

Parliament together with the "action taken memorandum" during the ensuing Budget Session.

(Interruptions)

SHRI CHANDRAJIT YADAV (Azamgarh): Early in the Budget Session.

MR. DEPUTY-SPEAKER: No discussion on a Government's statement (Interruptions)

MR. DEPUTY-SPEAKER: Mr. Shejwalkar, your motion.

SHRI CHANDRAJIT YADAV: The Prime Minister has assured a delegation that this Report will be presented before the House early in the next Budget Session.

SHRI YOGENDRA MAKWANA: As early as possible in the Budget Session.

MR. DEPUTY-SPEAKER: Very good. It is an improvement.

SHRI RAM VILAS PASWAN: You are a champion of backward classes, but when you are in the Chair, you forget everything.

MR. DEPUTY SPEAKER: I am satisfied. As far as possible, it is some improvement.

Shri Shejwalkar.

17.03 hrs.

[SHRI SOMNATH CHATTETJEE in the Chair]

MOTION RE: MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) RULES

SHRI N. K. SHEJWALKAR (Gwalior): I beg to move:

"That this House resolves that in pursuance of sub-section (3) of section 31 of the Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980 (64 of 1980), the following modifications be made in the Maruti Limited (Acquisition and Transfer of Undertakings) Rules, 1981, published in the Gazette of India by Notification No. S.O. 295

(E) dated the 8th April, 1981 and laid on the Table of the House on the 6th May, 1981:—

(1) in rule 3, in the proviso,— for 'he may, for reasons to be recorded in writing, accept the intimation within a further period of thirty days, but not thereafter.'

substitute 'he may after taking necessary evidence to establish cause of delay and after recording reasons for acceptance of intimation, condone delay upto a maximum period of fifteen days only and no more.'

(2) After rule 4, insert,—

'5. Publication of intimation— On the day following immediately the expiry of thirty days from the date to be specified by the Central Government under section 18 of the Act for giving intimation for claims, complete list of the claimants who have given intimation within the time shall be put on the Notice Board of the office giving in brief the particulars of the claim i.e. the amounts and the nature of claim, and it shall also be published in the Government of India Gazette.'

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

Though I am very clear that the scope of this modification is very limited, I will be failing in my duty if I do not submit to the House in brief the history and the grounds of the Act and rules on the basis of which I am proposing this amendment. This Maruti Limited (Acquisition and Transfer of Undertakings) Bill was brought in place of an Ordinance which was issued then; and this Bill was passed by Lok Sabha in 1980, that is one year before. Therein this undertaking was acquired and transferred to the State, which took upon itself certain liabilities like payment to the Categories mentioned in the Schedule, namely,

"Category I—employees' dues etc. Revenues, taxes, cesses, rates or

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other dues to the Central Government, State Government and local authorities or the State Electricity Board.

Category II—Amounts due to the Government of Haryana towards the cost of land.

Category III—Secured loans with interest.

Category IV—(a) Deposits received from the public or from the members of the company;

(b) deposits towards dealership" etc.

The amount which was to be transferred was to be transferred within 30 days from the promulgation of the ordinance. But this was done long before the discussion on the Bill was taking place in the Lok Sabha itself. So, the amount is with the Commissioner. It was; what is the latest position, I do not know. According to the process laid down in the rules, this amount has to be disbursed to the claimants. I may be excused for taking the House still back into the history of this Maruti Company. Unfortunately, this has always been a controversial matter. I am aware of the fact that Mr. Gupta's report on this matter has been rejected by the Cabinet. However, it has not come up for discussion in the House. In any case, the facts remain there. The conclusions may not be palatable to the Cabinet or the Cabinet may not agree with them, but so far as the evidence is concerned, it is there on record. Mention is there in the report. I will mention briefly how many irregularities there had been in this connection.

First of all, for giving a licence, the project report has to be given first. Application for licence has to be considered. But here, that never a bar. Planning Commission examining private projects was a special case in this matter. The Planning Commission and the Minister earlier had said that only the public sector would be allowed to make cars and it will not be done in

the private sector. This assurance was given to this House twice. On 27th July, 1967, this assurance was given by Shri Kakhruddin Ali Ahmed, then Minister of Industries, who later on became the President. In 1966 this assurance was given before Rajya Sabha by Shri D. Sanjivayya. In spite of all that, a licence was given violating all these rules and regulations, to Shri Sanjay Gandhi for the car project. After all, it is none of my concern, but still it will be very important to know that the gentleman who was Managing Director of this company had just an ordinary diploma in engineering from the London School. (*Interruptions*).

(*Interruptions*). When we consider any public limited concern, to which banks advanced huge sums, whole shares were floated in large amounts, after all, it has to be seen how all that has happened.

SHRI M. RAM GOPAL REDDY (Nizamabad): Is he speaking on the Resolution? It is irrelevant. Will you stop him?

MR. CHAIRMAN: You should restrict yourself to the Motion.

SHRI N. K. SHEJWALKAR: My submission is that the Maruti has been a matter of great debate for all of us because it has caused decline in integrity in public life and sullied public administration. Even today, Government has not opened its eyes. Will you allow that there should be a decline in public life? I am interested in that. What happened? You have given the money.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): This is an Act which has been passed by both the Houses of Parliament.

MR. CHAIRMAN: You should restrict yourself to the Motion and in support of that, you should formulate your points.

SHRI N. K. SHEJWALKAR: The values have been injured and affected by this Maruti business right from its

inception. Even today, the way it has been constituted, the way in which the Managing Director was appointed, the way in which the amounts were advanced to the members of the family of a particular person...

MR. CHAIRMAN: I have already requested you to speak on the Motion.

SHRI N. K. SHEJWALKAR: The question which I want to formulate is this: are we or are we not to bother about the political life of public representatives and whether any sort of thing can be allowed to be done by them by way of taking loans, floating companies, giving anybody employment, pressurising officials, taking money for their own purpose; and this be tolerated? You are going to accept certain claims. You have given a certain loophole. There must be some time limit by which claims can be accepted. Will there be an end of the matter or not? Will this list remain pending like this? Today it is 120 claimants, tomorrow it can be 240. Therefore, the list of claimants had to be put up in the notice board and published in the Gazette. Nothing is being done. I want to put a stop to all these things. That is why I am suggesting this amendment.

This question was raised in the other House only the other day. Even though one complete year has passed after the passing of this Act, what has happened? Have you prepared any inventory? Have you put the inventory before the House? No inventory has been placed before us. What were the assets and liabilities which existed then and what is the position now? You have to place all these things before the House. Otherwise, how can the House know what functions the Commissioner is discharging and whether he is functioning properly? It is all relevant.

I am not discussing what happened, what application was forwarded, on what date the loan was sanctioned or not sanctioned. I am not doing it. But, ultimately that history has to be

taken into account. We cannot also ignore what is going to be the position in the future. For example, it is being said that we are going to have collaboration. I do not know with what company they are going to have collaboration. For the last one year every time a different news is coming in the papers. Sometimes they say they will have collaboration with a German firm, sometimes with a French firm; sometimes they say that they are not going to have any collaboration at the moment. These rumours are going on.

The other day a doubt was expressed in the other House whether it had any connection with the French Government or people who are going to supply us aircraft. The hon. Minister denied it by saying that there is no such thing. All the same, when a doubt has arisen it has to be called, and it cannot be cleared unless and until all the facts are placed before the House. Otherwise, this doubt will linger on.

Now I want to ask some questions. I am a public representative and I feel that every public representative has to declare publicly his assets. Do the Government not think it necessary that every public representative, including the Ministers—the Chief Minister and the Prime Minister should not be exempted—and their close family members should be required to declare publicly their property, movable and immovable, along with the deposits which they have got in the banks? Would you like to get this thing done? If you do this, then naturally it will be a check on the blame which is now put on the public representatives. So, we want you to give an assurance to the House that you will do it.

Now that one year is over, Government should lay on the Table of the House a statement of assets and liabilities of the taken over Company and also an inventory of the articles, including raw materials, machinery

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etc. Has the Company started undertaking any job or, for the last one year, the whole thing is lying, as it was earlier, as junk? If they are doing something now, what are they making? My information is that nothing has been done till now for the last one year.

AN HON. MEMBER: They are searching for a collaborator.

SHRI N. K. SHEJWALKAR: That is also true. That collaboration move, somehow or other, is being linked with some other deal. They say there is a package deal.

AN HON. MEMBER: Provided, they are prepared to accept the junk.

SHRI N. K. SHEJWALKAR: How much money has been paid from this account to the members of the families of the then directors? Have any claims been filed by them? If so, what is the number of claims and what is the amount which has been claimed by them? Information should be laid on the Table of the House as to what are the claims which are being made so that something may not be done behind the back or under the table and false claims may not be accepted. We are interested in seeing that all this information is placed before the House. After the publication of the rules, the time is already over and the claimants must have filed the charges. Therefore, the Government must be in a position to tell as to who are the claimants and a brief particular of the claims before the House. Will the hon. Minister do this? Therefore, I submit that this amendment should be accepted.

MR. CHAIRMAN: I may inform the House that this Motion may not last till 6 of the clock. How long will you take?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): Five minutes.

MR. CHAIRMAN: Therefore, we can resume discussion on the Aligarh Muslim University (Third Amendment) Bill, immediately after this. I hope the House agrees to this.

SOME HON. MEMBERS: Yes Sir.

SHRI CHARANJIT CHANANA: I would not like to reply to the question as the hon. Member referred to the whole things which were irrelevant. The hon. Member was not speaking about the Act at all. He was stating something which has nothing to do with this Act. I would like to inform the House that the Act which is referred in the Resolution was enacted by the Parliament of India. Therefore, no individual comes in it. A collective forum known as the Parliament of our country made this Act. That is number one.

Regarding the questions raised by the hon. Member, I will reply to him one by one. As far as the time limit is concerned, if you see Section 18, the whole Section relates to the time limit. A suggestion was made by the hon. Member which would mean that an Amendment of the Act was necessary to show the time limit. But for the information of the House, even at the cost of repetition, I would say that similar Acts were passed by Parliament not only with regard to Maruti Limited but also Britannia Engineering Company Limited, Arthur Butler Company Limited, Burns Company Limited, Indian Standard Wagons Limited etc. In fact, all those provisions and rules are there in those Acts. The same limit of time is also there. Under the provisions of Similar Acts, Therefore, any Resolution suggesting a change...

SHRI N. K. SHEJWALKAR: I did not say a change in the time limit. I did not say, it should be from 30 to 20 or from 30 to 40. If you kindly look at the rules which had been framed and published in the Gazette dated the 8th April, 1981 at page No. 500, you will find it. So, nothing against the Rule is being proposed. That is not the thing. The only proposition

is that the time should be limited and the applicant should not take unlimited time, and it should be at the most 15 days. It is not in contravention of the provisions of the Act or even the Rules.

SHRI CHARANJIT CHANANA: The hon. Member's attention is drawn to the similar provision which is referred to. It is only to read the second para. It has been referred that if the Commissioner is satisfied that mortgagee or a person was prevented by sufficient cause.....to be recorded in writing. 30 days is the limit given there.

SHRI N. K. SHEJWALKAR: There is no limit at all in these Rules.

SHRI CHARANJIT CHANANA: If the hon. Member refers to Section 18 of the Act at page 9, he will find it. There also, in fact, the rules have been framed. In fact, the rules have been framed within the spirit of section 18 of the Act. The time limit is already there. The hon. Member has only to appreciate that. Therefore, his suggestion to reduce the number of days from 30 days to 15 days is not relevant because that will mean amending the Act itself.

The second thing which the hon. Member has said is about the publication part. In fact, there is no need of any publication at all of this because all the Acts passed and all the rules framed under the enactment of such laws have been like that. It has never been felt necessary that we publish the names of the claimants at all. This has never been done.

Then, the hon. Member talked about the assets of the Company. The statement of the assets and liabilities of the Company has already been laid on the Table of the House.

The hon. Member talked of cars being manufactured in the public sector. I do not think I have to tell him

that Maruti is a public sector Company and the cars will be manufactured in the public sector itself.

He talked of low inventories. A statement has already been laid on the Table of the House. This exercise is done before a Company is taken over for nationalisation.

The hon. Member's suggestion relates to the declaration of the property by the public representative. In fact, the law already exists as far as the payment of income-tax is concerned. I will forward his suggestion to the hon. Finance Minister.

The hon. Member's question was as to how much amount has been paid by the Commissioner of Payments. The Commissioner of Payments has not yet made any payment in compensation at all. As far as the members of the family are concerned, that question has already been replied to in the House a number of times. They have not filed any claim at all. Therefore, the question of payment does not arise.

The hon. Member has asked about the details of the claims and the claimants. In fact, the Commissioner of Payments is practically a judicial body. They would, in fact, invite all the claims. The list of claimants is never declared and published at all.

I have replied to all the questions raised by the hon. Member. I am sure, in view of the redundancy of the resolution suggested by the hon. Member, he would withdraw it.

SHRI N. K. SHEJWALKAR: Mr. Chairman, Sir, with due respect, I submit, I do not know why my amendment is not acceptable to the hon. Minister. The publication of the list of claimants has so many purposes. It is not only just to know who are the claimants. There are claims and counter-claims regarding something which is already deposited with the Company. It is not a new practice;

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it is not an abnormal thing. What is wrong in publishing the list of claimants in the gazette? If anybody has got any objection regarding the claim, he can make a submission there. That is the main object of it.

As regards the other thing, I have suggested 15 days instead of 30 days. No doubt, 30 days' time is given. I have proposed 15 days' time. It is not against the spirit of the Act. Anyhow, if you do not accept it, I do not press for it. But I press for the second amendment that the list of claimants should be published. So far as the first amendment is concerned, I can withdraw it. But about the other one, I press for it.

MR. CHAIRMAN: Do you press your motion?

SHRI N. K. SHEJWALKAR: I press my motion.

MR. CHAIRMAN: The question is:

"That this House resolves that in pursuance of sub-section (3) of section 31 of the Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980 (64 of 1980), the following modifications be made in the Maruti Limited (Acquisition and Transfer of Undertakings) Rules, 1981, published in the Gazette of India by Notification No. S.O. 295 (E) dated the 8th April, 1981 and laid on the Table of the House on the 6th May, 1981:—

(1) in rule 3, in the proviso,—
for 'he may, for reasons to be recorded in writing, accept the intimation within a further period of thirty days, but not thereafter.'

substitute 'he may after taking necessary evidence to establish cause of delay and after recording reasons for acceptance of intimation, condone delay upto a maximum period of fifteen days only and no more.'

(2) After rule 4, insert,—

'5. Publication of intimation—On the day following immediately the

expiry of thirty days from the date to be specified by the Central Government under section 18 of the Act for giving intimation for claims, complete list of the claimants who have given intimation within the time shall be put on the Notice Board of the office giving in brief the particulars of the claim i.e. the amounts and the nature of claim, and it shall also be published in the Government of India Gazette.'

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

The motion was negatived.

17.30 hrs.

ALIGARH MUSLIM UNIVERSITY
(THIRD AMENDMENT) BILL—
Contd.

MR. CHAIRMAN: Now we resume the discussion on the Aligarh Muslim University (Third Amendment) Bill. Mr. Zainul Basher to continue his speech.

SHRI ZAINUL BASHER: After the 1965 Amendment and the 1972 Amendment, the minds of the Muslims all over the country were agitated and they were, since then, demanding restoration of the minority character of the University. A countrywide agitation was launched in 1972 and afterwards in some form or the other; in every Muslim forum the demand was raised for the restoration of the Muslim character of the Aligarh Muslim University. Then many Opposition Parties supported this demand; they demanded restoration of the Muslim character of the University. They were supporting the minority's cause wholeheartedly. But it is one of the ironies of the political history of our country that those political parties, even though they came to power and remained in power for two and a half years, did not do what they promised to do when they were out of power, namely, restoration of the minority character to the Muslim University. Mrs. Indira