

निदान नहीं होगा। इस मामले में चाहता हूँ कि इस तरह का विधेयक ग्राप लाये।

निम्नये जी ने ठीक ही कहा है कि कानून ग्राप चुस्त और दुरुस्त लाये। कानून जब ग्राप ऐसा नहीं लाते है जा फिर बीच में ही उसको बदलना पड़ना है। यह अफसोस का परिचायक नहीं है। ग्राप थोड़ा बड़का काम ले। ग्रापके पास बड़े बड़े बड़के वाले विमान वाले लोग है। गलत कानून ग्राप लाते है तो उसको दुरुस्त करने में मजदूरी का व्यय जाता है। लागो में अविश्वास पैदा होता है। यह बात नहीं होनी चाहिये।

हम लागू कानून में काम करने वाले है। ग्रापका हिस्सा भी स्थिति में श्रमिक वर्ग के हितों पर कुठाराघात नहीं होने देना चाहिये। आज यह दिन दृष्टांत होता है। कानून बन रहने पर भी होने है। श्रमजीवी जनता पर दुराचार पृथीपति भिन्न मारिना उनके प्रवर्धक, नौकरशाह जन्म करत है। आज देश में असह्य हकूमत नीधरगाहा के हाथ में है फिर चाह व कार्यालय में काम करते हो या कारखानों में करा है। वर्तमान व्यवस्था के अन्तर्ग व लोग न्याय नष्ट करत है। इन लागो के वगल में ग्राप हमारे मजदूर वर्ग को बचाये और उन्हीं पदाया की रक्षा कर। अगर ग्रापने ऐसा किया तो आज इस मुश्किल के जमान में बर्तन में साथ ले सकेंगे जी सकेंगे।

MR CHAIRMAN: The question is

"That the Bill be passed"

The motion was adopted

18.10 hrs.

STATUTORY RESOLUTION RE-  
 DISAPPROVAL OF THE ALCOCK  
 ASHDOWN COMPANY LIMITED  
 (ACQUISITION OF UNDERTAK-  
 INGS) AMENDMENT ORDINANCE,  
 1894 AND ALCOCK ASHDOWN

COMPANY LIMITED (ACQUISITION OF UNDERTAKINGS) AMENDMENT BILL

MR CHAIRMAN: We now take up item No. 13 and item No 14 together. Shri Madhu Lumaye to move his Statutory Resolution.

श्री मधु लुमये (बाका) गभापति जी मैं कई लम्बा भाषण नहीं करना चाहता हूँ। इस अध्यादेश पर श्री विधेयक पर यहाँ पर जो बहस हो रही है उसके विषय में जो कुछ हम लागो का करता पर रहा है वह उर्ध्व मनी महाशय श्री पाई श्री कानून मंत्री श्री गणेश्वर जी कन्दगाहा से बात लेना चाहिये। ऐसा लिये कि अगर भावधानी से काम लिया जाता जब मूल विधेयक आया था तब तो यह नीबत नहीं आती। उस समय की ग्राप मदन की परिस्थिति पर तो यह मंगल पाम है? सब लोग न कहा था कि वह जो सम्पत्ता का कर्ता है तयारिनिटीज हूँ लोन्स है कन्दगाहा है उनके बारे में ग्रापने सोचा है। ग्रापने मार्ट नन्नापजन जवाब नहीं दिया और अब ग्रापको उसमें परिवर्तन करने की प्रावण्यता में हम होने लगी। इन्होंने कारण दिया है उनका कि यह जो टर्नर मारिगात बम्भनी है यह अपील में चली गई है।

18.11 hrs.

[SHRI JAGANNATHRAO JOSHI in the Chair]

उसमें कहा है

"An appeal has, however, been filed against the order of the court (delivering possession of the properties of the company to the Central Government) by M/s. Turner Morrison & Company which is a major share holder of the company and the said company has simultaneously filed a writ petition challenging the vires of the Act. In the writ petition, the applicant is trying

[श्री मधु लिमये]

to establish that the amount specified in the Act is illusory. The applicant contends that the undertakings of the company, as defined in the Act includes book debts, loans and advances and moneys which may be recovered by the Company from its directors by misfeasance proceedings. In the circumstances the Central Government was advised that by way of abundant caution the Act concerned should be amended to clarify that the undertakings of the company as defined in the Act do not include book debts and loans and advances and any moneys recoverable by the company from its shareholders or directors."

अगर उसी समय यह बात स्पष्ट की जाती तो इन इस अध्यादेश की जरूरत महसूस होती न विधेयक की। तो यह बार बार हो रहा है उसके ऊपर आत कुछ प्रालोचना करेंगे? स्ट्रिक्चर देंगे? मसाराति महोदय आपको इसके ऊपर स्ट्रिक्चर पास करना चाहिये। मदन में जो मुद्दे रखे जाते हैं जो बाने कही जाना है उसके ऊपर सरकार ध्यान नहीं देती। यह कोल नेशनलाइजेशन के समय हुआ इस कानून के मध्य भी हुआ—उस समय ता हाई कोर्ट में दत्तकी प्रापटी आकशन में चली जा रही थी और मैने मंत्री महोदय का ध्यान दिलाया और जल्दी में ये विधेयक लाये। तो इसके ऊपर आपका बाई स्ट्रिक्चर पास करना चाहिये। मैं उसके बारे में केवल इतना ही कहना चाहता हूँ कि जब विधेयक बनाये जाते हैं तो क्या कानून मन्त्रालय से आप सलाह लेते हैं, एटार्नी जनरल या सालिमिटर जनरल से सलाह लेते हैं? क्या इसके बारे में प्रक्रिया है मेरी समझ में नहीं आता है और इसलिये मैं इस विधेयक को इनकी अयोग्यता का स्टाम्पेड समझता हूँ। इसलिये मैं अधिक बोलना पसन्द ही नहीं करता क्योंकि जो

इनकार्पोरेट का और अयोग्यता का स्टाम्पेड है उसके बारे में अधिक बोल कर सदन का समय में क्या बरबाद करूँ ?

में भरना प्रस्ताव पेश कर रहा हूँ।

"This House disapproves of the Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974 (Ordinance No 5 of 1974) promulgated by the President on the 28th June, 1974."

भारी उद्योग मंत्रालय में उपमंत्री (श्री दलबीर सिंह): मसाराति महोदय श्री मधु लिमये जी ने कई एक दिलचस्प बात भी कही है। इस रेजोल्यूशन पर बोलते हुये उन्होंने कहा कि खर्चा जो इस बिल के अमेंडमेंट के ऊपर आये वह पाइ माहब और गावा माहब की मनखवाह से रिकवर कर लिया गया।

श्री मधु लिमये: आपका छाड़ दिया।

श्री दलबीर सिंह: मुझको तो छोड़ दिया गया नहीं किम ख्याल से।

यह एक बहुत ही मादा मा एक्सप्लेनेशन है जिसको हम इसमें मेकशन 4 के (1) में गेड करना चाहते हैं। यह कहते हैं कि उस वक्त यह करना चाहिये था और यह प्रकाशन नहीं किया गया। प्रकाशन लिखा था। बिल जो बनाया जाता है वह एक तरीके से सोच विचार करके ला डिपार्टमेंट से सलाह कर के और सारी चीजों को समझ करके, इन सारे तरीकों को इस्तेमाल करके फिर उसको शकल दी जाती है। यह सारी चीजें बिल बनाने वक्त हमने देखी थी। लेकिन बाई चाप, इन्फाक से यह बिल चैलेज हो गया और एक कम्पनी जिसके मुत्तालिक उन्होंने पठा है हाई कोर्ट में चली गयी। मैं उसे रिपीट नहीं करना चाहता। वह हाई कोर्ट में चली गयी तो कुछ ख्याल हुआ जैसे बिल ठीक है, उसके अन्दर कोई कमी नहीं

है, कोई कानूनी कठिनाई नहीं है, कि और ज्यादा एहतियात के तौर पर, इस प्रमेंडमेट के तौर पर इस एक्मप्लेंशन को एंड कर दिया गया ताकि इसकी कानूनी पोजीशन किसी तरह से भी कमजोर न रहे। इसलिये मधु लिमये जी जो कर रहे थे कि प्रिक़ाशन नहीं लेते, यह बात नहीं है, बल्कि प्रिक़ाशन के तौर पर ही यह सारी चोज इस तरह से आई है। मैं बहुत ज्यादा लम्बी बात न कहते हुये जो कुछ उन्होंने रेजोल्यूशन के बारे में कहा है, उसके उत्तर में इतना ही अज़ करना चाहता हूँ और उसके बाद अब यह मोशन हाउस के सामने रख रहा हूँ।

I beg to move\*:

"That the Bill to amend the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973, as passed by Rajya Sabha, be taken into consideration"

MR. CHAIRMAN: Motions moved:

"This House disapproves of the Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974 (Ordinance No. 5 of 1974) promulgated by the President on the 28th June, 1974."

"That the Bill to amend the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973, as passed by Rajya Sabha, be taken into consideration."

**SHRI SOMNATH CHATTERJEE** (Burdwan): Sir, this seems to be a very innocuous Bill, but according to me it is the brain-wave of a nervous administration. Should we go on changing our statute on the basis of a point or contention that may have been taken in a pending legal proceeding? This is the object of this

Bill. Because in a pending legal proceeding before a court of law a party has taken a certain point, to meet that point, we are amending an Act of Parliament!

The hon. Deputy Minister has said just now that this is by way of abundant caution. This is not simply by way of abundant caution. Previously section 4 of the Act included within the ambit of 'undertaking of this company' all its assets, all its rights, powers, property, movable and immovable, cash balances, investments and all other rights

Therefore, it is no good saying that it was not initially included there. It has been included and rightly so. Within assets and property, book debts will surely be included. I am not talking about the misfeasance damages. But, what is happening now is that on the basis of the valuation, I take it, of all the assets and properties, a huge sum of Rs. 1 crore has been fixed as the amount to be paid to the company to be distributed to the shareholders. Therefore, when the valuation has been made and the amount of Rs 1 crore had been fixed, you must have taken into consideration the book debts of this company if at all the Government had applied its mind at that stage.

Now, what is going to happen? We are expressly releasing book debts. That means the debts to the company. We are expressly releasing them. The Government has been renouncing all rights over it. Suppose, the company was entitled to receive from any outsider, say, Rs 2 lakhs, the Government under this new amendment will not have any claim over that money. Therefore, although this sum of Rs. 1 crore remains fixed and will be paid to the company in view of the present Act, we are now giving up our claim with regard to book debts. I would like to know from the hon.

\*Moved with the recommendation of the President.

[SHRI SOMNATH CHATTERJEE.]

Minister what is the amount of debts due to the company. By this time—because this company was taken over, if I am not wrong, sometime in 1973, if not earlier—from 1973 till 28th August, we must have been able to, the Government must have been able to find out what are the debts due to the Company. The position remains thus. For the totality of the assets, after taking into consideration the liabilities of the company, the Government had fixed Rs 1 crore to be distributed. Now, liabilities remain the same. The assets which the Government is entitled to get are being reduced. But the compensation is not being reduced.

Therefore, it appears to be an innocuous Bill trying to meet the point that has been taken in the legal proceeding. But are we not giving more money over and above this Rs 1 crore to the share-holders of the company? We are doing it. I can understand the explanation (b). That is, of course a contingent right or contingent liability which may arise or may not arise, but, so far as debts due to the company not being included in the company's assets and undertaking, this is intended to benefit those persons during whose management or during whose control through the means of their share-holding, the company has reached its nadir. Therefore, we supported the nationalisation and taking over of this undertaking. We want the Government to run it properly and manage it well, because it is one of the important engineering establishments in this country. We want it to prosper. But I do not understand, unless the Government has been misled but I have a lurking suspicion that by this process more money which was not being given directly to the erstwhile managers and share-holders is being given through the back door and a circuitous process.

Therefore, the assets remain reduced, the liabilities remain the same and

the compensation, thereby, necessarily becomes more.

Therefore, I would like before the House passes this Bill the hon. Minister will kindly enlighten the House as to what is the expected amount of debts due to the company consideration of which would have made all the difference to the computation of the amount because that is the fear. The Government's fear is that the contention of the company that the compensation amount is illusory will be proved by the fact that the debts due to the company will also be realised by the company. And, the erstwhile management or the owners are not being compensated for that. Therefore, to me, it appears that this legislation has been solely brought with that purpose. I have been repeating that not only here but in so many other Bills too as to why we are unable to utilise fully the powers that have been allowed under the Constitution of India?

We have supported ungrudgingly to grant more and more powers but why the same have not been utilised properly. Under Art 31 of the Constitution, certain powers are given. How are you utilising those powers?

I would like to know from the hon. Minister whether he would explain to us as to what is the amount of the book debt that is available to the company. After this Bill is passed, the book debt due to the company will not be realised by Government because it will cease to be a part of the undertaking. Who will realise it? Obviously, the company will realise it. And they do not have to pay anything to Government. They will utilise it for their own purpose. So, I say that it is essential for us to know what is the amount of debt due to the company that is now being excluded from the concept of undertaking?

SARDAR SWARAN SINGH SOKHI (Jumshedpur): Sir, this is an amend-

ment bill of Alcock Ashdown Co. Ltd. which was taken over last year. I have given an amendment to be inserted in Clause 2, page 1, line 10.

I am surprised to read the statement I have received on the 27th August, 1974 explaining the circumstances which necessitated the promulgation of amendment Ordinance No. 5 of 1974.

In the Statement, it is said that certain writ petitions have been filed by Turner Morrison and Co., a major share-holder challenging the Act which is pending before the High Court and certain points have been raised by them. I do not want to go into the details of the same.

Sir, this company was bought by Government by making a payment of Rs. 1.17 crores in 1973 and the Act was passed by Parliament. Now, at this late stage, the Central Government was advised to amend the Act by inserting only a few words in Clause 4(1) of the Act, 1973. I want to know from the Government why this advice was not tendered before when such a vast Law Ministry with full of legal brains were at the disposal of the Government.

It looks like that as though the Government is doing everything in haste. For inserting only five words to a clause, and bringing this amendment before the Parliament, I think the Government must have spent thousands of rupees. The Government must call for the explanation from the Departments concerned, why such loopholes were left out which led to unnecessary litigation.

It is further said in the statement, I quote:

"Since the writ petition was to come up, for the hearing on the 16th July 1974 and the Parliament was not in session, it was urgently necessary to make the aforesaid clarification."

Very well, Sir, I am not against the Ordinance, but it appears to be very strange that, when this statement was approved and signed by the Deputy Minister of Heavy Industry on the 25th July 1974, why there was no mention as to what happened on the 16th July, 1974 in the High Court. Whether the court allowed the writ petition or rejected, this House wants to know that. No copy of the judgment or what steps were taken by the Ministry on the 16th July are mentioned in the statement. I would also request the Minister to change the managerial staff and put fresh blood into its management having some qualifications. I would also like to know whether the Minister would again come up with some (amendment) Bill in the near future or it is final in regard to this company. I would request the Minister to give a categorical reply.

Now, I come to my amendment which is for insertion of words "without prejudice" after the proposed Government's official amendment after words "In relation to the Undertakings". According to me it is a very appropriate amendment and should be accepted, which when read with whole clause 4(1) of the Acquisition of Undertakings Act 1973, in the annexure of this Bill, would complete the meaning of the clause in every respect.

With these words, Sir, I support this Amendment Bill.

श्री रामबहार झाँझी (पटना) :  
 सभापति जी, जब इस विधेयक पर बहस हो रही थी तो उस समय हम लोगों ने इसका समर्थन करते हुये, जो दिल में सन्देह थे उनको प्रकट किया था। उस समय सरकार ने ध्यान नहीं दिया और आज फिर वह इस सदन के सामने उपस्थित है संशोधन को लेकर। अभी मंत्री जी ने बताया कि कोई खास गड़बड़ी तो बिल में नहीं थी फिर भी हम

[श्री रामावतार मास्त्री]

इसमें संशोधन लेकर आये हैं। एक नया संशोधन लेकर आप आये इसी से स्पष्ट है कि कुछ न कुछ कही खामी थी, कहीं आपने सुराख छोड़ दिया था और यह आपकी सरकार की नीति है कि वह सुराख छोड़ देती है ताकि उस रास्ते से निकलने वाला ले देकर निकल जाये। उस समय भी यह सवाल उठा था कि कम्पनी की जो चीजें हैं उनका मूल्य निर्धारित किये बगैर मोटी रकम आपने तय कर दी कि एक करोड़ रुपया बेंगे। तो, उस समय भी सवाल उठाया गया था कि ऐसा क्यों कर रहे हैं क्योंकि आम तौर से ऐसा होता है कि बहुत सी मोर्चा लगी हुई चीजें जो आपके काम नहीं आ सकती है वह चीजें भी आपको मिल जाती हैं उन कारखानों में जिनको आप लेने हैं और उसके बदले में उससे कई गुना पैसा आपको देना पड़ता है। तो, उस समय यह सवाल भी उठाया गया था और इस बिना पर हम लोगों ने कहा था कि इतनी बड़ी रकम आप मुभावजे के रूप में न दीजिये। लेकिन उस समय आप इस बात को नहीं माने। आप अकल की बात मानने के लिये तैयार नहीं हैं और बेफकली वाली बात बराबर करते जाते हैं। इसकी वजह से देश को नुकसान होता है, इस सदन का समय बर्बाद होता है। आप उन कम्पनी वालों को ज्यादा पैसा देना चाहते हैं, वह पैसा जिस पर हमारे पूरे समाज का हक है, जो जनता का पैसा है, जिसको आप बड़ी मुश्किल से इकट्ठा कर पाते हैं। तो, इस तरह से बिल में लूपहोल छोड़ कर उनको ज्यादा पैसा देते जायें यह मनासिब नहीं है। लेकिन आप नामुनासिब बात करते जा रहे हैं—इसका मैं विरोध करता हूँ। आप ठिकाने से बिल को साथें, उसमें कहीं भी कोई लूपहोल या सुराख मत छोड़ें ताकि कम्पनी के मालिकों को सुप्रीम कोर्ट या हाई कोर्ट कही भी जाने का भ्रम न मिले। चूंकि आप कमी छोड़

देते हैं इसलिये उनको प्रदासत में जाने का मौका मिलता है, और प्रदासत से फसला तय नहीं होता है बहुत सी बातें रकी रहती हैं तो फिर आपको संशोधन लेकर सदन के सामने आना पड़ता है।

मैं फिर आपने यही निवेदन करूंगा कि आप इतनी बड़ी रकम कम्पनी के लोगों को न दें। उन्होंने देश को बहुत नूटा खसोटा है। आपने उसकी व्यवस्था अपने हाथ में ली है, अच्छा किया है, उसको आप ठीक से चलायें, लेकिन उनको आप इतनी बड़ी रकम न दें। अगर विधान के मुताबिक आपको कुछ देना ही है तो नाम मात्र के लिये भी दे सकते हैं इतनी बड़ी रकम देने की क्या जरूरत है? आपके ऊपर कम्पलशन क्या है कि इतनी रकम देनी ही है? मैं निवेदन करना चाहता हू कि इस तरह की बात अगर आप अभी भी कर सकें तो जाता का पैसा बचेगा जिसको आप दूसरे कार्यों में खर्च कर सकेंगे और इस समय देश के सामने जो प्राथक सकट है उसमें आपकी कुछ आसानी होगी। इसलिये आप ऐसा ही कीजिये इतना ही मुझे आपसे निवेदन करना है।

SHRI RAJA KULKARNI (Bombay-North-East): As has been pointed out already by many hon. Members, the Bill which has come before us is the second step. Government feel that by taking this second step, all their difficulties would have been solved. Though I wish well for them, I, however, see from the working of the recent past and after the passing of the first Bill in December last, it has not still been possible for Government even to start the machinery and take over the production in their hands, because of the legal proceedings.

It is true that they have been saying that the purpose of this Bill is a very limited one and they feel that all the legal difficulties would be over once they define now what does not come within the definition of the term

'undertaking', namely book debts and the money to be recovered from the shareholders. They feel that once this matter is clarified, all difficulties will be over.

But the difficulties are not only legal or of short duration, but they are more than legal and more than of short duration. They are also of a commercial and trading nature. They are financial difficulties to which Government are not prepared to give a second look. Therefore, I shall not be surprised if even after passing of this Bill, they come across difficulties

We do not know whether they are coming to terms with Turner Morrissons who have filed a writ petition in the Bombay High Court. We do not know whether they will not go beyond Rs. 1 crore compensation and say that they have no other liability or they would like to come to certain terms to settle down the legal claims of all parties, one of which is Turner Morrissons who have stood as guarantor to the State Bank of India which has given loans to the Alcock Ashdown Company to the extent of more than Rs. 1 crore. Suppose after this Bill is passed, there comes a difference in the valuation, what is going to be done? For, the Bombay High Court has already appointed an independent valuer. After taking inventory of all the assets of the Alcock Ashdown Co. and after valuing them, suppose he submits a report to the High Court saying that the value is Rs. 5 crores or Rs. 6 crores or Rs. 8 crores. One does not know what will happen ultimately and what the verdict of the Bombay High Court will be, because it is all uncertain today. What will Government do then? Suppose the Bombay High Court decrees that Government must pay to the State Bank of India or to the guarantor or the petitioner, namely Turner Morrissons Rs. 5 crores or Rs. 6 crores, what will be Government's stand? Are they going to come back to this House asking for Rs. 4 or 5 crores more from this House?

In case, the Government wins and the valuation is less than Rs. 1 crore. The other party is bound to go to the Supreme Court. If the other party wins, Government will go to the Supreme Court. These legal proceedings are not of short duration. They will go on for two or three years, once it goes to the Supreme Court. If this is going to happen, then what happens to the machinery which has already become a junk? Since 1971, the whole undertaking is closed. Till today Government is not in a position to start the machinery. Government had given an assurance to the workers, when the Bill was passed in December last, that their dues would be paid. We had told Government that from this Rs. 1 crore, a specific provision should be made for payment of the workers' dues which were to the tune of Rs. 63 lakhs. But Government has not done so. It has gone back on the promise to pay the workers' dues. Workers are still on the streets. Now they are being asked to get themselves recruited as fresh workmen by the Mazagaon Docks. The Mazagaon Docks is not interested in running Alcock Ashdown. They are only interested in the land occupied by this concern for their own expansion. They want to sell the junk and demolish the structures.

This is the kind of wrong perspective at the back of this Bill. Therefore, a national asset is being wasted. Even now Government should come forward with a fresh look. I repeat the suggestion I made last time: let a new Bill come taking over this undertaking for management under the Industries (Development and Regulation) Act. Give it to a co-operative of the workers. They have submitted a scheme. Examine it. Give it to a co-operative or any other institution to manage it on behalf of Government. But coming under the Acquisition Act and acquiring it for Rs. 1 crore has created a lot of difficulties and further difficulties will be created. Meanwhile, a national asset is being

[Shri Raja Kulkarni]

wasted Therefore, I suggest to Government: along with the Bill, have a fresh look and fulfil the promise given to the workers That will be at least something

**श्री हुकम चन्द कछवाय (मरैना)**  
महापति जी सरकार द्वारा ऐलकाक ऐश-  
डाउन कम्पनी के अर्जन का जो बिल आया है  
वास्तव में यह बिल बहुत ही छोटा है और  
इसको लाने की क्या आवश्यकता पड़ी।  
जब पिछली साल सरकार ने इस कम्पनी  
को अपने हाथ में लिया तो गम्भीरता से  
पहले सोचा। सरकार की आदत बन गई है  
सस्ती बात की वाहवाही प्राप्त करने की और  
इसलिये इस कम्पनी को जल्दी लेने की कोशिश  
की। विस्तार में विचार करने तो इसकी  
आवश्यकता नहीं होती। आज भी जो बिल  
है यह अपूर्ण है अपने उद्देश्य में और मुझे  
ऐसा लगता है कि फिर से बिल लाने की  
आवश्यकता पड़ेगी क्योंकि इस बिल के  
माध्यम से वह सब बातें नहीं कर सकते कि  
जो मालिक न्यायालय के अन्दर गये हैं उन्होंने  
जो मांग की है वह ठीकी लेकर नहीं आयेगे।  
ऐसी कोई गारन्टी नहीं देना चाहता। इनकी  
जो सम्पत्ति है सरकार ने उसकी पूरी जानकारी  
अपने हाथ में लेने की कोशिश नहीं की और  
उसी का परिणाम है कि आज कठिनाई  
सामने आ रही है। यदि गम्भीरता से सोचते  
तो यह स्थिति पैदा नहीं होती। इस कम्पनी  
की एक फीकटी भावनाएँ हैं और दूसरी बम्बई  
में है। उसकी काफी मशीनरी बेकार है।  
सरकार ने पिछली बार आश्वासन दिया था,  
कुछ पैसा भी लगाया था, परन्तु हजारों मजदूर  
बेकार पड़े हैं। आपने आश्वासन दिया था  
कि काम देंगे, लेकिन आपने काम नहीं दिया।

इस कम्पनी के ऊपर महागायट्र बैंक और  
स्टैंट बैंक ग्राफ डिपॉजिट व 3 करोड़ 40 लाख  
रु० है और मजदूरों का भुगतान वरीब 60

लाख रु० के वरीब पड़ा है। परन्तु आज आप  
उस को नहीं चला पा रहे हैं। आपने कम्पनी  
से ली लेकिन मजदूरों का क्या उधार कर रहे  
हैं यह आप अच्छी तरह से जानते हैं।  
विधि मन्त्रालय के अधीन कम्पनी कानून  
का विभाग है श्रम और रक्षा विभाग  
इन्होंने कोई रिपोर्ट दी। धारा 236 बी के  
अधीन आप ने पता लगाया कि क्या माली  
हालत है और मजदूरों को कितना लेना है,  
और इन्होंने कितना ऋण लिया है। इन सारी  
बातों का अध्ययन हम तीनों विभागों को करना  
चाहिये था। मन्त्री महोदय इस बिल को पाम  
नारा लेंगे, लेकिन मजदूरों नहीं होगी इसकी।  
मेरे दल की ओर से पिछली बार कहा गया था  
कि इस में और कुछ करने की आवश्यकता  
है क्योंकि यह बिल बमजोर है। और वह बात  
सामने आ गई और उन्हींलिये आज आपको  
दुमरायित लाना पड़ा। आप फिर इस बिल को  
लेकर आयेगे क्योंकि इस में आप का इच्छाये  
पूरा नहीं होगी। आप जिस डग में बंबई को पैसा  
देगे जा 3 करोड़ 40 लाख है और मजदूरों  
का 60 लाख रु० की संख्या है, उन्हें क्या  
आश्वासन देना चाहते हैं? और यह उद्योग  
आप जब तक चालू कर देंगे तथा जो मजदूर  
काम करने थे उन को जब तक पुनः आपसे  
लेगे इस का कोई स्पष्ट उल्लेख नहीं है। इस  
कारणसे मे रक्षा विभाग में सबधित चीजें  
पैदा होती हैं जो कि आवश्यक है जब कि हमारे  
देश की सीमा पर खतरा है। सरकार ने जब इस  
को अपने हाथ में ले लिया है ऐसी हालत में  
आप जब तक निर्माण शुरू कर देंगे यह बतायें।  
आप इस बिल को अभी वापस ले लीजिये और  
फिर से इस की व्यापक बना कर लाइये।

\*SHRI E R KRISHNAN (Salen):  
Mr. Chairman, Sir, I would like to  
express my views on The Alcock  
Ashdown Company Limited (Acqui-  
sition of Undertakings) Amendment  
Bill, 1974.



This company was started by the British some 80 years ago and till Independence they repatriated some hundreds of crores of rupees from this Company. After Independence, when they found that it would no longer be possible for them to exploit this company, they sold away the shares of this Company to Mundhras. Sir, it is very well known to you that Mundhra also plundered the wealth of this Company and it is reported that about Rs. 1.65 crore of rupees had been cornered by him. I would like to know what steps have been taken against Mundhra for recovering this huge sum.

It is stated that the Government will have to remit in the Court a sum of Rs 1 crore. I would like to know whether the value of assets of this company would be more or less than this Rs 1 crore. The Government have also to pay to the workers the arrears of P.F. etc. to the extent of Rs. 37 lakhs. Besides, the Government have to return the loan of Rs 1.70 crores given by the State Bank of India as also the Bank of Maharashtra to the Company. Sir, the hon. Minister must inform this House about the real value of the assets of this Company.

Sir, on account of carelessness on the part of high officials of the Law Ministry in the preparation of the parent Bill, the Government have been compelled to bring this amending bill before the House. When the parent bill was discussed in this House in 1973, many hon. Members of this House pointed out the deficiencies and loopholes in the Bill and also expressed their apprehension that this might be taken to a court of law. At that time, the hon. Minister did not pay heed to the suggestions of the hon. Members of this House and the consequence is that the issue is before a Court of Law and to circumvent certain issues this amending Bill has been introduced by the Government.

Before I conclude, I would request that a directive must be issued by the Prime Minister to all the high officials of the Law Ministry connected with drafting of Bills that they must be more vigilant and exercise greater care in the formulation of legislative proposals, in the form of a Bill. This is very necessary if the Government want to avoid the issues being taken to Courts of law frequently.

With these words, I conclude.

SHRI DALBIR SINGH: Sir, as I stated earlier, this is a very simple explanation which is being added to section 4(1) of this Act which was passed in December session. After that this was challenged and this company filed a writ petition before the High Court, which is still pending. Nobody knows at this stage whether the judgment would be in our favour or in favour of the other party. They have a right of appeal to the Supreme Court also. All legal remedies available to them, they would like to exhaust and we cannot stop them from doing so.

The point was raised about compensation. This amendment is intended to clarify the position that the book debts have not been included. At that time also our intention was not to include the book debts in the definition. We have consulted the law department and the Additional Solicitor General, who advised us that we should issue this ordinance. So, it was issued and this Bill has been moved to replace the ordinance. This is intended to show that this amount of Rs 1 crore is not illusory. When the intention of the Government is to include the book debts, it is specifically mentioned in the enactment itself. There had been a number of legislations where the intention of the Government was to include the book debts and that was specifically provided in the enactment, as for example in the Air Corporation Act, 1953, Metal Corporation of India (Acquisi-

[Shri Dalbir Singh]  
tion of Undertakings) Act, 1966, Indian Iron and Steel Co. (Taking over of Management) Act, 1972 and Indian Copper Corporation (Acquisition of Undertakings) Act, 1972. In all these enactments, it was specifically made clear that book debts will be included in the definition. The very fact that we have not mentioned it in this enactment shows that our intention at that time also was not to include the book debts etc. in the definition. Now by way of abundant caution, to make it absolutely clear, we have brought forward this amendment.

It was asked how this amount would be recovered. We have acquired the productive assets of these two undertakings to put them into productive uses. We have not acquired the company. The entity of the company is there. The company is to recover all this.

Company to valuation, a committee of senior officers have gone into the question and they have made a deep study of the assets which are to be acquired and they have come to the conclusion that even if all the assets are auctioned in open auction they would not perhaps fetch that much money i.e. Rs. one crore. So, the amount of Rs. 1 crores which was valued by the committee of officers is very reasonable. They have gone into the condition of the machinery, buildings etc. and they have made this assessment, which is a very reasonable assessment.

Shri Kulkarni raised the question of workers' compensation. After the acquisition of this undertaking, it will be governed by the law. We are trying to see that the workers are not thrown out. We have called a meeting to discuss this question with the representatives of the Gujarat company and the company which the hon. Member has mentioned, the Mazagaon Docks. We have said that these people should be absorbed there. We are very eager to see that these people are not thrown out,

SHRI RAJA KULKARNI: What about their past service?

SHRI DALBIR SINGH: We will take a sympathetic view in considering this.

We have not gone into the question of book debts, because it was not our intention to include the book debts. So, we did not calculate it. It is for the company to see how much of book debts are there and how to recover them. With these words, I commend the motion.

MR. CHAIRMAN: I will first take up the motion by Shri Madhu Limaye. The question is:

"This House disapproves of the Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974, (Ordinance No. 5 of 1974) promulgated by the President on the 28th June, 1974."

*The motion was negatived.*

MR. CHAIRMAN: The question is:

"That the Bill to amend the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: We will now take up clause by clause consideration.

The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

Clause 2 was added to the Bill.

19.00 hrs.

MR. CHAIRMAN: There is no amendment to clause 3. The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

*The Enacting Formula and the Title were added to the Bill.*

SHRI DALBIR SINGH: I move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

19.01 hrs.

QUESTION OF PRIVILEGE—contd.

श्री राम शेखर प्रसाद सिंह (छपरा)

आज सबेरे जब माननीय सदस्यों ने अपना स्पष्टीकरण दिया तो मुझे खेद है कि मैं उस समय सदन में उपस्थित नहीं था। मैं आपका आभारी हूँ कि आपने मुझे अब अपना स्पष्टीकरण करने का अवसर प्रदान किया है।

कल दिनांक 27-8-74 को राज्य सभा में प्र.संख्या 730 तारांकित के उत्तर में विभिन्न संसद सदस्यों का नाम उल्लेख पांडिचेरी के एनन खंड कार्दिकाल दम्पनी के लाइसेंस की स्वीकृति के लिए संसुति करने वाले संसद सदस्यों के रूप में किया है और उस में मेरे नाम का भी उल्लेख है।

इस सम्बन्ध में मेरा निवेदन यह है कि ऐसे किसी आवेदन पत्र पर जो उक्त संस्थान से

सम्बन्धित है मैंने कोई हस्ताक्षर नहीं किया और न ही मैं ऐसी किसी संस्था को जानता हूँ।

वस्तुस्थिति यह है कि गत बजट अधिवेशन के उठने के कुछ ही दिन बाद या पहले सी बी आई के कुछ अधिकार मेरे दिल्ली निवास स्थान पर इस सम्बन्ध में जांच हेतु आए थे। उनसे मैंने स्पष्टतः बता दिया था कि उक्त संसुति पत्र पर न तो मेरा हस्ताक्षर है और न इससे मेरा कोई किसी प्रकार का सम्बन्ध है। मुझे यह जान कर अत्यन्त ही आश्चर्य और दुःख हुआ है कि श्री डी.पी. चट्टोपाध्याय, वाणिज्य राज्य मंत्री ने इस प्रसंग में राज्य सभा में मेरे नाम का उल्लेख किया है जो कि निराधार है एवं निर्मूल है।

श्रीमान्, आप संसद् सदस्यों के हित एवं अधिकारों के रक्षक हैं। अतः आप से विनम्र प्रार्थना है कि आप हमारे मर्यादा की रक्षा करें तथा सम्बन्धित व्यक्तियों एवं समाचार पत्रों को मेरे इस स्पष्टीकरण की सूचना दे दें।

19.04 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 29, 1974/Bhadra 7, 1896 (Saka)*