

CONSTITUTION (AMENDMENT)  
BILL\*

(Amendment of Article 21)

SHRI G. M. BANATWALLA:  
(Pounani): I beg to move for leave  
to introduce a Bill further to amend  
the Constitution of India.

MR. DEPUTY-SPEAKER: The  
question is:

"That leave be granted to intro-  
duce a Bill further to amend the  
Constitution of India."

*The motion was adopted.*

SHRI G. M. BANATWALLA: I  
introduce the Bill.

CANALISATION OF RAW JUTE  
PURCHASE BILL\*

SHRI P. RAJAGOPAL NAIDU  
(Chittoor): I beg to move for leave  
to introduce a Bill to canalise pur-  
chase of raw jute through the Jute  
Corporation of India Limited with  
a view to ensuring remunerative pri-  
ces to the jute growers and steady  
supplies to the jute manufacturers at  
stable prices.

MR. DEPUTY-SPEAKER: The  
question is:

"That leave be granted to intro-  
duce a Bill to canalise purchase of  
raw jute through the Jute Corpora-  
tion of India Limited with a view  
to ensuring remunerative prices to  
the jute growers and steady supplies  
to the jute manufacturers at stable  
prices."

*The motion was adopted.*

SHRI P. RAJAGOPAL NAIDU:  
I introduce the Bill.

CONSTITUTION (AMENDMENT)  
BILL\*

(Amendment of Eighth Schedule)

SHRI SAUGATA ROY (Barrack-  
pore): I beg to move for leave to  
introduce a Bill further to amend the  
Constitution of India.

MR. DEPUTY-SPEAKER: The  
question is:

"That leave be granted to intro-  
duce a Bill further to amend the  
Constitution of India."

*The motion was adopted.*

SHRI SAUGATA ROY: I intro-  
duce the Bill.

15. 05 hrs.

INDIAN TRUSTEESHIP BILL—  
Contd.

by Shri Arjun Singh Bhadoria

MR. DEPUTY SPEAKER: We  
now take up further consideration of  
the Indian Trusteeship Bill moved by  
Shri Arjun Singh Bhadoria. Shri  
P. Rajagopal Naidu to continue his  
speech.

SHRI P. RAJAGOPAL NAIDU:  
(Chittoor): Mr. Deputy-Speaker, Sir,  
I was saying the other day that even  
the trusts created traditionally were  
degenerating and, therefore, unless  
they were regulated, it was not possi-  
ble to run them properly.

In this Bill, the mover has been  
inspired by Gandhian philosophy and  
he wants to create all the properties,  
specially the companies, into trusts.  
His main aim is that the person can  
earn but, after earning, he should not  
have the authority to spend as he  
likes. Therefore, he wants all the  
income to be entrusted to the Go-  
vernment. It is a good principle.

[Shri P. Rajagopal Naidu]

The other thing which has been incorporated in this Bill is that the employees should not ask for rise in wages. I have attended one Conference of the tele-communication employees. They have said there that the Leader of the Congress (I) and also the Janata leader want the employees of the companies, the Railways and others to wait till the income of the rural population grows. But they were against it. Here, if they adopt this principle, then they have to wait because 80 per cent of the population are not getting any income. It is necessary to make their both ends meet. Is it, therefore, not necessary now for those who are organised, who are demanding more salaries and who want to have the lion's share of the resources of the country, to re-think and see that they do not demand higher salaries till the income of the rural masses, other weaker sections and other labourers and workers in the country grow? It is a good principle. There must be equalisation in income also.

PROF. R. K. AMIN (Surendranagar): I am sorry to interrupt. Shall I introduce my Bill?

MR. DEPUTY SPEAKER: We cannot go back now.

SHRI P. RAJAGOPAL NAIDU: Then, it says that the employees will have to participate in the management. We all want it. It is a commendable Bill. I do not know why landed property has been excluded. Even if the landed property is brought in this Bill, it will be better. Every property must be created as a trust and the trusteeship should be created. If you want to bring the landed property and other properties to be within the purview of this Bill then it is quite necessary for the House to consider it in detail. Therefore, I think, it is better to send it to the Select Committee. Though it may be late, the Minister may agree to

waive the rule and see that it is sent to the Select Committee.

श्री उपसैन (देवरिया) : माननीय उपाध्यक्ष महोदय, मैं माननीय अर्जुन सिंह जी भदौरिया द्वारा प्रस्तुत ट्रस्ट निगमों की स्थापना तथा तत्सम्बन्धी विषयों का उपबन्ध करने वाले विधेयक का समर्थन करने के लिये खड़ा हुआ हूँ।

मान्यवर, केवल इसके कि मैं मुख्य विषय पर जाऊँ, जो बात मैं कहना चाहता हूँ वह यह है कि अब से बहुत समय पहले इस विषय की कल्पना की गई थी कि भारतीय समाज किस प्रकार का बनेगा, उसके बाद समाजवादी समाज और साम्यवादी समाज की परिकल्पना सामने आई, उसके बाद यूरोपीय समाजवादी समाज की कल्पना सामने आई—इन सब में कुछ हवाई, कुछ कागजी और कुछ आसमानी कल्पनायें थीं, फिर अन्त में मार्क्स की कल्पना आई—एक वैज्ञानिक समाजवादी समाज की रचना की जाय। लेकिन भारतीय समाज कैसा हो, उस के विभिन्न वर्गों में क्या सम्बन्ध हों—इस सम्बन्ध में महात्मा गांधी जी ने जो अपनी परिकल्पना दी और जिसको आगे बढ़ा कर डा० राम मनोहर लोहिया ने सर्वप्रथम इस सदन में विधेयक के रूप में प्रस्तुत किया—मैं सब से पहले उसकी चर्चा करना चाहता हूँ। मुझे अफसोस है—उस विधेयक को यहां रखने के बाद डा० साहब इस संसार में नहीं रहे। लेकिन उन्होंने अपने विधेयक में इस बात का स्पष्ट उल्लेख किया कि अपने देश से वर्ग संघर्ष की विषमता को मिटाने के लिए यह जरूरी है कि समाज के सभी वर्गों में समन्वय हो।

इस सम्बन्ध में मेरे पास कुछ सामग्री है—लेकिन उससे पहले एक किताब से मैं

कुछ पढ़ कर आपको सुनाना चाहता हूँ,  
यह किताब है—

**'THE COMING STRUGGLE FOR  
TRUSTEESHIP'**

19-12-1929 क "हरिजन" में यह  
लिखा गया था, जिसमें बतलाया गया था कि  
पहले "वैश्य" की जो परिभाषा दी जाती थी,  
उसका क्या मतलब था ।

"If we analyse the functions of  
the Vaishya (businessman) of the  
ancient times, we find that he was  
assigned the duty of production and  
distribution, not for personal gain  
but for common good. All the wealth  
that he amassed, he held as a trustee  
for the nation".

इसलिये किसी ने कहा है—

"Let us live and be prepared, if  
it comes to that, to sacrifice our-  
selves for the common good."

पहले के जो वैश्य लोग हुआ करते थे—  
उनकी परिभाषा थी कि जो कुछ भी उनके  
उत्पादन और वितरण के साधन थे या जो  
भी वस्तुएं उनके यहां उत्पादित होती थीं,  
वे उसको अपने व्यक्तिगत इस्तेमाल के लिए  
नहीं रखते थे, बल्कि उसको समाज के इस्तेमाल  
के लिये कर देते थे—इस तरह की परि-  
कल्पना उस समय थी ।

जब 16 जनवरी पैदा हुए—  
उस समय भी इस देश में कोई पूंजीपति  
नहीं था । इसका कारण यही था कि चाहे  
कोई भी धार्मिक ग्रन्थ हो—कुरान हो, गीता  
हो, बाइबल हो—किसी भी धर्मात्मा ने या  
सुधारक ने यह नहीं कहा कि धन और सत्ता  
एक के हाथ में सुरक्षित हो । यदि आप  
रामायण को पढ़ेंगे तो आप पायेंगे कि दशरथ  
ने इस बात का संकल्प कर लिया था कि वह  
राम को राजा बनायेंगे । लेकिन उन्होंने  
पहले अपने पूरे लोगों की कांफ़ेंस बुलाई

और सब से राय ली कि हमको क्या करना  
है । सब लोगों ने यही राय दी कि यह ठीक  
है—आप अपने बड़े लड़के को राज्याभिषेक  
दीजिये । यह दूसरी बात है कि वह राज्या-  
भिषेक देने वाले थे, मगर देना पड़ा वनवास,  
परन्तु उन्होंने राय सब की ली ।  
धीरे-धीरे हमारे जो सीलह जनपद मौर्यकाल,  
गुप्ता पीरियड में थे, उनमें भी संसद् जिस को  
सभागार कहते थे, होती थी और आप  
को सुन कर आश्चर्य होगा कि वहां पर भी  
गुप्त मतदान के द्वारा बातें तय की जाती थी ।  
जो जकात न दे, वह मुसलमान नहीं, ऐसा मेरा  
कहना है और जकात देने वाला मुसलमान  
कभी कैपिटलिस्ट नहीं हो सकता । मैं  
मैं यह कहना चाहता हूँ कि हिन्दुस्तान और  
पाकिस्तान के बटवारे का सबसे बड़ा कारण यही  
है कि हिन्दुस्तान के पूंजीपति यह नहीं चाहते  
थे कि मुसलमान यहां पूंजीपति बनें । इस लड़ाई  
की एक बड़ी कहानी है और यह पूंजी की लड़ाई  
थी जोकि बटवारे का कारण बनी थी । आज  
कोई धार्मिक नेता, कोई समाज, कोई सम्य  
देश इस बात की परिकल्पना नहीं करता है  
कि एक आदमी के हाथ में ही ज्यादा से ज्यादा  
धन दिया जाए । जैसा मैं पहले भी कह चुका हूँ,  
आप यह देखें कि जब अंग्रेज 15 अगस्त, 1947  
को भारत छोड़ कर चले गये थे, तो बिरला  
परिवार की क्या हैसियत थी ? उसकी  
हैसियत 45 करोड़ रुपय की थी और आज  
बिरला परिवार की हैसियत 288 करोड़  
रुपय की है । इस हैसियत को देने वाले कौन  
थे ? इसीलिए गांध जी ने एक विचार यह  
दिया था कि समाज में जो बड़े लोग हैं,  
उन के हाथ में जो सत्ता है, जो धन उन के पास  
है, उस धन का इस्तेमाल उस का वितरण  
सब में होना चाहिए और उन को अ.म. जनता  
का, गरीब आदमी का संरक्षक बनना चाहिए  
और भक्षक नहीं बनना चाहिए । इसलिए  
यह जो विधेयक है, यह बहुत महत्वपूर्ण है  
और इस विधेयक के बारे में मैं एक सुझाव अपने  
प्रस्तावक महोदय को देना चाहता हूँ । और  
अगर वे इस को मान जाएंगे, तो बहुत अच्छी

[श्री जयरेन]

बात होगी। मेरा सुझाव यह है कि इस विधेयक को जनमत संग्रह करने के लिए, छः महीने में कम से कम पूरे देश में जनमत संग्रह करने के लिए, प्रसारित किया जाए और जनमत इकट्ठा किया जाए और जब एक राय बनकर आए, तब हमारी सरकार एक विधेयक इस सम्बन्ध में लाए। अगर मेरी बात को वे मान लेते हैं, तो बहुत बड़ी बात होगी।

दूसरी बात मैं यह कहना चाहता हूँ कि हम लोग वर्ग-शोषण को खत्म करना चाहते हैं। हम चाहते हैं कि वर्ग शोषण खत्म हो जाए और जो डा० लोहिया ने कहा था और जो इस बिल के प्रीएम्बल में भी उद्देश्य और कारणों में लिखा है, उस को मैं आप के सामने पढ़ना चाहता हूँ, डा० लोहिया ने यह कहा था :

"Mahatma Gandhi had once said that when India became free, all the capitalists would be given an opportunity of becoming statutory trustees. The Bill seeks to provide such an opportunity to the owners of large companies and proposes necessary provisions for the democratic management of the resultant trust corporations in accordance with the principles of trusteeship formulated by Gandhiji. The provisions of the Bill are intended to usher in peacefully an era of a socialist society. As the Planning Commission has observed in the Second Five Year Plan, a socialist society is built up not solely on monetary incentives but on ideas of service to society. It is necessary, therefore, that the worker should be made to feel that he is helping to build a socialist State. The provisions of the Bill are expected to promote increased productivity by giving the workers a sense of full and intelligent participation in the processes of production, purchases, sales and investments of the

enterprise. This Bill is not a compulsory but a permissive measures enabling the present owners of large companies to transform their existing titles based on absolute rights into trust ownership."

यह उस पर लागू नहीं होगा, सरकार के चलते वे स्वतः अपनी इच्छा से अपने ऊपर लागू करेंगे। डाक्टर साहब ने सब से बड़ी बात लिख दी है कि कर्मचारी होंगे, उनके अधिकारी होंगे, सब का एकित्व पार्टिसिपेशन होगा, सबके अधिकार होंगे।

"This Bill is not a compulsory but a permissive measure enabling the present owners of large companies to transform their existing titles based on absolute rights into trust ownership."

डाक्टर साहब ने कहा है कि इससे यह होगा कि उनको अपना अधिकार आप समाज को देना पड़ेगा, उस वर्ग को देना पड़ेगा। डिवाइड राइट आफ किंगशिप के विचार को कि वह दिल्ली का बादशाह है या दुनिया का बादशाह है या किमी देश का बादशाह है, बिल्कुल समाप्त कर दिया जाएगा। यह बात कारखाने के मालिक को भी माननी पड़ेगी और एक मजदूर को भी माननीय पड़ेगी और मालिक और मजदूर दोनों यह मान कर चलेंगे कि कि वे दोनों कारखाने की कमाई में मदद करते हैं।

श्री दीनेन भट्टाचार्य (मीरमपुर) :  
लेकिन इसे मानेगा कोई नहीं।

श्री उज्ज्वल : दीनेन भट्टाचार्य जी इस को मानना पड़ेगा। हमारे सजाज में इतनी राजनीतिक जागरूकता आ जाएगी, इतनी राजनीतिक चेतना आ जाएगी कि उन्हें मानना होगा।

The best is that where there is no Government.

सबसे अच्छी सरकार वही है जहाँ कोई सरकार नहीं है। कम्युनिस्ट मेनिफेस्टो में भी यह लिखा है :—

In a communist society, in the larger context, at the end the State withers away.

देखिये स्टेट राज्य को ख़ा जाएगा। लेकिन आप हमारे यहाँ उतना वर्ग संघर्ष नहीं देखेंगे जितना कि वर्ग संघर्ष पायेंगे। यह हमारा दुर्भाग्य है कि हम आर्थिक वर्गों में नहीं बंट रहे हैं, अपनी आर्थिक स्थिति को मजबूत नहीं कर रहे हैं बल्कि जाति-पात के पचड़े में फंसे हुए हैं और जब तक यह वर्ण-विद्वेष समाप्त नहीं होगा तब तक यह वर्ग संघर्ष भी कम नहीं होंगे। इसलिए डाक्टर साहब ने गांधी जी की विचारधारा को लिया और कहा कि इस तरह के कानून बनाये जाएँ कि मज़दूर यह समझे कि मैं कारखाने का मालिक हूँ और मालिक समझे कि मुझे समाज की सेवा के लिए यहाँ बिठाया गया है। (ध्वजधान) ठीक है यह बात इतनी आसान नहीं है। आज आपको शायद यह कहना बुरा लगता हो कि रूस में डण्डे के बल पर कम्युनिज्म कायम हुआ, मात्रो ने चीन ले लिया और वियतनाम के दोस्तों ने भी कब्जा कर लिया। हम इस के लिए उनकी तारीफ करते हैं। मगर महात्मा गांधी जी ने जो विचार दिया उसको डा० लोहिया ने प्रतिपादित किया। इस ट्रस्टीशिप के सिद्धांत पर इसी सदन में श्री अटल बिहारी वाजपेयी ने विधेयक पेश किया, वह नहीं आया, श्री जार्ज फर्नान्डिस ने पेश किया, वह भी नहीं आया। अब मैं अपने भदौरिया जी को बहुत बधाई देता हूँ कि उन्होंने यह विधेयक पेश किया। डा० रामजी सिंह ने भी एक विधेयक पेश किया है, मैंने भी एक विधेयक पेश किया है।

अन्त में मैं निवेदन करना चाहता हूँ कि इस विधेयक को 6 महीने के लिए जनमत संग्रह के लिए धुमाया जाए।

3089 LS—12.

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI VASANT SATHE (Akoia):  
Sir, I take this opportunity to wholeheartedly support the Bill which has been introduced by Shri Arjun Singh Bhadoria and Dr. Ramji Singh. Actually, I feel that this Bill, although it has been brought by two eminent private Members, will prove to be the test of the bona fides of the Janata Party, because the Janata Party in its manifesto has said that "the Janata Party is dedicated to the task of building up a democratic, secular and social State in India on Gandhian principles." This is the manifesto. If this is true, then this concept of trusteeship is the first small step to bring in that Gandhian Social State, because what Gandhiji had to say about it is this. On 31-3-1946, he said:

"Supposing India becomes a free country, tomorrow all the capitalists will have an opportunity of becoming statutory trustees. I would be very happy indeed if the people concerned behave as trustees. But if they fail, I believe, we shall have to deprive them of their possessions through the State with the minimum exercise of violence."

Mark Gandhiji's words. He said: "That is why I said at the Round-Table Conference that every vested interest must be subjected to scrutiny, and confiscation ordered where necessary, with or without compensation, as the case demanded."

This was Gandhiji's concept of trusteeship. While Gandhiji was alive, Prof Dantwalla had sent him a draft, i.e. to the Aga Khan Palace in Pune where the former was detained; and this has been published by Jayaprakash Narain to whom the original was given by Prof Dantwalla. It is with the National Archives now. It makes very interesting reading, be-

[Shri Vasant Sathe]

cause the very first clause of this draft says:

"Trusteeship provides a means of transforming the present capitalist order of society into an egalitarian society."

Transforming the present capitalist order of society into an egalitarian society gives no quarter to capitalism, but gives the present owning class an opportunity to reform itself. It is based on the faith that human nature is never beyond redemption. This Bill only makes this transformation optional. Gandhiji himself said that if they failed to come forward voluntarily, you can do it by statute, and by using even minimum violence. These are Gandhiji's words. (*Interruptions*) I will again quote his words to you, if you want. He said:

"I would be very happy indeed if the people concerned behave as trustees. But if they failed, I believe we shall have to deprive them of their possessions through the State, with the minimum exercise of violence."

The State has to take over, and if a little force is required to be used, Gandhiji was in favour of that also, for transforming the capitalist society. The main thing which Gandhiji wanted was the abolition of the capitalist structure of society. It was the very basis of the whole Gandhian economics.

You now talk of Gandhian socialism. Everyone agrees. Surprisingly in the Janata Party, in spite of divergent constituents, everyone seems to agree on Gandhian socialism. Chaudhri Charan Singh agrees on this. Mr. Atal Bihari Vajpayee himself last time moved this very Bill in 1975, saying that this was in keeping with the Upanishadic teachings and Bharatiya values. And George Fernandes had moved this Bill. While moving this Bill he had said in 1969 that the object was one of ushering in,

peacefully, an era of socialist society. First and foremost, it was Dr. Ram Manohar Lohia who had introduced this Bill. So, you do not see any difference on this. Why, then, are you vacillating? It is a most innocuous step. Only those companies which agree voluntarily, will become a trust or trust corporation; and the workers and the management will have proportional representation on the panchayat of management. This is the essence of this Bill. In the undertakings which have been taken over, and also under the Industrial Development and Regulation Act which is dealt with by the Ministry headed by Mr. George Fernandes, this concept can be introduced, if you are serious about it. I challenge you now: don't beat about the bush. Yesterday, while talking on the bill on prostitution, everyone said that unless the socio-economic structure of the society was altered, since the law of demand and supply continued under the capitalist system, nothing could be abolished; even the selling of the human body will be subject to the same law of demand and supply.

Therefore, structural changes on economic system have to be brought about. You say that there is no prostitution in the Soviet system or Chinese system or the Vietnamese system. Every one who spoke on that said that. Every one said that their system is different and therefore nobody is required to sell anything only for the sake of price.

15.30 hrs.

[SHRIMATI PARVATHI KRISHNAN in the chair]

I would like the Government really to come forward with its own Bill keeping in view this innocuous Bill moved by Shri Arjun Singh Bhadoria and Dr. Ramji Singh and introduced earlier, as I said, by Dr. Ram Manohar Lohia, Shri George Fernandes and

Shri Atal Bihari Vajpayee: I challenge this Government that if they do not think about it seriously, we will come to our own conclusion. I believe, you will get away from non issues.

MR. CHAIRMAN: Just one minute. Will you please resume your seat? The time allotted for this Bill is over. Since the Minister has to reply and the mover is also there to speak, I would like to know whether the House agrees to extension of time.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: For how long?

SEVERAL HON. MEMBERS: Half an hour.

SHRI VASANT SATHE: This Government for the last 20 months unfortunately has got itself entangled on more than one issue. They never sat together to formulate a proper economic policy and ask the whole country, Opposition and every one to come here, sit together and let us work out the economic policy together. Your real enemy is not here. Your real enemy in this country, every one of us, is these vested interests, the capitalist system. Unless we put all our energy together, the entire nation, we cannot do away with this system. No single party can do away with this system. They are so well trained that they have a league with foreign multinationals, capitalism and they will try to do everything in their power to see that you do not shake them or remove them. Therefore, the entire energy of political wisdom will have to be pooled together, harnessed together to remove this capitalism from the face of our country. Are you willing to do this? This is the question. Here is a small test for you. I agree with you that let us circulate this Bill for public opinion throughout the country. But, in the meantime, please show your bona fide on this Bill, the least of a socialist step, because it has been made optional unlike what

Gandhiji wanted. Gandhiji wanted it to be statutory. These two honourable gentlemen have made it optional.

MR. CHAIRMAN: At the moment the Bill of one hon. Member only is under discussion.

SHRI VASANT SATHE: Why repeat the whole thing? Identical Bills were there. What is the seriousness that the Government attaches to this matter? None of them are here. I think the Prime Minister himself, as a Gandhian, should come and say what he wants to say on this Bill. Atal Bihari Vajpayee and George Fernandes should have come. The Government is showing callous attitude; they are not serious about it.

AN HON. MEMBER: There is a Cabinet Minister present and there are the other Deputy Ministers.

SHRI VASANT SATHE: I accept that they represent the wisdom of the government together. But that is not the way to treat this. Therefore, I should like to conclude by saying: here is a challenge to the government's bona fides and if on this they fail, hereafter they should not talk of socialism, much less Gandhian socialism. I tell them: do not be hypocrites. With these words, I conclude.

MR. CHAIRMAN: The time for this Bill is over. But I have got the names of two or three members who want to speak. I suggest that they can speak when the next Bill is taken up, which is more or less on the same line. That Bill will be reached if this Bill is withdrawn. The hon. Minister.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Madam Chairman, on behalf of my esteemed colleague the Law Minister who has been hospitalised, please permit me to make a few submissions. I concede at the outset

[Dr. Pratap Chandra Chunder]

that the object of the Bill is very commendable we cannot deny that appropriate steps should be taken to remove disparities in society and bring about socialism in a peaceful manner. It has been so clearly indicated in the preamble to our Constitution and as hon. Member Shri Sathe pointed out it has been the object of the party which this government represents. It is true that we have opted for a democratic secular, socialist society. All of us have taken an oath to achieve that object. But so far as the government is concerned, it has also agreed to bring about that desirable system of society through Gandhian methods. What is the Gandhian method is rather under debate among many philosophers and writers who have studied Gandhiji deeply. If we study Gandhiji's works, we would find that he is so dynamic a man. He had a practical approach to problems. Therefore it is possible to cite passages from his works which may apparently seem to be contradictory. Earlier Gandhiji thought that trusteeship system should be entirely based on the volition of the rich owners. But as Shri Sathe has pointed out, Gandhiji was later on led to believe that if the owners were not willing to part with the benefits of their property or not used it for the welfare of the people in general, then it will be necessary in the first instance for the people to have satyagrah to compel the owners to use the benefits of the property for the people in general. In the second instance if such satyagrah had failed, then the Government should step in and, therefore, Shri Sathe has pointed out some of the details which Gandhiji had suggested in one of his later statements. So, we have to take the views of Gandhiji in its proper perspective and see what actually he had meant. When he had spoken of trusteeship, he had in view the big industrialists, rich people including Rajas and Maharajas who were hold-

ing property at the expense of the poor people so that there had been much disparity in the status of different people in society.

In 1931 when the Karachi Resolution had been adopted by the Indian National Congress, certain changes were sought to be introduced to reduce such disparity. Then the Planning Body, National Planning Committee, was set up by the Indian National Congress under the Chairmanship of late Pandit Jawaharlal Nehru where different aspects towards that end were considered. But unfortunately, the final report of the Committee did not see the light of day, because in the mean time war had broken out and during the August Movement the leaders were sent to prison.

SHRI DINEN BHATTACHARYA: It was initiated by Netaji Subhash Chandra Bose.

DR. PRATAP CHANDRA CHUNDER: It was initiated by Netaji Subhash Chandra Bose but Panditji was the Chairman of the National Planning Committee as far as I remember. Anyway, that is not so very important. What is important is that when the country became independent and the new Constitution was adopted in 1950, the basic objectives were incorporated not only in the preamble but also in various provisions relating to fundamental rights and directive principles. If these fundamental rights had been properly enforced and the directive principles properly carried out, then by this time we would have achieved certain measure of socialist structure in our society through peaceful methods. Unfortunately, that was not done and we have seen how in many cases such fundamental rights have been trampled upon and directive principles have been given mostly lip service. So, we have not progressed far towards the achievement of our socialist objective. Now, the question is whether this particular



Bill will achieve the purpose which the hon. mover has wanted us to achieve. Let us see what meaning of trusteeship has been sought to be introduced through this Bill by the hon. mover Shri Bhadoria. According to him, as he has discussed, from notes I find that trusteeship consists of the following elements:—

1. Variation of the capitalist system into socialist system of equality.
2. Ending individual property by all means.
3. Avoiding accumulation of property for selfish purposes.
4. Creating goodwill between capitalists and workers.
5. Production of only those things which are required by society and to the extent to which the society needs them.

Now to introduce these ideas in general, the hon. member has introduced this Bill and I understand hon. member Dr. Ramji Singh also has brought forward a similar Bill. There may have been support from both the quarters, I quite appreciate the intention of the supporters. But the real question is, will the objective which the mover has spelt out be achieved through the provisions of this Bill? If not, the real purpose will not be served and the Bill will be almost a dead letter or will not be in a position to be implemented, so that the purpose will be lost.

Let us examine some of the ideas behind the Bill. It has been suggested that there is a similar provision in England whereby in the Industrial Common Ownership Act, 1976 passed by Parliament in the U.K. there is provision for providing advice to similar bodies. The U.K. Act can be taken advantage of by three types of bodies: (a) a company which has no share capital, a company limited by guarantee and bona fide cooperative societies; (b) a society registered under the Industrial and Provident

Fund Societies Act 1965 to 1975; and (c) any association where all the members are employees of an association and the association is controlled by a majority of them. You will notice that the present Bill has no similarity with the U.K. Act because this relates to ordinary companies actuated by profit motive and require investment of capital by private persons. Mr. Sathe pointed out that Gandhiji wanted compulsion in the matter of trusteeship. This Bill certainly falls far short of that. It is purely permissive in character and there is no compulsion behind it. It is now to be thought whether the capitalists who have amassed hard earned money and want to derive more profit out of such money which has been accumulated will be at all inclined to part with their control over the company and utilise that money for the general good because it is said that the profit of the proposed institution will have to be given over to the Government of India. In other words, the profits would not go to the persons who are actually bringing their money for the purpose of industrial development. Is this reasonable or based on general psychology of the people? If there is an industrialist who has sufficient money with which he wants to benefit the common people, at the present moment he has got sufficient machinery to help him. He can declare a trust of that money. There are many top-ranking industrialists who have created such trusts, whether they are family trusts or charitable trusts and they invest their money openly knowing that this money will be utilised for certain objectives which may not serve them. Of course, many have criticised this operation also because they feel this is one way of evading income-tax. Even if we accept that the motive is quite good, private money can be invested for the purpose of a charitable trust and under the present law, that is quite possible. There is no difficulty about it. The question is whether private money which is invested in the first instance

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for certain industrial activities could be utilised straightway as has been contemplated in the Bill, where not only investment but entrepreneurship and management will not be carried on by the same group of persons. I would submit that this type of scheme is somewhat idealist in character and Utopian in its effect. It will not be possible for any such body to function simply because the private capitalist who has brought in his money for this purpose will not be inclined to invest the money for industrial purpose without deriving a personal profit for himself. Because he if he had done so, he could have straightway given the money to some charitable trust which he had created as we find many educational institutions are run with the money of the private capitalists. To say that they will mix up that private capital which is invested in the trust with the private capital which is invested in business, is rather a difficult thing to contemplate and in practical application it may be very difficult to implement.

There is an interesting suggestion. It is said that the new trust corporation may be floated by an individual entrepreneur investing 50 per cent of the subscribed capital provided the Central or the State Government concerned agrees to contribute the other half and the total equity capital does not exceed Rs. 20 lakhs. Why should the Central or the State Government be involved in such industrial enterprise when there is some mixture of motives, where some private capital is invested and the entire thing is not to be utilised really for the purpose of development of that industry or for the purpose of providing some dividend or return to the investors? How the whole profit will be kept in the till of the Government in the form of income-tax or in the income-tax folio, is not clear. So, in such cases whether it is the initial capital and investment or Government's involvement, from whatever angle we

might see, the whole Bill will create a confusion in the economic field and, therefore, the real purpose will not be served.

Then there is another aspect which will have to be noted and that is the management. The idea of panchayat has been introduced. Unfortunately, the word 'panchayat' is used in a different context and in respect of a different type of organisation. If we bring a piece of legislation and the same word leads to confusion in our understanding of the situation, then certainly it will not lead to the objective which the hon. Mover has before him. By panchayat we know the body which is created by the Panchayat Act in different States and they are called the local bodies whether they may be gram panchayats or district panchayats or whatever name you want to give to it. So, if we use the same term in this Bill it will create unnecessary confusion and the purpose will not be achieved as the hon. Mover has thought. What is intended to be done by these panchayats assuming the word is accepted here? We find the whole thing is cumbersome because the representation is not adequately contemplated. If it is thought that the workers will take part in management and, therefore, they will have their voice felt here, you will notice that representation of workers has been minimum because I understand that among 16 trustees, one out of five trustees is to be elected by the management establishment, one from the jobbers and the remaining three will be from other sections of the employees. Therefore, you will notice that five will be representing the employees whereas the majority will come from other constituents. So, the effective management of the workers, which is intended by the hon. Mover, is not achieved actually, is not provided for actually, through the suggestion that he has given.

Moreover, as you are aware, the position is that Government is also considering the effect of representation which is already given to the wor-

kers in management in various industries. So, we have workers' participation, which has already been statutorily provided for and Government is considering to what extent such participation should be proper or effective and whether there is at all need to increase the voice of the workers in the field of management. Until that is done, it is rather premature to accept the proposition that in a Bill of this nature, workers should be provided with representation in the matter of governing of the institution—I am not using the word "panchayat" but I say executive or governing body or management. Finally, to what extent will they have their say? These are some of the very important points to be noted.

Then again, a new duty is sought to be cast on the Registrar of Companies. Under the Companies Act of 1956 it is the duty of the Registrar of Companies to look after and oversee the activities of the company. Government may appoint some directors, but the Registrar by "acting" is not himself appointing. But here the Registrar is given power to take part even in the management of the company indirectly, through the representatives, which is also not appropriate in the present circumstances.

It is not possible also to expect State participation in the ownership of the business, conducted on a scale which is comparatively small. Because, the object is that these Trust Corporations may be small in size and there need not be a very high amount of capital investment. If needed, there is going to be 50 per cent of State ownership of the business in each individual enterprise, in the manner contemplated in the Bill. It is not clear why the State should take the management of the business with such wide disparate expertise drawn from different authorities, as proposed in the Bill.

So, taking all these matters into consideration, we might summarise that the real object of the hon. Member is

not to be achieved in this case. If it is really intended to check the activities of the industrialists or workers, I would humbly submit that this is not the way you proceed. We have the Monopolies and Restrictive Trade Practices Act. The net of that Act can be widened so as to bring them within the powers of the State to control them. Then, we have various provisions in the Companies Act itself. The Companies Act is being reviewed, whereby Government will have adequate power to put in directors there or to take over the management within certain limitations, so that the control will be properly exercised, if the rights are not properly exercised or the duties are not properly discharged.

Finally, I might say that even under the Companies Act the directors of the company serve in several capacities. Apart from acting as managers, they are also trustees on behalf of the shareholders. In other words, if they do not discharge their duties properly, they will be guilty of the breach of trust *qua* director and ultimately that might lead to the offence of misfeasance or runfeasance for which there is ample provision in the Companies Act itself. They may suffer, because if they are guilty of breach of certain criminal law they may be sent to jail. So, various enforcing measures have been provided in the company law. Therefore, we cannot say that the modern managers are completely free from the State control. What Gandhi ji had already said, that is in part introduced in the present system to include in various existing legislations, but what is intended to be given will make matters worse because this Bill is vague, it is not really based on the Act which England has brought about.

16 hrs.

Secondly, as I said here, the management consists of disparate elements and real power is not given to the workers. And finally, the Government involvement will not be forth-

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coming. Keeping all these things in view, while I command that the objective is good, I submit that this objective cannot be achieved by this present Bill. Therefore, I would humbly request the hon. Mover to withdraw this Bill. But if he so feels it necessary, he may think of the various suggestions that I have made and bring about some other Bill which will try to meet the points which have been raised.

**SHRI VASANT SATHE:** I would like to have a clarification: If you say that this Bill falls short of even Gandhiji's idea....

**SHRI CHITTA BASU (Barasat):** Gandhiji wanted to have Satyagraha.

**SHRI VASANT SATHE:** Ultimately Gandhiji said in 1946 that it must be after independent India. It need not be Satyagraha, it should be statutory. *(Interruptions)* If you agree with the principle of this Bill, would the Government consider bringing a Bill on the lines of Gandhiji's trusteeship concept itself? This is what I would like to know from the hon. Minister.

**DR. PRATAP CHANDRA CHUNDER:** As I have already pointed out in my reply or in my observations that there is already provision for a trust. There are different laws of trust, the Indian Trust Act. The Charitable Endowments Act and various other Acts.

**SHRI VASANT SATHE:** Do you consider them adequate according to Gandhiji's concept?

**DR. PRATAP CHANDRA CHUNDER:** Please allow me to speak. I will make it clear that in such cases the individual owner, rich or poor, can create trust and hold that property as trustee, he can make himself a trustee. Therefore, there is no bar to that. Secondly, when we come to the case of managing an industry as a trust, there is a distinction. If there is a private property, there is no bar at present to hold that property in trust for somebody else.

**SHRI VASANT SATHE:** Those trusts are mainly for avoiding income-tax.

**DR. PRATAP CHANDRA CHUNDER:** But if people derive benefit, it is also the duty of the State to give the benefit to the poor people. So, I do not find where is the conflict in that. What I am saying is, now the proposal is to run an industry on the basis of a trust. That is the question and this is made permissive. If I accept Shri Sathe's interpretation of Gandhiji's attitude in 1946, then it must be compulsory. Every industrialist has to be made a trustee. But Mr. Sathe does not want us to go to that length.

**SHRI VASANT SATHE:** I do.

**DR. PRATAP CHANDRA CHUNDER:** And certainly this Bill does not contemplate that.

**SHRI VASANT SATHE:** Would you promise that so that this Bill may be withdrawn? While persuading the hon. Member to withdraw the Bill, if you were to give this promise that Government will consider bringing such a Bill in keeping with Gandhiji's wishes....

**MR. CHAIRMAN:** Mr. Sathe, I think Mr. Bhadoria will make up his mind about withdrawing the Bill.

**DR. PRATAP CHANDRA CHUNDER:** It is for the Member introducing the Bill to ask for clarification. Even then....

**SHRI VASANT SATHE:** It is the property of the House.

**MR. CHAIRMAN:** I don't think the discussion can be carried on in this manner. You asked for a clarification and the Minister is giving it.

**DR. PRATAP CHANDRA CHUNDER:** Government is aware of its responsibility and it has already introduced several measures in different fields, and are continuing the activities in these fields like the MRTTP Act,

giving more share to the workers in the management etc. So, it is not possible at the present moment to say what shape the Bill might take.

**श्री अर्जुन सिंह भदौरिया (ईटावा) :**  
 सभापति महोदय, हमारे योग्य किताबी मंत्री ने यहां पर कानून मंत्री का काम करते हुए गांधी जी की इस विचार-धारा को गलत बताते हुए, इस विधेयक में अनेकों दोष बताये हैं। अगर इस विधेयक में कोई दोष है, तो इसे मिलेक्ट्र कमेटी में भेजा जा सकता है और उन दोषों को दूर किया जा सकता है। शिक्षा मंत्री महोदय ने सब से बड़ा आरोप यह लगाया है कि यह स्वप्न लोक का एक विधेयक है। मैं उनसे कहना चाहता हूं कि गांधीजी का जो सपना था और उन का जो चिन्तन था, उसपर वह गंभीरतापूर्वक विचार करें। गांधीजी ने इस विचार को सबसे पहले 1916 में काशी हिन्दू विश्वविद्यालय की स्थापना के समय दिया था। उन्होंने कहा था कि ये राजे-महाराजे जो करोड़ों रुपयों के जेवरात पहने हुए हैं, वे खूद उनके मालिक नहीं हैं, बल्कि वे इस सम्पत्ति के ट्रस्टी हैं। उनका वह विचार आ कर के 1947, 1948 में पूरा हुआ, जबकि हमारे देश में राजे-महाराजे राजगद्दी में उतार दिये गये।

मंत्री महोदय ने कहा है कि यह स्वप्नलोक का विधेयक है। लेकिन मैं कहना चाहता हूं कि इस विधेयक के द्वारा हम देश में एक जनमत पैदा करेंगे और मिलों तथा कारखानों में काम करने वाले मजदूरों को इस बात के लिए तैयार करेंगे कि वे नान-कोआपरेशन, असहयोग और मत्याग्रह से सब मालिकों पर इस विचार को स्वीकार करने के लिए दबाव डालें। गांधीजी ने जो शब्द कहे थे मैं उन्हें हबहू दोहरा रहा हूं :—

“(Addressing the Princes at Benaras in 1916)—There is no salvation for India unless you strip yourselves of the jewellery and hold it in trust for your countrymen in India. If the institution of kingship has a mo-

ral basis, princes are not independent proprietors but only trustees of their subjects for revenues received from them. It can, therefore, be spent by them only as trust money. That prince is acceptable to me who becomes a prince among his people's servants. The subjects are the real masters. There is no half-way house between total extinction of the states, and the princes making their people responsible for administration of their states and themselves becoming the trustees for the people, taking an earned commission for their labours.”

इस में सब से बड़ी रुकावट बताई गई है—दिल्ली, जो कि एक सफेद हाथी है। जब तक यह सफेद हाथी रहेगा, तब तक कुछ नहीं हो सकेगा। इस सफेद हाथी पर कौन सवार हैं?—सबके सब ब्यूरोक्रेट्स और पूंजीपति। जब तक इन सब नौकरशाहों और पूंजीशाही लोगों को उससे उतार कर नीचे नद्दी खड़ा कर दिया जायेगा, तब तक गांधीजी का यह सपना पूरा होना संभव नहीं लगता है।

इस मिलमिले में लाला लाजपत रायजी की जो सब से बड़ी संस्था है उसके जो अध्यक्ष हैं श्री सेवक राम जी, उन्होंने इस संबंध में एक पत्र मोरार जी भाई को लिखा है—

“Thank you very much for your letter of November 1, inviting me to write freely to you on any subject of public importance.

Today I write to you in connection with a private Member's Bill which is coming up before the Lok Sabha this Friday. Kindly read the enclosed article. Shri Gadre informs me that you have meditated deeply over the subject of Trusteeship. May I submit that Gandhiji's concept of trusteeship has been kept in cold storage for too long?

Therefore, the minimum that the Government must do is to appoint a Select Committee to make this Bill more comprehensive.

[श्री अर्जुन सिंह नदोरिया]

May I look forward to a word of assurance from you?"

जा यह सोच करके कि मोरारजी भाई देश के प्रधान मंत्री हैं और गांधीयन भी हैं और जो जनता पार्टी का मैनिफेस्टो है उस में भी यह स्पष्ट लिखा हुआ है, मैं ऐसी आशा करता हूँ कि हमारे शिक्षा मंत्री महोदय जो कानून मंत्री की जगह पर काम कर रहे हैं, इसे सेलेक्ट कमेटी में भेजने की छुपा करेंगे। यह हमारा उनसे नम्र सुझाव और निवेदन है।

MR. CHAIRMAN: There is no motion of reference to a Select Committee before the House.

SHRI P. RAJAGOPAL NAIDU: We have given notice a motion.

MR. CHAIRMAN: This was received only today and it does not have the consent of the Members and permission has not been given to move it.

There is no motion for reference to a Select Committee before the House.

श्री अर्जुन सिंह नदोरिया : जो हमारा बिल इसी मिनटिले में है जिसे डा० रामजी सिंह ने उपस्थित किया है, मैं आशा करता हूँ कि उस पर बहस शुरू की जायगी और उसे चर्चा का विषय बना कर अगर उस में भी कोई संशोधन जरूरी होगा तो उसमें संशोधन किया जायगा, और इस आशा में कि वह हमारे ही विचारों से संबंधित जो ट्रस्टीशिप के संबंध में उनका विधेयक है उस पर विचार होगा, मैं अपने इस विधेयक को वापस लेना चाहता हूँ।

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for the establishment of Trust Corporations and for matters connected therewith."

*The motion was adopted.*

SHRI ARJUN SINGH BHADORIA:  
I withdraw the Bill.

16.14 hrs.

JANATA TRUSTEESHIP BILL  
by Dr. Ramji Singh

DR. RAMJI SINGH (Bhagalpur): I beg to move:\*

"That the Bill to provide for the creation of Trust Corporations for further development of enterprises and for matters connected therewith, be taken into consideration."

भाषापति महोदय, अभी हमारे बहुत सौम्य शिक्षा मंत्री जी ने जो गांधी जी के ट्रस्टीशिप के संबंध में विचार रखे हैं उस के लिए मैं अनगांधीयन शब्द तो इस्तेमाल नहीं करना चाहता हूँ लेकिन उस को अंग्रेजी में अगर हिपोक्रेसी कहें तो कोई झगड़ नहीं होगा। गांधी जी के रूप के ट्रस्टीशिप के दिल को अनगांधीयन (ungandhian) कहना और जिनका ड्राफ्ट डा० लोहिया ने दिया हो उनको वेग (Vague) कहना यह हम समझ नहीं सकते हैं। जहाँ तक प्रधान मंत्री जी का प्रश्न है प्रधान मंत्री जी ने ट्रस्टीशिप के विषय में जो कुछ कहा वह मैं आप के नामने रखता हूँ। लगता है कि मंत्रिमंडल में इन पर गंभीरता से विचार ही नहीं हुआ। ट्रस्टीशिप फाउंडेशन को प्रधान मंत्री जी ने लिखा है —

"I have no doubt that unless the idea of Trusteeship is firmly rooted in one's thought and behaviour, the exploitation of man by man cannot be ended and an egalitarian social order established."

लगता है कि जनता पार्टी के मंत्री दो भाषाओं में बोलते हैं। तो यहाँ पर प्रधान मंत्री जी को माना जाये या शिक्षा मंत्री जी को माना जाये? इसीलिए मुझे दर्द हो रहा है। जो सत्य है वह दल से बड़ा होता है। शिक्षा मंत्री जी ने कहा कि

\*Moved with the recommendation of the President.