

ties in earning their livelihood. Lakhs of educated and uneducated unemployed youth are in search of jobs. I would like to request the Central Government to provide at least one job to each family. Moreover, I would also request that agencies like gas (LPG), Maruti cars, scooters, etc. may also be given to the unemployed youth so that they can maintain their families.

(viii) Need to Review the Decision Regarding Transfer of Teen Bigha to Bangladesh

SHRI ANNA JOSHI(Pune): The process of "Teen Bigha" track being leased out to Bangladesh has been underway. Teen Bigha is a place in India which connects a place called Kuchlibari inhabited by 50,000 Indians with the rest of India. Keeping with the term of Indira-Mujeeb agreement of 1974, Teen Bigha is being leased out perpetually. It is beyond any reason as to why our own land should be leased out. Better course would be to give transit right to Bangladeshis of Dahargram and Angarpeta through Teen Bigha, but keeping India's sovereignty intact.

I urge upon the Government to make proper amends to Indira-Mujeeb Agreement and keep the Indian title safe.

14.55 hrs.

SICK INDUSTRIAL COMPANIES (SPECIAL PROVISIONS) AMENDMENT BILL

[English]

MR. DEPUTY SPEAKER: We shall now take up further consideration of the motion on Sick Industrial Companies (Special Provision) Amendment Bill moved on 2nd Dec. 1991. Now, the hon. Finance Minister will be giving the reply.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Sir, we have given our names. We would also like to speak on this subject.

MR. DEPUTY SPEAKER: The time allotted for this discussion was two hours. We have already taken four hours and fourteen minutes, that is double the time allotted for this discussion.

SHRI PIUS TIRKEY (Alipurduar): We have also given our names. The small groups have not been given any chance on this subject. You have to give some time for the small groups also. You may give us two or three minutes each. No member from the RSP has spoken on this subject.

SHRI ANNA JOSHI (Pune): You give us at least five minutes.

SHRI SRIBALLAV PANIGRAHI: Many units in our area are going to be closed.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): No unit is going to be closed.

SHRI PIUS TIRKEY: You give me two minutes. Sir, injustice is being done to the small parties.

SHRI A. CHARLESS (Trivandrum): I have also given my name.

MR. DEPUTY SPEAKER: It was decided yesterday by the Minister of Parliamentary Affairs that the discussion will complete and the reply will be given by the hon. Minister of Finance today.

SHRI PIUS TIRKEY: Sir, the Minister should agree with us.

MR. DEPUTY SPEAKER: Can you wait for some time?

SHRI MANMOHAN SINGH: I would like to finish it early.

MR. DEPUTY SPEAKER: The difficulty is that everybody would like to speech on this. There will be no end to it. So, kindly bear with us.

SHRI PIUS TIRKEY: The Ministers should realise the difficulties of the Members.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Deputy Speaker, Sir, it was decided yesterday that there are two debates. Under Rule 193 there will be a discussion on Public Sector Enterprises and another discussion on the Economic Policy. Already, for this Bill, we have exceeded our time limit by two and a half hours. In those discussion, the small parties will get a chance. The BAC had allotted two hours for this Bill and we have already exceeded the limit. Now, it cannot be done.

MR. DEPUTY SPEAKER: The apprehension is that some factories may be closed and the labourers will be thrown out.

The House had discussed widely on these two subjects and many of the hon. Members have expressed their views. They have also come to the conclusion that such things will not happen. But anyhow, the views have been expressed by some of our friends and there may not be any new things to be expressed on the floor of the House. On some other subjects you will get the chance.

(Interruptions)

15.00 hrs.

[Translation]

SHRI HARADHAN ROY (Asansoi):

Mr. Deputy Speaker, Sir, we have also given our name and we should also be given an opportunity to speak. We do not get a chance to speak.

[English]

MR. DEPUTY SPEAKER: Every hon. Member has got a right to speak on the floor of the House; that cannot be taken away.

Now, we request the hon. Finance Minister to reply to the debate.

SHRI MANMOHAN SINGH: Mr. Deputy Speaker, Sir, I have listened with great interest to all the hon. Members who have taken part in this debate. It is a simple Bill and I am sorry to say that some hon. Members have tried to read too much in it; and I want to say right at the beginning that it is not an anti-public sector Bill, it is not an anti-workers' Bill, it is not a Bill designed to facilitate closure; it is a Bill to deal with the problem of sickness in the public sector, and not to deal with that problem would be an act of disservice to the cause of the public sector in our country.

Some hon. Members brought in the World Bank, the IMF, but I would say to them respectfully that these are the problems we, as Parliamentarians, have to face in this country; these are the problems a large number of other developing countries are also facing. For example, in China today an intensive debate is going on about the loss making units. The Prime Minister of China in August reported that nearly 40 per cent of the public sector units are sick; they have been discussing all these issues. Because if we put the issue of sickness under the carpet, then the public sector cannot perform the commanding height role or we cannot move towards the goal of self-reliance.

I think it was Shri Indrajit Gupta yesterday who said that the public sector was not

meant to make profit. I agree with him that this is not obligatory that each and every public enterprise should make profit, but you cannot in the name of social service year after year have a situation where public sector losses are accumulated. Let me say, as well-wisher of the public sector, we cannot be satisfied with the present state of the public sector; this is not to say that I am saying that the workers are to be blamed; all of us are to be blamed; may be the Management is to be blamed; may be the Government is to be blamed; and the collective responsibility of all of us is squarely to device an impartial mechanism which would fix the responsibility as to who is responsible. And if we have to find out remedial measures, then what those remedial measures are? This is precisely what this Bill seeks to do.

I would like to say that if you take the totality of the public sector, a reference was made that we have about 244 odd units in the public sector and nearly rupees one lakh one thousand crores have been invested. The net profit on the public sector as a whole in the year 1989-90 works out to 4.48 per cent. Now, if you exclude from this the profit earned in the lucrative oil sector, then the profit would slump very sharp. Now you cannot go on this path. Even if the IMF did not exist, the World Bank did not exist, how are we going to finance this? There are several ways. In this year's Budget, we are trying to help the public sector investment by providing roughly Rs. 5000 crores of budgetary support; in recent years, about Rs. 1000 crores of budgetary support has been given to sick units, loss making units. Now, what is the mechanism to finance this? You can either borrow from abroad to finance these losses; that limit has to be fixed. If you believe that anybody would lend money to a country which is going to borrow on commercial terms and then use it to subsidise year after year loss making units, I am afraid, we are sadly mistaken. The second course of action is that we borrow in the domestic market. In

the 1980s we have reached that end of the road also. If you have these large scale accumulated losses, if public sector share of investment normally is roughly about 45 per cent, the public sector savings in national savings is about 8 per cent, then the only way you can sustain the tempo of public sector investment is to resort to more borrowing. If the public sector is not profitable, how are you going to borrow at the rates of interest that prevail in our country? Or else the only route is that you have large scale deficit financing, in which case there will be reckless inflation, in which case everybody in this country, more so the poor, would be the worst sufferers.

Therefore, I would respectfully submit to this House that restoring the health of the public sector is not a partisan issue, it should be an issue which should engage the attention of all sections of this House and this Bill is a partial attempt. I am not saying that it is a total strategy. It is a partial attempt to draw attention to the problems of units in the public sector. This is the first point that I do want to make.

Now, in the course of this debate several other points have been made about the functioning of the BIFR. Now, I have said before that it is my intention to have a look at the working of the BIFR. I propose to come before this House with a comprehensive Bill to streamline the functioning of the BIFR. But also do want to say to this House that it is certainly not true that trade union interests are not represented in the BIFR. In fact, members of the BIFR have included people who were trade union leaders. For example, Shri A.T. Bhonsle, a former trade unionist is currently a member of the BIFR. In addition, whenever the BIFR takes up a particular case to work out the rehabilitation package it publishes its findings in public, it advertises, everybody has a right to go before the BIFR to put forward its point of view. Therefore, it is not true that anything is going to be done

[Sh. Manmohan Singh]

in a hush-hush manner. The BIFR normally takes nine months to two years to look at a particular case. So, I can assure the hon. Members that nothing is going to be done in haste to deal with the problems of sick units before we take any actions. The Government as the owner, Government as promoter, will consult the trade unionists, will consult the workers, and we will together go to the BIFR and I would say that if there have been deficiencies in the working of the BIFR in dealing with the private sector, those deficiencies will not be devil the public sector units because in the private sector units, many a time the BIFR works out a package, then it has to get the consent of the promoter, the shareholder the financial institutions and many times they do not agree. That is why despite the packages having been worked out, I think, quick action cannot take place. But in the present case the Government happens to be the promoter, the Government happens to be the major shareholder. So, I can assure you that this will lead to an accelerated search for remedial measures in dealing with the problems of sick public sector units.

I also want to take this opportunity to say that our Government is committed that closure is not the first best. Closure must be a measure of the last resort when all possible means have been exhausted and it is not a question of compassion. It is elementary duty of any Government of a civilized country to see and I have repeated it, the Prime Minister has repeated it several times and I repeat it again, that we will deal with these problems in a manner that the cost of transition to a more dynamic economy is not borne by the working classes.

Now, Shri Indrajit Gupta asked me: "But you have been saying all this. You have not spelt out what this national renewal fund is". Now it is true that we are working out the

details of the National Renewal fund. We have initially ear-marked this year alone Rs. 200 crores. But it will take some time before rehabilitation packages are worked out. So, we have plenty of time to spell out what the National Renewal Fund will be able to do. It is my intention to enlarge year after year the resources available to the National Renewal Fund. The purpose of this Fund will be to deal with the problems of re-training the workers, where they need to be redeployed. If at the margin some technological upgradation is necessary, if better technology can save a public sector unit, then finding resources for that should also be the responsibility of the National Renewal Fund. If in an extreme case, where a unit cannot be kept going and where there is no demand for the products of such unit, in that case we will have to work out the compensation packages, which are fair, which are equitable. All these will be worked out in consultation with the workers. I can assure you that we are not going to deal with this problem in a casual way. Each unit will be considered on its own merit. And that is precisely the purpose of this Bill. We cannot deal with the problem of sick units in the public sector in a broad fashion.

Some hon. Members have said that management is responsible for that and other Members have blamed some other segments. I believe the time has come that from generalities we must go back to specific. Problems vary from one unit to another. And these problem must not be examined in a partisan angle. That is why, we need an impartial mechanism, like the BIFR to have an objective assessment of the actual situation and as to what has contributed to the sickness of the unit. If we deal with this problem in a humane manner, we can find effective solution to the problems of the sick units. Therefore, I would request the hon. Members not to read too many things into this Bill. I said that this is not an anti-public sector Bill. It is in fact a Bill to strengthen the

role of the public sector as an important instrument of national renewal, national regeneration.

I think, my colleague, Shri Chavan, summed up beautifully. Shri Dighe also mentioned this. You cannot really have all vibrant public sector based on such weak foundation as we find the public sector today. So, it is the collective responsibility of all of us to find effective ways and means to remove the causes of the sick units. (*Interruptions*).

SHRI SOMNATH CHATTERJEE (Bolpur): An impression which is going around the country is that this Government *per se* is opposed to the public sector, for which opposition is there and there will be opposition to that. You are not making it clear even now that you want to have a strong vibrant public sector which will occupy the commanding heights, where there are deficiencies or infirmities, you will remove them. You make that clear. What is your approach towards the public sector *per se*? That is what we want to know.

SHRI MANMOHAN SINGH: Sir, I have no difficulty in saying that a vibrant public sector, which generates increasing amount of internal resources is a source of strength to the national economy and everything should be done to encourage the internal resource generating capacity of the public sector. I submit to you that was the vision of Pandit Jawaharlal Nehru. When he talked of commanding heights by socializing profits of the enterprises, he thought that you would be achieving two objectives, you would be accelerating the process of accumulation, you would be in process of reducing the inequalities of income and wealth as well. But if there are no profits, if there are only losses, if these losses have to be met by taxation on the poor people and if these losses have to be met by deficit financing, then I submit that the public sector is not

performing the task that Panditji had set out. Therefore, I respect the sentiments. I do not challenge the motives of the hon. Members who have expressed concern. I recognise that we are dealing with problems which are new. There are fears and apprehensions. But I can assure you that we are not going to approach the task in a spirit which is not consistent with what the Prime Minister has said on the floor of the House or what I have said that we should do everything possible, that the interest of the working class will be protected, that each unit will be looked at case by case, that sufficient time will be given to work out rehabilitation packages. If any hon. Member has any particular idea about a particular unit, we will take that also into account in working that out.

SHRI INDRAJIT GUPTA (Midnapore): Once an undertaking is referred to the BIFR, it means, it has been declared sick; otherwise, it does not go there. The Board of Directors in its wisdom refers it as a sick undertaking. My point which I had tried to explain when I was speaking, is that before we come to that stage, why no attempt is begin made by the Government to find out what are the causes of sickness in a particular undertaking and why to take the help of trade unions and others for that purpose? Mr. Sangma has promised a screening committee about which we do not hear anything now. What is going to be its status? Before it goes to the BIFR, before it is condemned and declared to be sick, there are avoidable causes of sickness and losses which can be identified and preventive, corrective action can be taken. About that you are not concerned at all.

SHRI MANMOHAN SINGH: I would assure the hon. Member that it is no part of our intention to bypass the tripartite machinery which has been set up. If that particular machinery has any suggestion about revival of a public sector unit, then Government would take that also before the BIFR.

SHRISRIKANTAJENA (Cuttack): What is the meaning of screening?.. (*Interruptions*)

SHRI MANMOHAN SINGH: These matters have been discussed. Sickness is not a new phenomena. Some people wrongly or rightly blame the workers. Some people rightly or wrongly blame the management. Now you must, therefore, have some impartial mechanism to deal with these cases. And we feel that BIFR is one such mechanism. But before that I assure the hon. Member, Shri Indrajit Gupta, that if there are any suggestions emanating from the tripartite machinery, Government, in working out the rehabilitation packages, will itself make submission to the BIFR that those should be taken into account. But we cannot go on in this state. For example, year after year, discussions go on and no conclusion is reached. But the budget is being asked to subsidise these loss making units. I am afraid, that is not a tenable situation. I submit to you that by creating this machinery we are creating an environment where everybody would have a vested interest to find quick effective solution to the problem of the sick unit. If we did not do this, I think, we would have gone on, sickness would have grown as it has been growing and then it would lead to a total collapse of financial system, as Shri Dighe mentioned yesterday.

Problems of public sector units of the type that we are faced, have been a major source of financial weakness in a number of countries particularly socialist countries of Eastern Europe. We do not want to go that way. It is because we believe that the public sector must be strong and efficient. We feel that this Bill is necessary to contribute to the health of the public sector. It is not an anti-public sector Bill. It is not an anti-workers Bill.

With these words, I once again, appeal to this august House to adopt this Bill.

MR. DEPUTY SPEAKER: The question is:

"That the Bill to amend the Sick Industrial Companies (Special Provision) Act, 1985, be taken into consideration".

The Motion was adopted

MR. DEPUTY SPEAKER: Now, the House will take up Clause-by-Clause consideration of the Bill.

The question is:

"That Clause 2 stand part of the Bill".

The Motion was adopted

Clause 2 was added to the bill

MR. DEPUTY SPEAKER: The question

"The clause, the enacting formula of the long title stand part of the Bill."

The Motion was adopted

Clause 1, The enactment Formula and the long title were added to the bill

SHRI MANMOHAN SINGH: Sir, I beg to move:

"That Bill be passed".

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed.

There is a restriction in the third reading.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, only a restricted number of Members and not everybody gives the names. Therefore, the third reading is an acknowledged right.

MR. DEPUTY SPEAKER: We are guided by the well-established principles and conventions.

The Rule says:

"In the third reading no speeches are allowed ordinarily, of course, except in extraordinary case, and the case that members do not come in time cannot be treated as an extraordinary case. The position is that at the third reading the discussion is restricted only to such amendments, or changes that have been made during the clause-by-clause reading stage."

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, when Dr. Manmohan Singh speak once can say that The problem is that, if we look up evidence, we become a little sceptic. Why? He has promised that the IMF conditionalities will be placed before the House. That is yet to be done.

SHRI SHARAD DIGHE (Bombay North Central): Mr, Deputy Speaker, Sir, if he says '... ..' it is unparliamentary. The observations that the hon. Finance Minister is unparliamentary and, therefore, should be expanded.

MR. DEPUTY SPEAKER: Whatever is unparliamentary, we will remove.

SHRI SOMNATH CHATTERJEE: I can assure everybody and particularly our hon. Finance Minister that we are not at all challenging his honesty. The only thing is that he is in wrong company.

SHRI NIRMAL KANTI CHATTERJEE (Dum dum): Sir, the problem is that despite all assurances, we have not yet been told about the conditionalities of the International Monetary Fund and in other cases also. Secondly, for some reason or the other, the Narasimhan Committee Report is withheld from the House. Thirdly, we are yet to know the details of the Penewal Fund which has been uttered so many times in the House. It is perfectly all right that we are told that the profit calculus is not the only criterion for our public sector activity; there were other intentions for launching the public sector. Egalitarianism was one, apart from regulating the economy to desired directions, not merely self-reliance, and this egalitarianism involved additional employment also. We have also mentioned on earlier occasions that over the years it is the public sector which adds to employment, while the private sector subtracts from employment. Now this scene is going to be changed. Public sector will be in tandem with the private sector and both of them together will reduce whatever employment opportunities in the country we had so long. That is why are afraid.

Why are still opposing the passing of the Bill despite his persuasion is that we have said at the introduction stage that why are they in a hurry. You will agree that in every case over the last ten years, our liberalisation policy has led to this kind of Bills. Our policy of investment in the economy, not making any investment except to provide for wages in all the taken over units, has led to this impasse.

SHRI MANMOHAN SINGH: There is no money in the country today....(Interruptions).

SHRI NIRMAL KANTI CHATTERJEE: What I am saying is that for the last twenty years or ten years, this is the kind of policy which permits you to say that there is no

[Sh. Nirmal Kanti Chatterjee]

money today. This is the only point I am making that because of the follies of the ruling party, over the last ten years, now the working class is asked to suffer. And is there a way out? I say there is one. What is that way out? The way out is not to rush with this Bill. Instead, in every unit - we are connected with so many units via the trade unions, via the other associations - there are proposals ready from the working class, from those who produce, and they know what should be done in order to make the unit viable. Our suspicions are strengthened when we see that instead of following that route, instead of consulting the workers about what would be done in that particular unit, he is rushing forward to the BIFR. And this is what strikes us as strange. He admits that should be done. If he admits that, then what forces him to rush with this kind of an amendment to this Act?

AN HON. MEMBER: He has already explained.

SHRI NIRMAL KANTI CHATTERJEE: There is no explanation. He could have waited. Why he is rushing, he has to explain. Even today it is possible with whatever the investible resources are there. If four per cent is a positive figure, overall it is bound to happen that some units in the public sector will be losing. That is why we say that it is not profit calculates in every single unit that justifies the existence of a public sector unit. We have decided that in order to provide steel at a particular price, we may have to undergo a loss because steel would make us self-reliant. In order to provide justice to the people, in order that there is no monopolisation in the hands of private sector, the State should enter into that monopolistic situation and not allow anyone. This is another one. Thirdly, I have already mentioned that about the employment and the level of wages in the public sector, we are proud that the working

class have forced the Government to have a higher level of wages in the public sector. We are not sorry for that. The problem was that the management and the Government, even after they have been forced by the working class, refused to heed to the voice of the working class about the development of particular units. There is still time. If in the overall public sector is profitable, we can get funds to transform almost each of the units. By listening, by heeding to the advice of the working class we can transform them into profitable units. We agree that they should be nursed back to health. There is no disagreement on that. Only the route to achieve it is different. What the working class proposes is rejected by Dr. Man Mohan Singh on behalf of the Government.

Therefore, even at this late stage, our request is that they should not get the Bill passed to-day. Instead of that you should find out the different route for it. We will agree to it. (Interruptions)

The Tripartite committee is there. That is the experience of the Tripartite committee, in the meeting with the trade union leaders they have been told only to say how retrenchment can be avoided or if there is retrenchment, what can be the form of it. He is not condescended to take the advice of the trade union leaders as to how individual units can be developed.

It is because of all this that I, still at this late stage, request you to withdraw the Bill and not to press for its voting. We are representing the people the working class and will do all that is possible.. (Interruptions) That is all that we can say at this stage.

MR. DEPUTY SPEAKER: Shrimati Geeta Mukherjee please.

(Interruptions)

MR. DEPUTY SPEAKER: For the third

reading stage, only two people have indicated their intention to speak. They are Shri Nirmal Kanti Chatterjee and Shrimati Geeta Mukherjee.

(*Interruptions*)

SHRI BHOGENDRA JHA (Madhubani)

: I have sent my notice. (*Interruptions*)

MR. DEPUTY SPEAKER: You have not sent the letter.

SHRI BHOGENDRA JHA: No sir. I have sent it. (*Interruptions*)

MR. DEPUTY SPEAKER: In this case, Shri Nirmal Kanti Chatterjee and Shrimati Geeta Mukherjee have sent letters indicating their intention to participate in the Third Reading.

SHRI BHOGENDRA JHA: I have also sent a letter. The letter is there. (*Interruptions*)

SHRI E. AHAMED (Manjeri): Sir, those who are supporting the Bill may also have their say because the rule does not prevent anybody from speaking in support of the Bill. (*Interruptions*) The rule does not prevent. Those who were permitted by the Chair can also be permitted to speak. I may be called to speak, because I would like to say something about it.

(*Interruptions*)

MR. DEPUTY SPEAKER: Shrimati Geeta Mukherjee, you have committed for two minutes. Please try to conclude within that time.

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, I shall try to be as brief as possible.

What is the type of functioning of

B.I.F.R.? Take for example the Bengal Potteries Limited. For more than 12 years the wages are being paid to the workers. But working capital is reduced. We, from all union together, gave a comprehensive proposal, which agreed to reduce the work force.

There is the Tata Consultancy viability report. So, why did your Ministry do anything?

So, Sir, my point is that first, have the tripartite machinery and then see what kind of Bill should be passed.

The last thing is this. Manmohan Ji, can you really explain your attitude towards the public sector? Why did you sell the Railway Yatri Niwas at Calcutta which was opened only in 1990 and which has now 123 per cent occupancy and is a profitable concern? And again, you are trying to hand over the railway catering to private hands. This is your attitude towards the public sector. Please think over again before you take any step.

15.36 hrs

[RAO RAM SINGH *in the Chair*]

SHRI E. AHAMED (Manjeri): Sir, I congratulate the hon. Finance Minister for bringing this Amendment. No doubt, he has brought this legislation for helping the losing concerns under the Government. Now they have one agency. The Government can approach at least one agency for remedial measures.

MR. CHAIRMAN: Mr. Ahamed, you have not sent your name. But since you have already started speaking, I won't check you. But kindly conclude within two minutes.

SHRI E AHAMED: Only two minutes I will take.

MR. CHAIRMAN: Two minutes will be deducted from Mr. Bhogendra Jha's time.

SHRI E. AHAMED: Sir, this Bill will be of some help to many of the State Governments who have been trying to sell out many of their units if takers are available. For example, I quote what the Orissa Chief Minister, Shri Biju Patnaik, said the other day. He said that he is eager to sell out the losing public undertakings if the takers are available. Here I would like to quote from a news report appeared in *The Business Standard* dated 6th August 1991. It says.

"The Orissa Government will sell all its losing public undertaking if it gets suitable takers, Chief Minister Biju Patnaik said here on Monday.

"Mr. Patnaik said many of the undertakings have been incurring losses for years now and it was not longer possible to support them.

"In reply to a question whether these sick units could be revitalised with the induction of professionally qualified people, Mr. Patnaik said such people were unavailable.

"He said the State government had already started talks with big private breweries for setting up a distillery."

Therefore, Sir, some of the Chief Ministers are not in a position to seek the assistance of any agency and they have been waiting to sell all these sick units whenever they will be able to get takers. One thing I would like to urge upon the hon. Finance Minister is that BIFR should be restructured. It should be given statutory tooth. Only recently the Chairman of the BIFR has gone on record to say that nationalised banks are not coming forward as expected to implement the rehabilitation package for the sick units.

I hope the hon. Finance Minister will also look into this matter.

I once again congratulate the hon. Finance Minister for bringing such a pragmatic piece of legislation for the sake of losing sick public undertakings in the country.

MR. CHAIRMAN: Mr. Bhogendra Jha. (Interruptions)

Gentlemen, I would like to once again bring to your notice the rule regarding the third reading of the Bill. (interruptions)

"In the third reading no speeches are allowed ordinarily of course except in an extraordinary case."

Upto now I am sorry to say that I have not seen any extraordinariness in any of the debates that have been presented. The position is that at the third reading the discussion is restricted only to such amendments or changes that have been made during the clause-by-clause consideration.

I think during the clause-by-clause consideration of the Bill there were no amendments made. That is the general rule. But since the hon. Deputy-Speaker has allowed two non. Members to speak, I would request him to kindly restrict his speech. Let us go by the rules.

SHRI BHOGENDRA JHA: Because of the extraordinary condition, I take this opportunity to raise some issues. The capable Finance Minister is trying to convince us that this is a small inclusion of a minor part of a sentence into the whole Bill which is meant for the private sector. In the Act which is meant for the private sector, he is including it for the public sector also. In the private sector, there is not a single industrial house, single industrial concern in the whole country which is running with its own money. They are running the private sector with the public

money. Many of the owners of the private sector units divert or transfer the money meant for that particular unit to some other concern and make that unit deliberately sick. Their interest is in declaring those units as sick. But here, it is a case of public sector. The objective is quite different. I do not want to go into the details. The speeches of the Prime Minister and the finance Minister do not form part of the Bill. So, I would like to say, please do not make it or insist upon this Amending Bill. I would request you to bring a separate Bill specially meant for the public sector for restoring health or for doing whatever is necessary. There are two yardsticks for two sets of industry but you are amalgamating them here. That is the most dangerous thing. It is suspicious that because of the pressure of the World Bank, the conditionalities of the IMF and the indication of many of the people here, we are led to believe that there is a danger to our economic independence to the public sector as a whole.

I would, therefore, say that let him bring forward a separate Amending Bill exclusively meant for the public sector. Otherwise, this is an extraordinary situation and the whole country the whole House is being misled that some new Bill is coming for the public sector. I would again urge upon my friends sitting on the other side also to appreciate this. Do not destroy the monument; do not destroy the temple of industry.

In today's newspapers I have read that the World Bank have directed the Bokaro Steel not to give orders to the Heavy Engineering Corporation for the machinery. If that is the thing that the World Bank orders a particular industry not to take orders from the Heavy Engineering Corporation of our country, is it a thing to be tolerated by any of us here? in this condition, you are simply compelling us to oppose it. I want the hon. Finance Minister that let him now withdraw

this Amendment Bill and bring a separate Bill exclusively for the public sector units.

MR. CHAIRMAN: Try to bring out the extraordinariness of the submission that you are making.

Shri K.P. Reddiah Yadav.

SHRI K.P. RADDIAH YADAV (Machilipatnam): I am thankful to you for giving two minute time.

Yesterday I had covered all the extraordinary points and brought them before the House. But still some more extraordinary points are there. One thing is that the hon. Finance Minister has not categorically cleared about the question posed by the hon. Member Shri Indrajit Gupta. Before you declare an industrial unit as sick, what is the machinery that you have deployed to find out the root cause there? Either the trade unions are responsible or the management assisted by the politicians is responsible. Already there are vested interests working in important sectors of the public undertakings and the moment the Bill is passed, they will start incurring losses every day, not one crore or two crores of rupees, but hundreds of crores of rupees per month.

MR. CHAIRMAN: You are only repeating, Mr. Reddaiah, what you have said yesterday.

SHRI K.P. REDDAIAH YADAV: Within six months time, all the 240 units will be declared as sick and the Reliance and other vested interests and the people who are already working as Managers and Executive Directors are readily prepared to take over all such units. What is the machinery that you have deployed that such occurrence will not take place?

MR. CHAIRMAN: Mr. George Fernandes, please take short time.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir, as per your order, I would like to speak only for two or three minutes. I cannot agree with the Finance Minister that there is no pressure of the World Bank or of the International Monetary Fund in this matter. It is possible that they may have not put pressure directly but World Bank or International Monetary Fund has said that withdraw subsidy on foodgrains supplied in villages and withdraw subsidy on fertilizers supplied to the farmers. These are the views expressed by the World Bank or IMF. Public Sector should be closed down in view of its present position. I am not prepared to accept that the World Bank or I.M.F. has not said or signalled closing down Public sector units. The Finance Minister said that we had invested one lakh crore rupees in the Public Sector. He also said that there is 4 to 8% profit in Public Sector. But public sector has two parts. One is that where the Government itself has set up new industries after giving due thought to it. The second part is that of sick companies which have been taken over by the government. For instance National Textile Corporation's loss is about Rs. 300 crore. If you go through the accumulated loss of past few year, you will find that it is more than 1000 crore. What is this National Textile Corporation after all? This is simply the amalgam of mills made sick through exploitation by Birla, Tata and other capitalists, which were later on taken over by the government and government money in them to save workers who were on the roads after closure of the said mills. Examples of such mills are not just one or two. There are so many, Jessop, Braithwaite and Richardson. These are all manufacturing units. What are the reasons for these companies running in to losses. It is because they were managed by Business of the private sector. They have been made them sick. Private owners made them sick and misappropriated the money of Banks and

Shareholders and in the end to save the employees and to save the remaining assets these units have been taken over by the Public Sector. So we should not say that the public sector, which is the important sector of India, is in a critical condition. We must think over it and then we should discuss it. The arrangements advanced by the Hon. Finance Minister lacked conviction. What can he say about the losses? He reacted angrily that all the people sitting here were against the public sector.

Perhaps the DTC is incurring a loss to the tune of Rs. 52 crore. I want to know from the hon. Minister whether he will close it down. Will you refer its case to B.I.F.R.? The Electricity Boards in every state except 2-3 states in India are running in loss. Will they also be shown as sick units or companies running in loss? All the roadways corporations except one or two are running in loss. What I have said it about DTC is prevailing in all the State roadways Transport Corporations. Will you close down them of all? I doubt you will?

Mr. Chairman, Sir, I would like to tell one thing especially about railway workers to the hon. Minister of Finance. 15 days before there was a report in the newspapers, released by P.T.I. that 40 per cent employees of RITES may be retrenched. I commented at once. In 1981 Shri David Hooper, Vice President of the World Bank, who became Executive Vice President of World Bank later on, had met me. He met me in connection with closing down of Coca Cola and our stand about I.B.M. He told me that I.B.M. would come back to India because our Railway Board had sought loan from them and they would approve it only when our Government accepted I.B.M. computer. A World Bank report came in 1981 in which it was stated that our railways could be run by 950,000 employees while it had 16,50,000 employees. Today this report has taken the shape of a public issue in one form or the

other on the basis that it is a report of RITES or that of the World Bank. But I say that the World Bank is interfering in our affairs, we can not deny it.

(*Interruptions*)

[*English*]

MR. CHAIRMAN: Shri George Fernandes, I would request you to wind up now.

[*Translation*]

SHRI GEORGE FERNADES: Mr. Chairman, Sir, yesterday a question was put to the Prime Minister and the Civil Aviation Minister whether the fares of the Indian Airlines Corporation were increased since it was running in loss. Would the increase make up that loss? He replied that it was difficult to run it because of the devaluation of rupee so he was forced to increase the fares. Therefore, I would like to know from the hon. Finance Minister whether he would take similar steps in other fields also and whether it will solve his problem?

Mr. Chairman, Sir, since other Members have also demanded withdrawal of the Bill, I support them. It is my suggestion to the hon. Minister of Finance that public sectors should be freed from the clutches of bureaucracy because they have ruined it and how will it go on if such is the autonomy? So give adequate participation to the employees so that proper use of management can be there. If you have a provision for workers participation, you will get proper solution to your problem. So I oppose this Bill.

[*English*]

SHRI SOMNATH CHATTERJEE: Sir, I only want some clarifications from the hon. Finance Minister.

(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM); Sir, it never happened like this.

SHRI A. CHARLES (Trivandrum): Sir, we have also got a duty to support the Government. You should allow us also. (*Interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: There is a methodology as far as the Third Reading is concerned. Normally, one does not take make a speech on the Third Reading. I have to object to what is happening now. Normally, as a mark of courtesy, we do not challenge the Chair.

MR. CHAIRMAN: I am entirely in agreement with you

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: I only want to know from the hon. Finance Minister one thing....(*Interruptions*) You are finishing the country. Please have some patience. (*Interruptions*)

(*Interruptions*)

SHRI A. CHARLES (Trivandrum): You know, who is finishing. (*Interruptions*)

SHRI SRIBALLAB PANIGRAHI (Deogarh): They are having double-standards. (*Interruptions*)

MR. CHAIRMAN: Please sit down.

(*Interruptions*)

SHRI SRIBALLAB PANIGRAHI: The Orissa Chief Minister just closed public sector units without having any discussion on that

[Sh. Sriballab Panigrahi]

whereas here he is speaking another thing.
(*Interruptions*)

SHRI A. CHARLES: If they have a duty to oppose it, we have a duty to support it.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: I only want to seek a clarification about the Indian Iron and Steel Company which is pending Government's sanction regarding modernisation and revamping. Otherwise, it has been agreed that it should be revamped. Do I take it that this Indian Iron and Steel Company will not be sent to BIFR for the purpose of this study because that will delay the matter of modernisation of IISCO? Now I am glad that the Minister of Steel is here. Kindly make it clear so that people do not have any apprehension about it. Otherwise, that will be the first to be sent to BIFR (*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): I would like to inform that it is not at all delayed for sending it to the BIFR because as the hon. Finance Minister has already said, one of the purpose of the BIFR is to analyse, examine and to guide and not to close any unit. If it is delayed it is delayed on the confusion of the West Bengal Government (*Interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: Let him have his say. (*Interruptions*)

SHRI SONTOSH MOHAN DEV: Time and again in this House our friends from the Left Parties are telling that the Government is going for privatisation; Government is trying to close public sector units. I have in my possession two documents. One is the agreement which has been signed with the private individual of Capro Group in London by one

of the Chief Ministers of the Janata Dal ruled States. That has been signed by Shri Biju Patnaik. But I have heard hon. Shri Rabi Ray speaking here against the privatisation. Another is a letter written by Shri Swaraj Paul to the hon. Prime Minister where he has said in para 2 that he has been advised by the Chief Minister of West Bengal during his visit to this country that he should come and examine the complete take over of IISCO.. Let me finish (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I put a specific question to the Finance Minister. Let him answer that. If something else is being said, I also want an opportunity to speak. (*Interruptions*)

MR. CHAIRMAN; Please do not interrupt.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: If this is the way the House to be misused, if that is the purpose, I also want an opportunity. I want an opportunity to utilise it. You must give me an opportunity. You cannot meddle with the State Governments you like. I asked a specific question from the Finance Minister who is piloting this Bill: Whether this case is being sent to the BIFR or not. The answer should be 'yes' or 'no'. He is making a long speech (*Interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: I think, that is very unfair. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I demand an opportunity. Otherwise, you expunge these things. (*Interruptions*)

16.00 hrs.

MR CHAIRMAN: Shri Pradhan, please sit down. Shri Somnath Chatterjee asked a specific question about the steel plant: Al-

though the Finance Minister is piloting this Bill, but as the Minister of Steel was present and as Shri Somnath Chatterjee said that the Minister of Steel was here and whether he would like to say something, so he replied to it. Now, it is not up to me to restrict the Minister only to that particular subject and I think the points which he has brought out are in no way derogatory to the State of West Bengal. After all, every State must progress.

(*Interruptions*)

SHRISOMNATH CHATTERJEE: I want to reply to them. (*Interruptions*)

SHRI SONTOSH MOHAN DEV: Whatever I have said, I will stand by it. (*Interruptions*)

MR. CHAIRMAN: If Shri Chatterjee and Shri Hardhan Roy think that the Minister has said something which is not quite correct, they are most welcome to bring it to the notice of the Chair.

SHRISOMNATH CHATTERJEE: I want you to give me an opportunity to reply to them. He mislead the House deliberately. (*Interruptions*)

MR. CHAIRMAN: I request the Finance Minister to intervene.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, you have to give me an opportunity to reply them. (*Interruptions*) If I may say with all humility and respect to the Chair that his is not a fair way of dealing with the things. I had put a specific question to the hon. Finance Minister... (*Interruptions*)

MR. CHAIRMAN: Please bring this to my notice afterwards. Now the Finance Minister is on his feet.

(*Interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: Mr. Chairman, Sir, you cannot allow them. If they want to participate, let them participate as per rules. But they cannot go on like this. (*Interruptions*)

MR. CHAIRMAN: I have now asked the Finance Minister to reply to their points raised by the Members at the third reading. The Finance Minister is already on his feet. If anybody wants to bring anything to notice of the Chair, kindly do it afterwards.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: I have put a specific question to the Finance Minister.. (*Interruptions*)

MR. CHAIRMAN: Shri Chatterjee, I have already said once that at that time, I allowed you to put a question because you are a very senior Member and I just could not bring myself to say no to you. So, I allowed you. And you asked a question and you yourself wanted the Minister of Steel to reply to it. He replied to it.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: He has not replied to the point. He made a long speech maligning the two State Governments. Is it the job of the senior Minister? What is this? (*Interruptions*)

MR. CHAIRMAN: Please sit down. I allowed you to ask a question when no rule permits to put a question at that stage.

(*Interruptions*)

MR. CHAIRMAN: Please listen to me. Please keep quiet. I allowed Shri Chatterjee,

a very senior and respected Member of the House to speak a question, when there was no provision in any rule to ask a question at that particular stage. But I had allowed it. He Himself asked the Minister of Steel to say something and how can I restrict the Minister of Steel to restrict himself only to that question.

(*Interruptions*)

SHRI SONTOSH MOHAN DEB: I will lay the documents on the Table. I stand by what I have said.

MR. CHAIRMAN: If the Steel Minister has said something which Shri Somnath Chatterjee or Shri Haradhan Roy or any of the hon. Members feel is not quite current or is outside the ambit of Parliamentary practice, then they are most welcome to give it to me in writing and I would get the ruling of the Speaker.

SHRI SOMNATH CHATTERJEE: This will go to the Press, this will go on the TV. Then everybody will know this misleading statement. (*Interruptions*)

MR. CHAIRMAN: If what he has said is a fact, then it should go to the Press and it should go to the TV.

SHRI SOMNATH CHATTERJEE: I also want the similar opportunity. My version also should go to the Press. But you are not allowing my version to be given.

MR. CHAIRMAN: If what he has said is not a fact then kindly bring it to my notice and I will have it examined.

SHRI SOMNATH CHATTERJEE: I wanted a clarification and this is the answer given. This is the way they want to avoid. This is the way they want to avoid. This is the attitude of this Government. This is the way they want to mislead the country.

MR. CHAIRMAN: There is no precedent that at the Third Reading latitude is shown. I have shown such latitude.

(*Interruptions*)

SHRI SONTOSH MOHAN DEB: I will request him to ask Shri Nirmal Chatterjee whom I have shown the record. About Orissa let Shri Jena say whether I am wrong. (*Interruptions*)

SHRI SAIFUDDIN CHOUDHURY (Katwa): My point of order is that in your wisdom you allowed Mr. Somnath Chatterjee to ask a clarification and the hon. Steel Minister was kind enough to give a reply. Now a crisis has developed. Nobody is asking any question about the letter; it may be right, it may be wrong, it may be true or untrue. In what circumstances one has to go to somebody, one must know. If something is hanging fire for so many years you have to take the interest of the workers into account. That is another matter. If the Chief Minister of West Bengal has done something, we are very much here to defend him. That is not the question. The question is whether TISCO is being referred to BIFR or not. But the answer is not forthcoming. Let him give the answer.

SHRI SOMNATH CHATTERJEE: You cannot allow the ministers to misuse the floor of the House. We are not here at their mercy. (*Interruptions*)

MR. CHAIRMAN: Shri Saifuddin Choudhury has brought out a point of order. He said that Shri Sontosh Mohan Deb must give a reply to the question. If at any time of the day or night a question is thrown at the Minister and if he is not ready for it, I can only request him. If he wants to give a reply he can; I cannot force any Minister to give a reply unless a notice is given to him. You put it in the Question Hour, give him the notice and he will give you the reply.

SHRI SAIFUDDIN CHOUDHURY: So I take it that he is not going to give the answer. All right.

AN HON. MEMBER: What is your question?

SHRI SAIFUDDIN CHOUDHURY: Whether TISCO is being sent to BIFR or not. (Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, I am sure, you are also keen to see that no section of the House feels that undue advantage is being taken because of your decision. I specifically asked a question. I also gave a notice earlier to Shri Kumaramangalam that I would like to know and get a clarification for a very important issue as to whether Indian Iron and Steel Company will be sent to BIFR or not, because we have information that the Government is thinking on that line. Although the question of its modernisation is.....

MR. CHAIRMAN: Shri Somnath Chatterjee, you have already asked that question.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, if you show some patience, then I will take another one or two minutes. The Minister was agreeable to reply. The Minister did not object. When I asked him, at that time Shri Sontosh Mohan Dev was walking in. So, I said, "Very well, the Steel Minister has also come, we will get that information". But, instead of answering that question, all sorts of rigmarole was stated here. He brought in Orissa.....

(Interruptions)

SHRI SONTOSH MOHAN DEV: Sir, he has gone beyond his limits. Let the Finance Minister reply; in the meantime, I will go to my

Office, bring both the documents and lay them on the Table of the House. (Interruptions) Sir, I will lay them on the Table of the House; give me a chance. (Interruptions)

MR. CHAIRMAN: Shri Sontosh Mohan Dev, actually these documents have no relevance to this here. He has asked a question about the Indian Iron and Steel Company. But, I am not asking you to answer to it. If you like to answer to it Voluntarily, you are welcome to do it. Otherwise, I will ask the Finance Minister to speak.

Shri Somnath Chatterjee, you will agree with me, that I cannot compel him to answer.

(Interruptions)

MR. CHAIRMAN: Now, I will ask the Finance Minister to reply. There shall be no further discussion on this.

(Interruptions)

SHRI P.M. SAYEED (Lakshdweep): Shall I point out one thing?

MR. CHAIRMAN: No, Mr. Sayeed. Please sit down.

(Interruptions)

SHRI SRIKANTA JENA (Cuttack): Sir, the letter which the Steel Minister is referring to, is the letter which was signed by the Chief Minister of Orissa and..... (Interruptions)

MR. CHAIRMAN: No further reference to that. If you think that he has stated a thing which is not fact, then you kindly challenge it in writing. (Interruptions)

MR. CHAIRMAN: Mr. Jena, please sit down. I am not hearing you. Now, the Finance Minister.

(Interruptions)

MR. CHAIRMAN: There shall be no further reference to those letters. Mr. Jena, I am giving a ruling.

(Interruptions)

MR. CHAIRMAN: You are not allowed to refer to those two letters again. When he referred to them, that was for the first time. Now, I think that they are not relevant and we will not refer to them. If you think that there is something which is not a fact, you give it in writing. So, no further reference to those letters. I would now ask the hon. Finance Minister.

(Interruptions)

MR. CHAIRMAN: Kindly sit down, Mr. Jena. You are exceeding your limits. Please sit down.

(Interruptions)*

MR. CHAIRMAN: Nothing will be recorded. What Mr. Jena says will not be recorded.

(Interruptions)*

MR. CHAIRMAN: Nothing will be recorded.

(Interruptions)

MR. CHAIRMAN: Mr. Jena, please go according to the rules. I cannot understand as to why you are generating heat unnecessarily.

(Interruptions)*

MR. CHAIRMAN: Nothing will be recorded.

(Interruptions)

MR. CHAIRMAN: Okay, I am grateful to you for having pointed this out. (Interruptions)

MR. CHAIRMAN: No interruptions now.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): I think, in this late hour, although a lot of heat has been generated, a new points have emerged. But, there is one specific point that was raised by Shri Somnath Chatterjee, that is with regard to IISCO. Let me assure him that our Government is very serious about modernising IISCO. In fact, a proposal is going before the Public Investment Board to work out a programme of modernisation. (Interruptions)

SHRI SOMNATH CHATTERJEE: It could have been said by him. (Interruptions)

SHRI MANMOHAN SINGH: What Mr. Nirmal Kanti Chatterjee said and several other Members said, I think, it reinforces me in my conviction that if you are dealing with such a complicated subject as the sickness in the public sector, you need a group of impartial persons to look into the causes of sickness and to work out a package which would command acceptance in the community as a whole. Whether you like it or not, the management of the public sector in our country has been politicised. If I may say so, with all respect, even the trade union system in our country has been politicised to a point that you need an impartial group of persons to do justice to the complexity of issues that are involved in the unions. (Interruptions) Therefore, I am not making this point in any partisan spirit. I believe all those who are interested in the future of the public sector, who want to see the public sector to do well, should support what we are trying to do.

SEVERAL HON. MEMBERS: No, no.
(Interruptions)

MR. CHAIRMAN: Please do not interrupt.

(Interruptions)

SHRI MANMOHAN SINGH: I again repeat this is not a Bill for closure of public sector units. It is not an anti-workers Bill. The issues that Mr. George Fernandes raised, I think, are issues of very great importance with regard to the future of the public sector, about the accountability of the public sector, about the autonomy of the public sector.

In fact, the Prime Minister has agreed that the House should discuss all these issues and you would have ample time to discuss all those issues in the next few days.

I think, Shri Nirmal Kanti Chatterjee brought in again the question of the IMF. I have assured you and I repeat that in this very session, I will place the letter to the IMF on the Table of the House. Therefore, no aspersion should be cast that I am hiding anything from this House. I think, I would not be worthy of being a part of this Government if I were to indulge in that. (Interruptions) I once again request to support the Bill.

MANY HON. MEMBERS: No, no. (Interruptions)

MR. CHAIRMAN: The question is is.....

SHRI SRIKANTA JENA: We do not agree and we walk out in protest.

(Shri Srikanta Jena and some other hon. Members then left the House)

SHRI SOMNATH CHATTERJEE: We also register our protest and walk out of the House.

(Shri Somnath Chatterjee and some other hon. Members left the House)

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was Adopted

16.19 hrs

INDIAN SUCCESSION (AMENDMENT)
BILL

As Passed by Rajya Sabha

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, on behalf of Shri K. Vijaya Bhaskar Reedy, I beg to move:

"That the Bill further to amend the Indian Succession Act, 1925, as passed by Rajya Sabha, be taken into consideration."

Indian Succession Act 1925 was passed to consolidate the law relating to testamentary and intestate succession as was prevalent in the country at that time. Chapter III of this Act lays down the rules of succession to the property of a Parsi dying intestate. Section 51 of this Chapter deals with the division of the property of a male Parsi dying Intestate among his widow, children and parents. Clauses (a) and (b) of sub-section (1) of that section provide that the share of each son shall be double the share of a daughter on such intestate succession. However, section 52 provides that in the case of female Parsi dying intestate, the widower and each