitation period of one year under Section 468 of the Criminal Procedure Code. With a view to overcome this deficiency, the Government have decided to include the Industries (Development and Regulation) Act in the Schedule to the Economic Offences (Inapplicability of Limitations) Act 1974. The result of doing so would be that an offence under the provisions of the Act would not become time-barred.

The Bill seeking to amend the provision of the Economic Offences (Inapplicability of Limitation) Act 1974 to include the I(D&R) Act in the Schedule to the said Act, is already before you. I seek your full support and cooperation in the enactment of this Legislation which will empower the Government to take suitable action under enabling provisions of the IDR Act.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Economic Offences (Inapplicability of Limitation) Act, 1974 be taken into consideration."

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Chairman, Sir, this Bill is short and I would say that it is sweet or good and the Minister, I

think, has appropriately brought this Bill before this House and we unhesitatingly support it. I want to take this opportunity of raising some related or connected matters for the hon. Minister's consideration. In our country, we have found that the private industrialists, even the big business houses in many cases, are indulging in various types of mismanagement, misappropriation, etc. As a result of this, many companies have become sick and the hon. Minister knows in how many cases we have approached him in the past and we have to approach him again in future to bring them under the Industries (Development and Regulation) Act for revival because in most of the cases, I am sure, the hon. Member will agree, as has been our experience, that it is not the industrial relation problem that has been the cause for sickness, but this is really a case of diversion of funds, mismanagement and misappropriation. We have seen in how many cases there has been deprivation of the workers dues by way of provident fund, gratuity, ESI and what not. Therefore, we are strongly in favour of taking all remedial actions not only by way of providing the legitimate dues of the workmen, but also deterrent action against the persons who are responsible for creating such situations.

The Industrial Development and Regulation Act as such has become an important piece of legislation for revival and I hope, the hon. Minister, and his Ministry under his guidance, will take all necessary steps in appropriate cases to apply the beneficial and deterrent provisions of this Act with its full vigour. There are many cases where, we feel, a little more energetic and prompt action is necessary under the IDR Act, which may save many companies from further sickness, from aggravated sickness, if I may use that expression. When the sickness starts and if at that time intervention is made, it is much easier to revive a company. If the sickness goes deep, it becomes cancer and beyond recovery. I also believe that the Government's policy is not to give back the com-

panies which have been revived with public money, and the efforts of the workers, who in many cases make considerable sacrifice. If you relieve such companies and give them back to the old management on a platter, that would be suicidal. Ultimately, there has to be a take over. Instead of returning back such a company, it should be nationalised. A company which has been made sick by the private industrialists' big houses, monopoly houses by means of all sorts of economic offences should be revived, and when such companies have been revived with public efforts and public money, by the toil and sweat and labour of workmen, these should not be given back to the persons who have been responsible for it.

I, therefore, earnestly request the hon. Minister to kindly look into this matter very seriously, because there are many companies which have been functioning under the IDR Act. I hope, Shri Ranga will use his good offices for this. Even though these companies have been running under the IDR Act still there is a great uncertainty. You are aware that there is a time limit provided in the IDR Act and that time limit cannot be extended. There are many companies which have gone into liquidation, but which have been revived and have been working, in many cases in an efficient manner. This is because under the IDR Act there is a provision that if an application is made to the High Court that the Government wants to manage a company, the High Court shall order for take over of the management from the official liquidator to the custodian or whatever managers have been appointed and give it to the Government. In many cases that order has been made. I can cite the instance of Krishna Glass and Silicate Works in Calcutta, a very well known concern and who are manufacturing glasses. Even during Siddharth Ray's regime, the IDR Act was applied, if I am not mistaken, in 1973 or 1974. Not only that happens to be in my constituency, I

[Shri Somnath Chatterjee]

am the president of the workers union there. We have been requesting for quite some time for nationalisation and I believe, this is pending before the hon. Minister. Keeping it in uncertainty is inhibiting its progress, although the West Bengal Government has spent a lot of money. Recently, we have persuaded the State Government to spend about 16 lakhs for modernisation, but the difficulty is that the banking institutions do not come forward to help them. The banks say that 'you are here for one year of two years, nobody knows what will happen if it goes back to the private management; what will happen to that bank's dues?' There cannot be any proper modernisation scheme, there cannot be any scheme for expansion and workers always remain under the great worry that if the IDR operation ceases, comes to an end, their future will be completely in the dark as in the past. Similarly there is another concern, Brentford, which is working for three years. I talked to the Hon. Minister and he was good enough to give some time. I am thankful to him for the sustenance and support and encouragement he has given. Now it is making profit. Earlier it was running in the red. There is tremendous potential. There is no lack of orders. What is lacking is working capital. In these matters there has to be a proper approach. I believe the Government is not anxious to return them to the previous Management which was responsible for all these ills. The IDR Act in its proper spirit and provisions should be strictly and comprehensively applied. We are also very very keen and we have been saying that on many many occasions in the past. In the Companies' Act there are so many penalties prescribed. How many have you taken recourse to and how many prosecutions are there? The fines imposed are a mere pittance. Thanks to the lawyers or judicial system or thanks to the money that is circulating in the system, even with these prosecutions big people are never caught. Notices are issued against Managers, Secretaries and these poor people are

caught. The Directors are never troubled.

PROF. N. G. RANGA (Guntur): But you have to catch the thief.

SHRI SOMNATH CHATTERJEE: But if you have to teach them a lesson, you have to catch the main thief.

PROF. N. G. RANGA: With the help of the lawyers.

SHRI SOMNATH CHATTERJEE: With the help of the lawyers or without their help, but administrative will is important. There are some lawyers who will always try to make hay while the Sun shines. That is in every profession, including in the profession of politics. But there are fortunately exceptions also. Therefore, merely having provisions for penalties, provisions for offences will not do. I am sure the Hon. Minister from his experience will find out how many are the cases instituted and how many are vigorously pursued. If these statistics are taken, you will find a very sorry state of affairs. I was happy that Mr. Sathe in his Bill has made provisions for adjudication of questions in the Bill itself. He has not left it to the ordinary procedure. He has also provided for revisional jurisdiction of the High Courts. This is a very welcome departure and a very welcome step. Therefore I appreciated that and we have thanked him. But these provisions should not be merely for public consumption. We are anxious that violations of the I.D.R. Act should be pursued vigorously and there should not be any limitation. But we want that it should be translated into action. I appeal to the Hon. Minister to consider sympathetically the issues that I have mentioned. Let him at least give an assurance to the House that this amendment is not a paper amendment. This is meant to be given effect to with all sincerity and vigour. The persons who are playing with the industrial production in this country and there important is that those who are playing with thousands of workers, the offenders, should not go scot free; and

the workers who, have given their sweat and toil and blood for improving these companies, for producing goods for the country, for increasing its GNP and its potential, should not be made to suffer.

We shall very keenly and with the attitude of support watch his performance in this respect.

SHRI XAVIER ARAKAL (Ernakulam): I support this Bill. However, I would like to bring to the attention of the House certain facts.

On July 23, 1980 while participating on the demands of the Ministry of Industry, I had made eight concrete suggestions before this House, the first and foremost of which was—I quote:

“The existing industrial and financial laws, and the existing legal system should be evaluated.”

I still stand by that proposition of mine, of 23rd July 1980.

Before I come to the Statement of Objects and Reasons, may I request the House to refer to the Industrial Policy Resolutions of 1948, 1956, 1977 and of 2nd July 1980? If you examine these Policies as also the Statement of Objects and Reasons of this Bill, you will appreciate my proposition that the entire legal system related to the industry should be evaluated assessed, re-defined and implemented.

The Statement of Objects and Reasons is silent about the offences which these firms have committed, and how far we have managed to apprehend and punish these offenders. We are completely silent on that issue. Clause 24 of the Industrial Development and Regulation Act imposes a punishment of six months or a fine of Rs. 5,000, or both. Let the Government tell this House how many industrialists obeyed or disobeyed the provisions of this Act, and how many escaped scrutiny under this law, and implementation of its provisions.

Clause 27 says that cognizance of offences can be taken only on the report of a public servant. My first submission is: if we are serious about having proper industrial relations, the entire industrial law covering workers, managers and Government should be re-defined.

In the Statement of Objects and Reasons, the hon. Minister is very silent about the offences which these firms have committed and action taken thereon. The Statement says that cases require considerable time, why do cases take considerable time? Who is responsible for it? By bringing in this matter within the purview of this Bill, how are you going to solve this problem? How are you going to see that this ‘considerable time’ is reduced?

The worst part of the Statement of Objects and Reasons is where it says:

“Further, the investigations for determining as to whether prosecution should be launched in a case require considerable time.”

Who is hesitant? Is the law hesitant, or are the officers hesitant? The Statement also says:

“Consequently, there is difficulty, in a number of cases, in launching prosecution for offences under the Act within the period of limitation provided in Chapter XXXVI of the Code of Criminal Procedure 1973.”

So, I put a question before the House: how are you going to solve the problem? Are you going to do away with it by bringing it within the scope of Economic Offences Act i.e. by adding one more Act to the existing Schedule? I say that there is a very great apathy in the drafting and presentation of this Bill. The reasons given before the House are not convincing. We want to know how many offences are there, how many persons have been punished, how many cases are pending and how many persons have escaped the prosecution proceedings? If you refer to the earlier one you will find that it

[Shri Xavier Arakal]

was said, "Regularisation of excessive capacity of 34 industries was sanctioned." Let us know how many more have to be found out and need regularisation?

I am one who wants that there should be maximum of production, whether it is in the public sector or the private sector. But where do we stand in case of those who violate the rules and the clauses of this enactment with regard to registrations, licensing production capacity, regularisation, expansion, power to investigate liquidation proceedings? I do appreciate the stand taken by the Government in bringing forward this Bill. I do support it fully and I am happy that a Member of the Marxist Party has also supported it. I will go a step further and say that the Government should bring forward a comprehensive industrial legislation because 1951 enactment is still implemented in 1981. As I mentioned in my speech on July 23rd, 1980, a comprehensive Bill on Industrial Complexity and Environment should be brought forward in this House. I wholeheartedly support this Bill.

*SHRI C. PALANIAPPAN (Salem): Mr. Chairman, Sir I consider it my duty to make a few suggestions on behalf of my party the Dravida Munnetra Kazhagam on the Economic offences (Inapplicability of Limitation) Amendment Bill.

This Bill seeks to bring the violations committed under the Industrial Development and Regulation Act within the purview of the Economic Offences (Inapplicability of Limitation) Act, 1974. I welcome this Bill as this will avert the inordinate delay that is now taking place in bringing to book the offenders under the IDR Act.

Though the issues I am going to point out now may refer to the Ministry of Finance, yet I wish to mention

them as a pointer to our Industry Minister so that he can avoid such pitfalls in implementing this law. To check tax evasion, the Incometax Department conducts raids all over the country and they are given wide coverage in the newspapers. There ends the matter and the public is not acquainted with the follow-up action after these raids. To give an example, a raid was conducted against a businessman in Vellore and nobody knows that follow-up action has been taken. Similarly, in reply to a Question on the floor of this House, information was given about the raids conducted on two leading businessmen in Madras. The newspapers also carried this hot news. Afterwards, nobody knows what follow-up action has been taken. It is not that the duty the Government ends with the conduct of such raids to unearth black money and arrest tax evasion. Similarly, this House was informed of the Incometax arrears of Rs. 32 lakhs to be cleared by the Chief Minister of Tamil Nadu. The House must be interested to know how he has paid these arrears. He sold the house of his adopted son or his own wife and cleared the arrears. I wonder how the income-tax Department permitted this.

These things give an impression to the public that the Government of India are vindictive towards only their opponents and sometimes such raids, widely published in the newspapers, become means to collect funds for the ruling party. According to the accepted saying that Caesar's wife must be above suspicion, the Government of India must be impartial in the discharge of their duties irrespective of political affiliations and political exigencies. The annual budget of the Central Government of India is of the order of Rs. 10,000 crores. It is widely that the black-money operators and the black-marketeers are holding the country to ransom and they are primarily responsible for the soaring prices. If the Government of India cannot control their activities, no scheme of the Government will ever be

successful. For example, the Chief Minister of Tamil Nadu was penalised Rs. 17 lakhs for foreign exchange violation and it was also taken up to the court as a criminal offence. Yet, the Janata Party under the leadership of Shri Morarji Desai struck a bargain with the Chief Minister of Tamil Nadu and that was a political bargain. They compelled him to withdraw his party's support to Mrs. Indira Gandhi's candidature in Thanjavur Lok Sabha Election and the criminal case against him for this foreign exchange violation was withdrawn. I demand that action should be taken against Shri Morarji Desai and also against the Chief Minister of Tamil Nadu for practising deception on such a scale. The public also feel why expeditious and effective steps are not being taken by the Government when complainants are made ad-out some political leaders having black money, which is used for political bargaining. In Tamil Nadu criminal cases were instituted against sugarmillowners for excise evasion on an unprecedented scale. After that, effective steps to pursue the action were not formulated on the ground that stays have been given the Courts in such cases. The Government of India should not take shelter under this plea. Effective steps should be taken to get such stays vacated by initiating immediate legal action in those Courts. If necessary, the Government can get even a Constitution (Amendment) Bill passed to ensure that the Courts do not intercede in the the implementation of taxation laws of the country. Whenever there is a confrontation between the interests of the people of the country and those who are holding the country to ransom by their avarice and wealth, then the Government should resolve such confrontation in favour of the people and no steps should be spared to punish the people who are undermining the integrity and freedom of the country.

With these words I conclude my speech.

श्री गिरधारी लाल व्यास (भीलवाड़ा):
सभापति जी, यह जो बिल लाया गया है, इसका मैं स्वागत करता हूँ। ऐसा लगता है कि इसके जरिये से एक बहुत बड़ी कठिनाई दूर करने में हमें काफी मदद मिलेगी।

आज तक जितनी भी इंडस्ट्रीज या कम्पनियाँ सरकार अधिग्रहण करती थीं और उनके सम्बन्ध में जो भी कदम उठाये जाते थे व बहुत देर से उठाए जाते थे। तब तक उन कम्पनियों के मालिक कायदे-कानून की सीमा से बाहर निकल जाते थे। इस से इंडस्ट्री में या कम्पनी में काम कर रहे मजदूरों को और देश को बहुत नुकसान होता रहा है। उसका विधान करने के लिए यह जो बिल यहां प्रस्तुत किया गया है यह निश्चित तरीके से स्वागत योग्य है।

मैंने पिछले साल यहां पर निवेदन किया था कि बहुत से पूंजीपति अपनी इंडस्ट्रीज से पैसा निकाल कर नई नई इंडस्ट्रीज खड़ी कर लेते हैं। और फिर अपनी उस पुरानी इंडस्ट्री को सिक बनाने की कोशिश करते हैं। जब जनता की तरफ से, मजदूरों की तरफ से या राज्य सरकारों की तरफ से टेक ओवर करने की बात की जाती है, या इस बात की घोषणा की जाती है तब तक उस इंडस्ट्री की सारी व्यवस्था बिगड़ जाती है और वह इंडस्ट्री बिल्कुल बन्द हो जाती है। वहां काम कर रहे मजदूरों को बेरोजगार हो जाना पड़ता है। इस से बचने के लिए इस इकोनॉमिक ऑफेंसिव लिमिटेशन अमेण्डमेंट बिल से बहुत मदद मिलेगी। इसलिए यह एक बहुत स्वागत योग्य कदम है। इस के द्वारा हम उन पूंजीपतियों के खिलाफ एक्शन ले सकते हैं जो कि सरकार, मजदूरों और अन्य प्रकार के लोगों के साथ धोखाधड़ी करते हैं। उनको इस कानून के जरिये से संभाला जा सकता है।

17.28 hrs.

(Mr. Deputy-Speaker in the Chair)

पिछले साल मैंने निवेदन किया था कि मेवाड़ टेक्सटाइल मिल, भीलवाड़ा जिसको कि राजस्थान सरकार ने सन् 1968-69 में टेक ओवर किया था वह इसी वजह से सिक कर दी गई थी। लाखों रुपया उस मिल पर कर्जा हो गया और मशीनें बरबादी के कगार पर पहुंच गई। इसके बाद राज्य सरकार ने उसको अपने कब्जे में लिया और राज्य सरकार और भारत सरकार दोनों ने उसे फिर से डेवलप किया। डेढ़-दो करोड़ रुपया उसके ऊपर खर्च किया गया। उसके बाद इंडस्ट्रियल डेवलपमेंट रेगुलेशन एक्ट के तहत 5-6 साल बाद उस इंडस्ट्री को पुराने मालिक के सुपुर्द कर दिया गया। उस मालिक को सुपुर्द कर दिया गया, जिसने उस इंडस्ट्री को सिक बनाया था। उसकी उन्नति के लिए राज्य सरकार और भारत सरकार ने पैसा खर्च किया और जिस मालिक ने रुपया निकाल कर उस उद्योग को सिक किया था, उसी मालिक को फिर से उस उद्योग को सिक करने के लिए लौटा दिया गया। मेरा कहना है कि इस प्रकार के उद्योगों को सरकार को अपने हाथ में ही रखना चाहिए, ताकि मजदूरों का भला हो और उन्हें बेरोजगारी से बचाया जा सके। उस पूंजीपति को दोबारा उस उद्योग को वापिस नहीं किया जाना चाहिए। जहां पर सरकार द्वारा दो-ढाई करोड़ रुपया लगाया गया, मजदूरों का पैसा चुकाया गया और इंडस्ट्री को माडर्नाइज किया गया, उस उद्योग को पुनः मिल मालिक को वापिस दे दिया जाए, यह बात ठीक नहीं है। वह मिल फिर किसी भी समय बन्द हो सकती है। उस मिल का मालिक फिर से वही पुरानी बातों को दोहरा सकता है। मिल

मालिक की बेईमानी की वजह से मिल फिर से सिक होती जा रही है।

इसलिए मेरा निवेदन है कि मजदूरों को बेरोजगारी से बचाने के लिए सरकार इसको अपने हाथ में ले ले। इसके लिए व्यवस्था की जानी चाहिए कि यदि कोई मिल मालिक मिल को सिक करता है तो वह मिल फिर से उसको नहीं सौंपी जाएगी। इसके बारे में राज्य सरकार को और भारत सरकार को इत्तला दी गई है, लेकिन अभी तक कोई कार्यवाही नहीं की गई है। इस प्रकार की व्यवस्था अगर इस कानून में हो जाएगी तो माकूल व्यवस्था हो सकेगी। इंडस्ट्रीज डेवलपमेंट रेगुलेशन एक्ट में इस प्रकार का प्रावधान किया जाना चाहिए। यह बात स्वागत योग्य है। एक दफ्ता इंडस्ट्री सिक हो जाने के बाद वापिस नहीं लौटाई जानी चाहिए। माननीय मंत्री महोदय को इस और कार्यवाही करनी चाहिए। उस पूंजीपति के खिलाफ सख्त कार्यवाही की जानी चाहिए और इकनामिक ऑफेंस के तहत उसके खिलाफ कार्यवाही की जानी चाहिए।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूं और निवेदन करता हूं कि इस प्रकार की व्यवस्था अवश्य की जानी चाहिए और मिल पूंजीपति को लौटाई नहीं जानी चाहिए।

SHRI BAPUSAHEB PARULEKAR (Ratangiri): Mr. Deputy-Speaker Sir, I support this Bill whole heartedly. I welcome this measure and congratulate the Minister and the Government for having brought this particular Bill. This should have been done earlier. Anyway, now that he has brought it, I am happy.

I do not know why his Ministry waited for all these 8 years to include this particular measure in the Act.

Is it because you came across with cases which could not be filed in courts because of limitation? If that be so, I would request the hon. Minister to take this august House into confidence and tell us in how many cases prosecution could not be filed because of this limitation under Section 368 of the Criminal Procedure Code. If there are any cases, who are the accused, whether they are very big people and whether the prosecutions were deliberately delayed? that would be necessary in order to appreciate this measure which he has brought.

I will request the hon. Minister and through him the entire Government that a time has come to bring forward a comprehensive measure on economic offences. It is no use bringing one Act at one time and then waiting for two years and then bring in another one. We find that many of the offenders who commit these offences escape the punishment by absconding or by going abroad or giving money to the investigating officers, who wait for six months. After the limit is over, these persons escape from this particular guilt. I would respectfully submit that this is a more serious and heinous offence than the offence of assault and other like offences. So, steps shall have to be taken to deal with it.

I also request the hon. Minister and through him to the Government that this measure should not only be made applicable to the economic offences but also the persons who commit offences should not be allowed to go scotfree. If possible, I would request him to talk to the Home Minister and see that Section 368 of the Criminal Procedure Code is removed from the statute book lock, stock and barrel, whole hog, so that offenders cannot go scotfree. That is how I would request him to approach this particular problem. I feel everyone in this House would agree with the sentiments which I am expressing.

My only fear is whether the offences which are prescribed in the

Industrial (Development and Regulation) Act are really economic offences. What is an economic offence? According to me, an economic offence is an act by which a particular person gain monetary profit by evading taxes. That is the crux of the economic offence. But if you read the Industrial (Development and Regulation) Act, Sections 24 and 24A make certain acts as penal. The offences mentioned in it are—section 10(1) starting of an industrial unit without registration; section 10(4)—not producing the certificate of registration to the authority section 11(1)—not taking the licence and making production. Are these economic offences? If these are not economic offences and if you are going to include them in that particular schedule of economic offences, your entire object is going to be frustrated. If you prosecute after a period of one year in a court of law, on behalf of the accused a plea shall be taken that he had not committed any economic offence. Therefore, inclusion of this in this particular schedule under the economic Offences (Inapplicability of Limitation) Act is illegal, unauthorised and *ultra vires*.

So, section 368 would still apply and, therefore, prosecution would be time-barred. I do not know whether you have given thought to this particular aspect. If you have not given thought to this, you should reconsider this aspect, because your intention or objective will not be served; on the other hand, it will be frustrated. We are all happy that after passing this particular Act, we have done a great job, we are bringing all the economic offenders to book, but in fact we will not be serving the purpose, we will not be achieving the fruits. Therefore, while supporting the Bill, I would request you to reconsider this legal aspect. If necessary, you take time, withdraw the Bill, consult the Law Ministry and bring it back some time later. But, do not say that these are economic offences because *prima facie* I feel none of

[Shri Bapu Saheb Parulekar]

the offences which are mentioned in this particular Act are economic offences. I would, therefore, request you to reconsider this because you are not going to achieve the objectives which you have laid down, which you read and which you reiterated in your speech. With these words I support the intention but with this reservation.

श्रीमूलचन्द डागा (पाली) : उपाध्यक्ष महोदय, आजकल कानून काफी बनते हैं और अलमारियों में पड़े हुए अपने दम तोड़ रहे हैं। क्या अलमारियों में रखने के लिए यह कानून है माननीय मंत्री जी? बिजनेसमैन हर वक्त सरकारी आदमी को अपने कब्जे में रखता है और उसका जो सम्बन्ध है उसको आप नहीं तोड़ सकते।

जो कानून आप लाये हैं उसकी मंशा को समझिये। एक तरफ आपने रिजोल्यूशन किया है कि देश में उद्योग पनपने चाहिए और आपकी नीति बहुत अच्छी है। हमने सोचा था आप एक नई बात करना चाहते हैं कि जो उद्योग चलाने वाले हैं उनका सहयोग लेकर सही रूप से उद्योग बनाए जायें जिससे लोगों को काम मिलता है और देश में धन भी पैदा होता है। इधर आपने 30 साल बाद क्या होचा? एक लाइन का आप बिल असेम्बलमेंट करने के लिए लाये। पता नहीं संसदीय कार्य मंत्री ने इसको देखा भी है कि नहीं। इस बिल के ओब्जेक्ट में लिखा है :

"Experience of the working of the Industrial (Development and Regulation) Act has revealed "

यह 30 साल के बाद आपको रिवील हुआ। यह रात में रिवील हुआ या कब हुआ मालूम नहीं। 1951 में यह ऐक्ट बना

The Industrial (Development and Regulation) Act, 1951.

इसके सेक्शन 24 में लिखा हुआ है कि अगर कोई गलती करे तो उसको आप उसी समय सजा दे दो। और लिखा हुआ है

"under the section shall be punishable with imprisonment which may extend to six months and fine"

अब आप यह बतायें कि इस ऐक्ट के नीचे आपने 1951 से 1982 तक कितने लोगों को सजा दी है ?

1951 से 1981 तक कुछ नहीं किया और आज श्री तिवारी जी यहां आये नहीं और यह बिल आपके गले डाल दिया, यह गलती हो गई। (व्यवधान) मैंने कब कहा है कि आपकी रिस्पॉसिबिलिटी है इसकी? आप लेबर मिनिस्टर हैं, लेकिन आप स्टेट मिनिस्टर हैं, आप कैबिनेट में नहीं जाती होंगी?

श्रम मंत्रालय में राज्य मंत्री (श्रीमती रामबुलार सिन्हा) : जाते हैं।

श्री मूल चन्द डागा : जाती हैं, अच्छी बात है।

अब 30 साल के बाद आपको दिमाग में आया कि इस बिल में कुछ गड़बड़ हो रही है कानून में कुछ तबदीली करो। सेक्शन 10, 11, 19 और 23 या 29। इन सेक्शन में आपने कौन-कौन से ओफेन्सेज में चालान कर के कितने-कितने उद्योगपतियों को सजा दी है? आप इसका डेटा बनाइए, आपका बहुत बड़ा डिपार्टमेंट है। इससे आपको मालूम होगा कि कितने लोग इकनामिक ओफेन्सेज से बच गये। कौन-कौन बच गये, जिसके लिए आप कानून के नीचे आ रहे हैं कि उनकी मियाद बढ़ा दी जाये। क्या 30 साल में आपने कुछ सोचा भी है?

जब पार्लियामेंट के सामने आप बिल पेश करें तो यहां मंत्री जानना चाहते हैं कि कानून क्या बनता है, इसकी आवश्यकता क्यों पैदा हुई ? कानून इसलिए बनाता है कि समाज के अपराधों को रोका जाये और समाज में अच्छाई लाई जाये। कानून इसलिए नहीं है कि समाज को बिना कारण बताये परेशान और तंग किया जाये या उन पर तलवार लटकाई, कानून इसलिए नहीं बना है। कानून जनता की रक्षा के लिए बनता है, तलवार लटकाने के तरीके गलत तरीके हैं।

1951 में एक एक्ट बना।

MR. DEPUTY-SPEAKER: Daga Ji, you have gone back to 1981, I have to bring you to 1981.

SHRI MOOL CHAND DAGA: I am just coming अगर आप यह चाहते हैं कि इकनामिक ऑफेन्सेज किस को कहते हैं तो आप ला कमीशन की रिपोर्ट देख लीजिए। यह ऑफेन्सेज कहते हैं:—

देश के उद्योग में गिरावट आती है, लोग काला धन इकट्ठा कर लेते हैं, यह कुछ ऑफेन्सेज ही नहीं है। आपने रजिस्ट्रेशन नहीं करवाया, लाइसेंस नहीं लिया, आपके कंपेंसिटी ज्यादा की, यह सारी बातें जो आपने नीति रखी थी, उसके खिलाफ हैं।

एक तरफ तो आप कहते हैं कि उद्योग बढ़ने चाहियें, दूसरी तरफ जो नियम चलाये गये हैं, उनकी आप एग्जैम्पशन लेना चाहते हैं कि उनकी मियाद दो जानी चाहिए। कितनी मियाद आप बढ़ाना चाहते हैं ? आप अन-लिमिटेड चाहते हैं और इसका मतलब यह है कि जो बेचारे आदमी हैं, 5, 7 साल, कब तक उनको ज़िन्दा रखोगे ? जो उनको मेटल टैशन होता है,

कब आपने इस बात को सोचा है ? एक तरफ आप न्यूज देते हैं, दूसरे दिन अखबार में क्रिटिसिज्म आता है संडे में तो आप देखते हैं कि क्या हो गया ? कानून इसलिए थोड़ा बनाया गया है कि लोगों की रक्षा न की जाये ? यह समझा जाये कि सभी उद्योगपति चोर हैं, बेईमान हैं, यह गलत है। इकनामिक ऑफेन्सेज के बारे में ला कमीशन ने डिटेल में सर्वे किया है —

When I read this, "Experience has revealed..." I find that this is an outdated Act. यह आउट-डेटेड एक्ट है, यह आपने स्टेटमेंट दिया है। आपको इस एक्ट में अमेंडमेंट करनी चाहिए। 1951 के एक्ट के नीचे आप क्या करना चाहते हैं — It is Stated.

"Experience of the working of the Industries (Development and Regulation) Act, 1951, has revealed that offences under this Act do not generally come to light as soon as they are committed."

This is a vague statement coming from a Minister.

इकनामिक के सबजेक्ट्स में डेटा के बारे में इस तरह से आप वेग स्टेटमेंट देंगे, तो इससे फायदा नहीं होगा। पार्लियामेंट को हर वक्त यह जानने का हक है कि सरकार पूरी बात बताए कि वह कौन से हीनस क्राइम्ज को पनपना करना चाहती है। हम नहीं चाहते कि लोगों के सिर पर बिना कोई गुनाह किए हुए तलवार लटकती रहे और वे डरते रहें। इस तरह सरकार कितने ही लोगों की ज़िन्दगी खराब कर देगी और कितने ही लोगों की बददुआ लेगी।

[श्री मूल चन्द डागा]

स्टेटमेंट आफ आब्रजेक्ट्स एण्ड रीजन्स
में आगे कहा गया है :—

“Further, the investigations for determining as to whether prosecution should be launched in a case require considerable time.”

इसके लिए कनसिडरेबल टाइम क्यों चाहिए? वे आफेंसिज क्या हैं? वे टेक्निकल आफेंस होते हैं, सोरियस आफेंस नहीं होते। वे किसी भी तरह इकानॉमिक आफेंस की डेफिनिशन में नहीं आ सकते। लेकिन फिर भी सरकार ने टाइम बढ़ाने के लिए बिल पेश किया है।

कोड आफ क्रिमिनल प्रोसीजर के सैक्शन 468 में कहा गया है :—

“468(1): Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

- (a) six months, if the offence is punishable with fine only;
- (b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;
- (c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.”

जब सरकार छः महीने, एक साल और तीन साल तक मुकदमा नहीं चला सकती तो फिर वह चाहती क्या है? क्या वह दस साल के बाद मुकदमा चलाना चाहती है? तब तक सब एविडेंस गायब हो जाएगा, रामलाल या खुदाबख्श मर जाएगा, कोई रिपोर्ट नहीं मिलेगी और फाइल भी नष्ट हो

होगी। मुझे मालूम नहीं है कि आखिर इस बिल की संज्ञा क्या है। मंत्री महोदय इसकी संज्ञा बताएं। 1974 में इकानॉमिक आफेंसिज (इनएप्लिकेबिलिटी आफ लिमिटेशन) एक्ट बना। इण्डस्ट्रीज (डेवलपमेंट एण्ड रेगुलेशन) एक्ट 1951 में पास हुआ था। उस वक्त सरकार को ध्यान नहीं था कि इस सिलसिले में कोई आफेंसिज होंगे। उसने 1974 तक तो कुछ नहीं किया और उसके बाद बिना कोई रोजन दिए हुए यह व्यवस्था कर दी कि हमको लिमिटेशन से एगजस्ट कर दिया जाए। पार्लियामेंट एगजस्ट कर सकती है ताकि इकानॉमिक आफेंडर्ज के खिलाफ एक्शन लिया जा सके। लेकिन डोले डिफाउंस जस्टिस। अगर डोले के बाद भी मुकदमा चलाने से कोई फायदा होता हो, तो मंत्री महोदय बतायें।

एक्ट के सैक्शन 2 में लिखा है :—

“2. Nothing in Chapter XXXVI of the Code of Criminal Procedure, 1973 shall apply to—

(i) any offence punishable under any of the enactments specified in the Schedule; or

(ii) any other offence, which under the provisions of that Code, may be tried along with such offence.”

इनकम टैक्स एक्ट के नीचे कितनी ही जमीनें गलत तरीके से और कम कीमत पर बेची गईं। मैंने आंकड़े देखे हैं कि 11 करोड़ रुपये सविस्तर पर खर्च हो गए, लेकिन दो करोड़ रुपये की जमीन भी नहीं ली जा सकी और अभी तक वह भी आक्शन नहीं हुई। गवर्नमेंट इकानॉमिक आफेंडर्ज को पनिश नहीं कर सकती। जो पंद्रह साल पहले मर गया, उसको कब से निकाल कर लाया जाएगा। अगर किसी आदमी

ने आफेंस किया, वह मर गया, कब्र में गाड़ दिया गया तो क्या उसके बेटे के नाम चलेगा, उसके पोते पर मुकदमा चलेगा ? क्या सिविल ला लागू होगा ?

तो यह सारी जो मंत्री महोदय की संशा है इस संशा से पहले वह इसको अच्छी तरह देख लें और मंत्री महोदय को कल का समय मिल जायगा, रात में अपने आफिसर्स से सारा डाटा कनैक्ट करवा लें, उसके बाद इतना बढ़िया उत्तर दें कि लोगों को मानना पड़ जाय तब तो बात समझ में आ सकती है । लेकिन पूरे फैक्ट्स ऐंड फिगर्स लाएं कि इतने आफेंसेज में हमें चलाने हैं, इतने में नहीं चलाने हैं । तब तो हम आपकी तारीफ करेंगे । अन्यथा मैं कहना चाहता हूं, पार्टी का मेम्बर होने के नाते तो मैं कह नहीं सकता लेकिन यह जो वह लाना चाहते हैं यह एक प्रकार से कानून की तलवार लोगों के दिमाग पर लटका कर बिला वजह उनके दिमागों पर वजन डालना उचित नहीं है, यह न्याय की दृष्टि से ठीक नहीं है । ये आफेंसेज एकोनामिक आफेंसेज नहीं हैं । इंडस्ट्रियल डिस्प्यूट्स एक्ट को आपको पूरा अमेंड करना चाहिए' तब जा कर यह ठीक हो सकता है ।

PROF. N. G. RANGA (Guntur): Mr. Deputy Speaker, Sir, our friends have taken us over a period of 30 years in this debate with regard to the development and regulation of our industries. But they have not somehow made a mention of the development during this period of a large number of these various joint stock companies in charge of several industries and then their going sick and obliging the Government to take them over in order to provide continued employment. Why have they grown sick? At what stage? There must have been some kind of regulation and examination? They gene-

rally publish their annual report and declare their profits. It should be possible for the Government or some agency within the Government to go on watching whether those profits are coming down and if so whether they fluctuate from year after year or only occasionally and for what reasons. Then, they would be able to see and take necessary steps to prevent these industries going sick. Otherwise, what happens? They all become a liability on the Government and the Government is not certainly justified in taking over the industries and spending general public revenue. So far as textile industry was concerned at one time, they spent to the tune of Rs. 20 crores to Rs. 30 crores a year in order to sustain those factories and bring them back again to health for the purpose of providing continued employment for workers and maintaining the industrial development in our country.

Secondly, are we to consider only the offences or failures of private enterprises and industries and their behaviour towards their workers, management and shareholders? Are we not to consider also the manner in which the managers of our State-owned industries are carrying on their work? As everybody knows, today, it is a managerial revolution that is going on. Managers are all powerful in the State-owned industries as well as in the private industries. These managers have got to be tackled. Efforts have to be taken to see that these people also behave properly in the Government-owned and government-managed industries. Thought has got to be given to all these aspects of the industrial development and industrial health. It is time enough, after 30 years, for the Government, to try and take a comprehensive view of these things.

I am glad that our friends of the different parties in the Opposition have come forward to welcome this Bill.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): We support the right thing.
18 hrs.

PROF. N. G. RANGA: Is this not proof enough to contradict their oft-repeated complaint that this Government is for the capitalists. This Government is primarily a welfare-oriented Government; it is committed to mixed economy. It wants to maintain and develop also State-owned, State-managed, industries so far as the commanding heights are concerned. It also would like to encourage the private sector so that their contribution also can be taken in for the total economic development of our country.

In this process, the Government has come forward with this Bill. I am glad that the Opposition has welcomed this Bill and, I hope, the Opposition would continue to take interest not only in this Bill but in the development of our industries, in our country, and not consider the capitalists and industrial managers and all these people merely as anti-social elements. They also have a constructive role to play. Let us maintain a sense of welcome towards these people and encourage them to start more and more industries, plough back all their money into these industries instead of using it in a subterranean manner, in an unsocial manner.

I hope, my hon. friend the Minister in-charge, young as he is, scholastic and energetic as he is, would be able to give some constructive thought to the various aspects of industrial development in our country and, being encouraged by the easy manner in which this Bill is being passed here, to go ahead with the efforts to bring forward a comprehensive Bill for the industrial development and regulation in our country.

18.01 hrs.

BUSINESS ADVISORY COMMITTEE

TWENTY-FIRST REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): Sir, I beg to present the Twenty-first Report of the Business Advisory Committee.

MR. DEPUTY-SPEAKER: The House stands adjourned to meet again tomorrow at 11 A.M.

18.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, November 25, 1981/Agrahayana 4, 1903 (Saka).