

**ADVOCATES (AMENDMENT)  
BILL\***

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE):** I beg to move for leave to introduce a Bill further to amend the Advocates Act, 1961.

**MR. SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the Advocates Act, 1961."

*The motion was adopted.*

**SHRI H. R. GOKHALE:** I introduce the Bill.

**LAXMIRATTAN AND ATHERTON WEST COTTON MILLS (TAKING OVER OF MANAGEMENT) BILL\***

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADH-YAYA):** I beg to move for leave to introduce a Bill to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as also by the Defence Department and for matters connected therewith or incidental thereto.

**MR. SPEAKER:** The question is:

"That leave be granted to introduce a Bill to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as also by the Defence Department and for matters connected therewith or incidental thereto."

*The motion was adopted.*

**PROF. D. P. CHATTOPADH-YAYA:** I introduce the Bill:

**STATEMENT RE: LAXMIRATTAN ATHERTON WEST COTTON (TAKING OVER OF MANAGEMENT) ORDINANCE, 1976**

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADH-YAYA):** I lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Ordinance, 1976.

12.08 hrs.

**BURN COMPANY AND INDIAN STANDARD WAGON COMPANY (NATIONALISATION) BILL AND BRAITHWAITE AND COMPANY (INDIA) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL—contd.**

**MR. SPEAKER:** The House will now take up further consideration of the following motions moved by Shri B. P. Maurya on the 23rd August, 1976, namely:—

"That the Bill to provide for the acquisition of the undertakings of the Burn and Company Limited and the Indian Standard Wagon Company Limited with a view to ensuring the continuity of the production of goods which are vital to the needs of the economy of the country and for the fulfilment of the contracts for the supply of railway wagons abroad and for matters connected therewith or incidental thereto, be taken into consideration."

"That the Bill to provide for the acquisition and transfer of the undertakings of Messrs. Braithwaite and Company (India) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country, and for matters connected

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 24-8-76.

†Introduced with the recommendation of the President.

therewith or incidental thereto, be taken into consideration."

Shri Dinan Bhattacharyya, you have already taken 35 minutes. I hope you will conclude soon.

**SHRI DINEN BHATTACHARYYA (Serampore):** I shall finish soon.

I have very little to add to what I stated yesterday. I hope the Minister will clarify the position in regard to the big amounts that have been set apart and assure us that no money will be given to the previous owners before the take over and for the take over period also. You are giving some money during the take over period. They functioned as Secretaries and not as Managing Agents. I do not think it will be proper to give that amount. I have my objection to that sort of amount being given to the owners who have squandered away the company assets for such a long time.

I was referring to certain industrial relation matters which I do not want to elaborate now and I hope that the Minister will take interest in it and he will take proper care to see that the industrial relations which deteriorated to a great extent in Braithwaite may not deteriorate further in view of the nationalisation of the plant. I have not found anything in the Bill regarding the R&C Unit of ESSCO which is a very important plan which supplies 90 per cent of its products to IISCO itself. Nothing is stated in the Bill about that. That should be looked into by the Minister. If it is a fact that it has not been nationalised along with the units of Burn and Co. in Howrah and ISW then, I would plead with the hon. Minister to take necessary steps to include it in the Bill saying that the R&C of Raniganj and Re-roll of Burn will be included. The nationalisation ordinance provides about Burn and ISW. Nothing is stated about Re-roll of Burn. Burn & Co. holds the major share.

Therefore I would request the Minister to include this in the Bill itself.

You have stated that you have no responsibility for the dues of employees during pre-take over period. If the worker has any claims he will have to prefer his claims with the company which is no longer existing. To whom will these workers go if their PF dues are not paid? To whom will they go if their wages are not paid? I know, at least in the case of Burn & Co., huge amounts were misappropriated. Their contributions were not duly deposited with Provident Fund Commissioner. You should make a provision saying that genuine dues of employees in pre-take over period also will be duly taken care of by the nationalised management.

Cases are pending in tribunals and courts of law regarding industrial disputes. What will be the fate of those cases? This is regarding tribunal award concerning industrial disputes of particular worker or group of workers of ISW, Burn & Co. and Braithwaite. This problem may kindly be taken care of. Scope should be given to the employees so that they will not suffer unnecessarily after the nationalisation which has been welcomed by all the employees irrespective of affiliation to trade unions or political parties.

Lastly I wish to draw his attention to the point regarding contract labourers. I know that in ISW and in Braithwaite company, for permanent types of jobs contract labourers are being employed. I don't know for what reason this is being resorted to. But this is going on there. These poor workers are doing the same job like the permanent employees.

But, still, they are to work under a contractor. So, I would request that this sort of exploitation of the workers through the contractors for doing job of a regular nature must be stopped and the other things which I have stated already should be properly taken care of.

I would tell the hon. Minister again that the industrial relation is not at all good either in the Braithwaite or

[Shri Disen Bhattacharyya]

in Burn & Co. That aspect will have to be looked into and mere pious wish and formation of an apex body will not serve the purpose at all. At the plant level, here on the floor of the House, I can claim that the CITU has got majority of the workers behind them: in Braithwaite and the Angus unit, the management calls everybody, Why is the same thing not done in the Clive Unit of Braithwaite? It has not been tested at all though actually it has the majority there.

I would request that at least in the plant level you should not bring in your politics. At the State level, I have seen that only the AITUC and INTUC go but the CITU is excluded. They are not even consulted. If this is the practice, I do not think, that, in the near future, you can improve the industrial relations there. So, my request to the Minister is this—he is of course a very enthusiastic person and he has already looked into the matter that he will take a serious note of this thing and do justice to both the employees as also the industry itself by doing something in actual practice regarding certain matters—not mere pious wish which I had repeatedly stated in the House and to the Minister himself personally.

श्री राम सिंह भाई इन्दोर : अध्यक्ष महोदय, मैं इन दोनों बिलों का समर्थन करता हूँ। वास्तव में हम समय जो कुप्रबंध के कारण ऐसे कारखाने चल रहे हैं, सम्भाव्यता और उत्पादन की दृष्टि से उन का राष्ट्रीयकरण करने के अलावा दूसरा कोई रास्ता नहीं है। जब इन कारखानों को टेक-ओवर किया जा रहा था और वहाँ पर बिल धाया था, उस समय मैंने निवेदन किया था कि घाप इन को टेक ओवर के अन्तर्गत राष्ट्रीयकरण नहीं कराने हैं, क्योंकि मैंने यह देखा है कि 1955 में घाप ने जिन कारखानों को टेक-ओवर किया, घाप उन को मुघार नहीं मके। टेक-ओवर राष्ट्रीयकरण—इन दोनों के बीच एक ऐसा वीरियर होना है कि उन में जो

रकम लगाई जाती है उस का पूरा फायदा नहीं मिलता है। अब राष्ट्रीयकरण करने के बाद घाप उस फायदे को हासिल कर लेगे—इस में कोई शक नहीं है। लेकिन, अक्सर मुझे एक बात का बुझ हो रहा है, नाम तौर से अब कि शीर्ष जी इस बिल को लाये हैं ; जो श्रमिकों के हितों के समर्थक है। इस में कुछ ऐसी धाराएँ रखी गई है जो मजदूरों के हित में नहीं है, लेकिन उन को उन धाराओं का समर्थन करना पड़ रहा है। मुझे इस बात में बड़ी बेवना हो रही है कि एक लम्बे घाप बाम मूर्खों कार्यक्रम के अन्तर्गत मुक्ति पर्व चला रहे हैं। घाप मरीचों का उत्थान करना चाहते हैं। जिन के बाप दादाओं ने कर्म लिए उन्हें घाप भाग करवा रहे हैं, जिन के बर्तन भांडे न मान्य कब से गिरवी रखे हुए थे, उन्हें घाप बापिम दिनका रहे हैं, जिन के पाम मकान नहीं हैं उन्हें घाप मकानों के लिए अर्बने दे रहे हैं, लोन दे रहे हैं। लेकिन यहाँ घाप धारा 5 में कहते हैं कि जिन श्रमिकों को मजदूरी का रकम बाकी होंगे और टेक ओवर करने के पहले की रकम बतिये जा कर बँट गए हैं अर्थात् वह मजदूरी की रकम भी श्रमिकों का नहीं मिलेगी। यह ठीक नहीं है। जिन कारखाने के मारे एग्जिट्स घाप ले रहे हैं और उन्हें कराइवों रुपये का मुघावजा घाप दे रहे हैं उन कारखाने के मरीच मजदूरों की मजदूरी घाप न दें तो यह ठीक नहीं है। उन्होंने मेहनत की है, खुद पत्नीया बहाया है और तब आ कर मजदूरी पाने की उम्मीद की थी लेकिन उसमें भी घाप इन्कार करते हैं। घाप कहते हैं कि उसकी अबाबकारी मधर्मित की नहीं है। मैं समझता हूँ कि सब से पहला काम जो घापको करना चाहिये और घापको चाहिये कि घाप इस अबाबकारी से इन्कार न करें वह यह है कि घाप इस धारा को अपने अन्दर से निकाल दें और घापको यह कहना चाहिये कि टेक ओवर करने के पहले की रकम है बेतन और मजदूरी की वह उनको ही आवणी। जिन घर मेहनत करके उन्होंने

यह कमाई की थी। अब उनको आप यह पता न दे तो मैं कहूंगा कि यह बेगार प्रथा हुई और बेगार प्रथा ही नहीं बल्कि भयंकर बेगार प्रथा—हुई। मेरा निवेदन है कि आप इस पर विचार करें।

दूसरी वेदना की एक और बात है। प्राविडेंड फंड की रकम, प्रविष्य निधि की रकम, अनिवार्य जमा की रकम, कल्याण निधि की रकम जो बेतन में से काटी गई थी और जिस को मालिकों ने भी जमा नहीं कराया और आपने भी टेक ओवर करने के बाद का जो पॉरियड है—उस पॉरियड की रकम को जमा नहीं कराया वह भी उनको मिलनी चाहिये। अनिवार्य जमा योजना के अन्तर्गत भी जिस रकम को काट लिया गया था और जिस को जमा नहीं कराया गया उसके बारे में भी आपने धारा 13 में यह रख दिया है कि राष्ट्रीयकरण के पहले जो रकम काट ली गई थी और राष्ट्रीयकरण करने पर जो खाते में जमा है उसकी ही जवाबदारी आपकी है। मालिकों ने जो रकम काटी और जिस को उन्होंने जमा ही नहीं किया और टेक ओवर आपने किया और टेक ओवर करने के बाद भी आपने जमा नहीं किया, अनिवार्य जमा की रकम जमा नहीं कराई अब उनके बारे में आप कहते हैं कि राष्ट्रीयकरण करने के बाद जो जमा होगी उसी की आपकी जवाबदारी होगी या उसकी आपकी जवाबदारी होगी जो जमा हो गई होगी। अब जो रकम काट तो ली गई लेकिन जो जमा नहीं हुई वह जमा कहाँ से होगी। उसको भी आप देने से इन्कार करते हैं। इन लोगों ने मेहनत की है, लोहे साथ लड़े हैं, हथोड़ों से लड़े हैं, भट्टियों के सामने खड़े हुए हैं अपनी जानें दी हैं फिर भी आप उनकी रकम को रोक रहे हैं। इन आपत्कालीन स्थिति में मजदूरों के साथ जो बरताव अन्यायों ने किया है और जो नाजायज फायदा उसका शोषण करके उन्होंने उठाया है इन बिल में सूपहील रख करके एक तरह से

आप उस शोषण को अपना समर्थन प्रदान कर रहे हैं। यह मजदूरों की वेदना है, इसको आप सुने, इसके ऊपर आप विचार करें—

उद्योग मंत्रालय में राज्य मंत्री (श्री बी० पी० चौधरी) : मैं नोट कर रहा हूँ।

श्री राम सिंह भाई : जब आपने 103 कपड़ा मिलों का राष्ट्रीयकरण किया था उस समय की 18 करोड़ की रकम का आधा भी निपटारा नहीं हुआ है। बहुत से मजदूर जिन की रकम मिलती थी इस बीच मर गए हैं, कुछ काम छोड़ गए हैं, उनकी विधवायें रा रही हैं, उन्में रकम मिल नहीं रही है। आपका कमिशन भी मुकर्रर नहीं हुआ है। यह हालत हो रही है। इन आपत्काल में देहात में आप देखें तो इंदिरा गांधी और कांग्रेस की जय बोली जा रही है लेकिन कारखाने के मजदूरों में मायूसी छाई हुई है। उन्होंने 8.33 बॉन्स खोया। इस में कोई शक नहीं है इन तरह के कारखाने में काम करने वालों को चार प्रतिशत भी मिलने वाला नहीं है। मजदूरों को पहले के मालिकों ने जो प्राविडेंड फंड की रकम जमा नहीं कराई और टेक ओवर के बाद भी जो जमा नहीं हुई वह उनको मिलनी चाहिये। आप 25 करोड़ और 16 करोड़ दे रहे हैं। उस मुआवजे में से इसको आप निकालें। बैंकों को बाद में दें। उनका दिवाला नहीं निकलने वाला है। बैंक भारी ब्याज ले रहे हैं। करोड़ों रुपया उनके पास है। आप कहते हैं उनकी चुकाएंगे। यह ठीक नहीं है। मजदूर तो पहले ही नंगे हैं। अब आप उनकी लंगोटी क्या उतारते हैं। मेरा निवेदन है इन पर आप विचार करें। वेमें मैं इन बिजों का समर्थन करता हूँ।

SHRI INDRAJIT GUPTA (Alipore): Sir, I welcome these two Bills. It has become the practice of the government, I do not know why, that before the nationalisation of something they seem to insist on a period of take-over of management

[Shri Indrajit Gupta]

and sometimes at the time of take over of management they make an announcement that this is an intermediate stage and it will lead to nationalisation; in other cases they do not say that but inevitable, as Shri Ramsingh Bhai has pointed, there is no alternative left except to completely nationalise those undertakings. I do not know why the government has decided on this kind of faltering and painful course; ultimately they will have to nationalise; there is no other go. As my colleague just now pointed out, it is not possible for the private sector to run these big concerns. That leads them to take over the management and there could be no doubt after that the government will have to assume total responsibility sooner or later. Burn, ISW and Braithwaite are well-known concerns and are among the oldest engineering concerns in this country and I think a very good and solid production base exists in those plants. There is no doubt that over the years even under private ownership the names of those companies—Burn, Braithwaite, ISW, Jessops, etc. but we are not dealing with Jessops at the moment—had a big reputation not only in this country but in other countries also; they were considered to be the hallmark of quality in heavy engineering works, in structural, in wagon building and so on. Those names have become bywords in our engineering industry as being the hallmark of quality. It is really a sad state of affairs that such a decline should have set in in the performance and financial condition of those units. I would not mind if the government from other considerations took over well-managed and healthy units also we are now entrusted with the job of taking over units whenever something goes wrong with them. I should have liked the minister to tell us: what were the real reasons in the view of the government which brought about this decline in the fortunes of those particular companies? Was it mismanagement only? There was mismanagement, no doubt about

it, particularly in the case of Burn-ISW which were under the managing agency umbrella of Martin Burn company who have become notorious now in regard to their performance in Chas Nala Indian Iron and Steel Company and so on. The same managing agency group was responsible for certain lack of foresight, I should say, and mismanagement and dissipation of financial resources and so on which led to this state of affairs. I do not know if a similar thing had happened in the case of Braithwaite. I do not think mismanagement was there to the extent that it was in Burns. In both the concerns, three concerns in fact, is it or is it not a fact that one of the basic causes of the decline which set in over a certain period of years was the fact that those units had grown up in West Bengal over the years with a certain orientation of their production and that orientation is that by and large they were dependent for their existence and prosperity or otherwise on the railways. They were making other things also, it is true, they make cranes, bridges and that kind of heavy structural things. But we know very well that these concerns were geared over the years from the days of the British regime, to the orders which were placed by the Indian Railways with them to an extent where if there is a substantial decline in railway orders, their whole production pattern gets completely thrown out of gear, because the old management never looked far ahead, never anticipated that one day if railway orders decline for any particular reason, what will they fall back upon? There was no foresight and planning ahead. No serious attempt at diversification was done so that they could reduce their dangerous dependence only on railway orders. We know very well that during the last few years, there has been a decline in the orders for railway wagons, rolling stock, etc. and it affected these units very badly. Belated attempts were then made to get orders from other places and so on, but the whole management structure, the production

pattern, the product mix was such that in order to adjust themselves to the new state of affairs, I should have thought, it was necessary long ago for the government to intervene in this matter very energetically and not leave it to the private ownership and management. Anyway, better late than never.

Now that the government is going to take over the responsibility—all of us, I think, will welcome this—I hope very much that the whole planning of production here and the re-structuring of their entire production resources and capacities, will be thought out in a new way. We have discussed this question earlier also some time, namely, why there should be so many wagon-building units dispersed all over the place. There is a lot of wastage as a result of this. These are units which are more or less engaged in similar type of production. They have the same type of equipment and plant. They are geared to the output of a particular type of heavy engineering and structural products. Therefore, now that they are all coming under the government's umbrella, I hope they will work out an integrated and modernised sort of plan, so that the resources are put to the best possible use and proper diversification of production is also done. If properly managed and run, the government can also provide very much from the capacity of these concerns for export. We know that the export of this type of thing is picking up very much, particularly in developing countries who have not got this type of industry of their own. We have got very good relations with those countries. Recently the Colombo Conference Economic Declaration has emphasised the question of more co-operation and mutual assistance between these countries. Therefore, these are the types of basic engineering concerns which can be developed, overhauled, modernised and reorganised in such a way that they can meet successfully the requirements not only of our country but also of these friend-

ly countries.

I have a few points to make about some of the provisions of this Bill. Shri Ramsingh Bhai spoke just now about certain provisions regarding the liabilities which have been taken over. I support every word he has said. First of all, I do not understand why in these two Bills, there is a difference, a discrepancy, in the order of priorities for the discharge of liabilities of the companies, which are laid out in the schedules of both the Bills. In one case—Braithwaite—You will find in the order of priorities in the post-take-over management period, the first category which is given top priority is wages, salaries and other dues of the employees of the company—Category I. Then follow the categories II, III and IV. But in the other Bill dealing with Burn and ISW, you will find that the first category is Loans advanced by banks, Loans advanced by the IRCL, Credit availed of for purposes of trade or manufacturing operations. Category II is Revenue, taxes, cesses, rates or other dues of Central Government or a State Government, Sales Tax; In Part "B" in the pre take-over management period, arrears in relation to provident fund, salaries and wages and other amounts due to employees comes under Category III. I do not understand why there should be this discrepancy between these two Bills since they are more or less of the same pattern and we are also discussing them together. Even the wording is the same in so many of the clauses and provisions. I would like to know why in one case top priority in meeting liabilities is given, I think correctly, to wages, salaries and other dues of the employees of the company, they will be the first charge, whereas in the case of Burn & Co., it is not so at all, and the arrears of the employees are relegated to a much lower position in the order of priority. I should think it is a matter of principle, it is not a matter of arithmetic. Why should one principle be applied in the case of Braithwaite and a totally different principle in the case of Burn and Co.? I do not know what this is due to, the

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Minister will explain, but I would certainly plead with him that the order of priority for the discharge of liabilities should be the same in both the Bills and that should be what has been laid down in the case of Braithwaite and Co., in the post-takeover management period, that priority should be given to wages, salaries and other dues of the employees, and I hope these "other dues" will include provident fund also, as Ramsingh Bhai pointed out very strongly.

There are some amounts which are to be paid, but I am not quite clear from these Bills to whom they are to be paid, because they are not in the nature of compensation to shareholders. That is not stated anywhere in the Bills. In the case of Indian Iron and Steel Co., Bill which we passed the other day, there was a clear provision about the compensation to the shareholders, how it had been calculated, at what rate per ordinary share, at what rate per preference share etc., and it was given in the Financial Memorandum. But in these two Bills, as I can see, these amounts which are stated here are not in the nature of compensation to shareholders. I am happy about that. Of course, these concerns were not attractive in the share market. IISCO was one of the big attractions of the share market always, but I do not think these companies were very attractive to the shareholders. In any case, there must be shareholders also, but you are not providing them with compensation.

The amounts which are given are quite substantial. In the case of Braithwaite it is stated that one part of the amount is being given for depriving the company of the management of its undertaking. That language smacks of some kind of compensation. You are compensating the company because you are depriving it of its management. It is said that there shall be paid to the company an

amount calculated at the rate of Rs. 50,000 per annum for the period commencing from the date on which the management was taken over and ending on the appointed date. The management of Braithwaite was taken over some time in 1971. That means that the intervening period is more or less five years. This money is to be paid to whom? Who will be the beneficiaries, because the company will cease to exist now, from the day this Bill is passed into law, probably from today? It is not money for distribution to shareholders. Who is going to get this money? I should like to know that.

Similarly, it is provided that for the acquiring and vesting in the Central Government of the undertakings of the company and the right, title and interest of the company in relation to its undertakings, there shall be given by the Central Government to the company in cash an amount of Rs. 18.25 crores.

Similarly, in the case of Martin Burn, the amounts have been stipulated. They are being given in consideration of the transferred undertakings and in consideration of the retrospective operation of the provisions of Clauses 3, 4 and 5 and so on. Will he clarify this? We want to know. Unless we know all this, we are not able to assess whether the amounts are being calculated correctly or not. By "correctly", I mean, whether the amounts are on the high side or not.

As for as compensation is concerned, we amended the Constitution some years ago with the conscious idea that it should not be made justiceable and, therefore, some amount should be prescribed by Parliament which cannot be called in question. The idea was that the country should be spared the burden of paying huge amounts as compensation which we cannot afford to pay. That is why we amended the Constitution so that, as somebody was saying the other day, the Government is perfectly within its constitutional rights to pay even a token amount. They are not compelled to pay more

than that though in most cases we are still continuing to pay. These amounts are not being given to share-holders but are being given to an entity called the company on various heads. We would like to know who actually are going to be the beneficiaries of these amounts.

Regarding the liabilities also, I would like to know why the Government is not prepared to take the liabilities for the period between the date of take-over of management and the appointed day which is defined as the 1st April, 1975. Between the date when the Government took over the management and the 1st April, 1975, during this intervening period, they say, they are not prepared to take the liabilities of provident fund or other dues or other arrears. Even if there are any tribunals, as Mr. Dinan Bhattacharyya pointed out, before which some cases are pending, whose awards are still to come, the Government has made it clear that they are not prepared to undertake any responsibility or liability for that.

Now, between the date of take-over of the management and the appointed day, that is, 1st April, 1975, it was the Government which was running the management of these concerns. I am not talking about the pre-take-over period. As Mr. Ram Singh Bhai pointed out, from the workers' point of view, if they have got any legitimate dues which are in arrears even before the take-over, at least the Government should see to it that the workers are not deprived of these dues. It is not due to their fault at all.

We know what private employers in this country have done, how many crores of rupees of arrears of provident fund, Employees State Insurance and all that are withheld. Again a new thing has come up which we will be discussing soon. The Government has discovered that when the day has come to re-pay the impounded amount of compulsory deposit, crores of rupees are

in default and the employers have not deposited those amounts with the Reserve Bank. This is nothing new. This robbery of workers' statutory dues is going on in the most flagrant and shameless manner in this country. Therefore, I would say, not only for the pre-take-over period but more so for the period between the take-over of the management and the appointed day, why should the Government shirk the responsibility when the Government was responsible for the management of the company?

I draw his attention, for example, to the provision in Clause 13 of the Burn Company Bill. There is a similar provision in the Braithwaite Bill also. That is also Clause 13. It is Clause 13 in both the Bills. Here I would recommend for consideration Shri Ram Singh Bhai's suggestion that 'on the appointed day' should be deleted from this. Why should it be there at all?

The chapters which deal in both these Bills with the employees of the companies have guaranteed the right to employment, and so on, of all persons who have been working or employed in any undertaking of the company. 'Undertaking' is defined in Chapter II to include 'all assets, rights, leaseholds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment...' etc. Workshops are certainly included, stores are included, but there is no specific mention here of the head offices of these companies. Are they a part of the undertaking or not? They are not covered by 'workshops' or 'stores'.

There is no specific mention of the head office of the Burn Company, head office of the Braithwaite and Company, head office of the Indian Standard Wagon Company. There are employees there, there are officers there, there are people there who may or may not be workmen under the Industrial Dispute Act, but they are employees. Why are they being left out? Why are they



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being excluded? How is their position being safeguarded? It is a small matter; it will not relate to more than a small number of people. But it may be due to oversight or what, I do not know. That lacuna should be removed here, and this definition of 'Undertaking' should specifically include the head offices of these companies, so that the people employed there are also given a guarantee of their rights being safeguarded.

I would have been happy if the Minister could have told us, if they have already decided, at least as to who are their choices for the top executive or managerial positions of these new companies that are going to start functioning now from tomorrow perhaps. They must have in their mind their choices, for example, the Chairmen of the Boards of Management or the Managing Directors. We would like to be reassured that they are really capable, competent and experienced people who will be able to make a good job of this very big responsibility being given to them. Experience in the past has not always been very happy. If he is in a position to tell us, we would be very happy to know.

Finally, I would like to add a few words to what Mr. Bhattacharyya has said about the question of industrial relations. Now that you are starting on a new basis, I think it would be advisable, from the very beginning, to decide whether or not you are going to adopt that type of industrial relations which has worked, more or less, successfully in allied public sector concerns like the steel plants and so on. By this, I mean that there is a multiplicity of Unions. We cannot avoid it. That is the reality. In Burn there are about half a dozen Union; in Braithwaite, there are perhaps, not half a dozen but less. Anyway, the usual pattern is there.

Mr. Bhattacharyya made a passing reference to certain incident which took place recently in the Clive Works of

Braithwaite at Hide Road, which was really very very regrettable, because, there was a clash inside the factory premises during working hours, as a result of which four or five people were beaten to death inside the Department; this clash took place between the followers of two Unions, one of which claims to be the official INTUC Union and the other claims to be NLCC—there is something called NLCC in West Bengal; they are also Congressmen, but they do not follow the INTUC Union. But the clash, the rivalry went to such a stage that four or five workers were killed inside the plant, beaten to death inside the plant during working hours. I only want to say this. Long before this incident happened, about 3-4 years ago, as far as I can recall, during the period when the Government had already taken over the management, there were complaints coming in of visitors who were not employees of the factory and who had nothing to do with the factory being allowed to come inside the factory premises, carrying all sorts of weapons with them and threatening various people inside the Departments, going round from Department to Department and threatening people. I quite remember at that time I had approached the management and said, 'What are you doing? You are heading towards a disaster. Have you got no arrangements, no security arrangements or anything to prevent people who have no right to enter the factory premises? People who are not employees or workers—why should they be allowed to come in there day after day and go round from Department to Department, threatening people and the management?'. And the management always gave the reply saying, 'We cannot do anything. We have reported to the Police and it is for the Police to come and make arrangements.' Anyway, nothing was done and things went from bad to worse. And I am afraid this intra-union rivalry or whatever you like to call it, has gone to an absolute peak in the case of Braithwaite and has culminated eventually

in this physical clash which led to the murder or killing or beating to death of four or five workers inside the factory itself. There is a big responsibility now on the Government. In the case of Burns and ISW such things have not happened. Thank Goodness. But there is also the problem of rival unions and multiplicity of unions and all that. I do not claim like Mr. Bhattacharyya who is trying to claim that his Union is the majority union, because such things have never been tested. What is the use of talking that way? It is not the way that the problems can be solved now. The point is that in a nationalised undertaking, in a basic industry like this, some criteria must be evolved for trade union recognition. What are those criteria? Either it should be some kind of an objective test to be made of the membership of the various Unions and the actual influence and the following they have got and on that basis you come to some decision as to whom you will recognize and whom you will not recognise. But recognition should not be obtained by anybody under coercion or under physical pressure. I am using these words advisedly because regrettably this is what has been going on in my State. Mere physical duress and coercion have been carried out with the aid of people who have nothing to do with the factory, who have been brought in from outside and the management threatened 'If you do not recognize us, we will not allow your factory to run'. Such things should not be permitted. Your nationalised undertakings will go to the dogs if such things are permitted.

So, industrial relations is a very important matter. I am not pleading myself that only the INTUC and AITUC should be given scope to represent the workers. I do not say that at all. I say in these individual units let some objective verification or testing be carried out of the actual position and then let the representative unions be ascertained and let them be given some positions of responsibility in the Joint Committees or Joint Councils of Management and so on as have been

set up in the Durgapur Steel Plant where there has been a great improvement in recent months—there is no doubt about it—in production and everything.

I hope these matters will be borne in mind and much will depend, of course, on the competence and maturity of the top executives whom you are going to place in charge. That is why I wanted to know if you could tell us as to who is going to be the Chairman. They must have made their selection already. I would like to know that.

With these words, I welcome this Bill.

सरदार स्वर्ण सिंह सोझी (जमशेदपुर):  
स्पीकर साहब, यह जो बर्न कम्पनी और बैथवेट कम्पनी के नेशनलाइजेशन के बारे में दो बिल मंत्री जी लाए हैं, इन दोनों बिलों का मैं स्वागत करता हूँ हालाँकि ये बिल कुछ देर से घ्राए हैं।

इन कम्पनियों के बारे में मुझे यह कहना है कि ये कम्पनियाँ पहले अच्छा भला काम करती थीं लेकिन बाद में इतनी नीचे एकदम कंसे चली गईं। इस की वजह मुझे यह पालूम होनी है कि देशी विजनेसमैनो के अन्दर जब ये कम्पनियाँ आईं, तो इन में बहो पुराने आक्रियर्स लगे रहे, जोकि अग्रेजों के आदमी थे और उन लोगों ने इन कम्पनियों का काम ठीक से नहीं चलाया। उन लोगों ने बाहर वालों से ठीक कान्ट्रैक्ट नहीं किये जैसे कि युगोस्लाविया के साथ जो इन्होंने वीगनों का कान्ट्रैक्ट किया, वह एक तरह से बहुत ही निराला ठेका था। उस ठेके में यह व्यवस्था थी कि जो वीगन यहाँ से जाएंगे उन का एम्प्लॉयमेंट युगोस्लाविया में किया जाएगा और उस का पैसा 20 इन्स्टालमेंट्स में लिया जाएगा। इस तरह से जब तक इन को वीगनों का पैसा मिलेगा, वे वीगन भी खत्म हो जाएंगे। इसी तरह का कान्ट्रैक्ट इन्होंने जैसे-जैसे कम्पनी के साथ किया था

[सरदार स्वर्ण सिंह लोको]

1974 में धीरे इस चीज का मैं पाई साहब के नोटिस में लाया था कि इस तरह का कांस्ट्रक्ट नहीं होना चाहिए धीरे जल्दी से जल्दी इस को रेसिड करना चाहिए। बाद में यह कांस्ट्रक्ट रीसिड किया गया धीरे 17 करोड़ रुपये उसकी बजह से बचे। यह मैं सन् 1974 की बात बता रहा हूँ धीरे इंटरनैशनल लिमिटेड साहब को इस का पता है। उस के बाद जो प्रफ़रर लोग बहा पर वे उन्होंने लोगों को नूटना शुरू कर दिया। धाप पाहें तो मैं उन प्रफ़ररों के नाम बता सकता हूँ। कैसे कैसे वे प्रफ़रर बम्बई में धीरे कमरुने में धरने घर बना चुके हैं। धर धी कलरुने में उन के घर बन रहे हैं धीरे लोगों के वंस से बन रहे हैं। इस तरह से इन लोगों ने बहुत से गरीब लोगों को नूटा है धीरे धरना घर बना है।

दूसरी बात यह है कि अब इन को बाहर से धरें धरना बंद हो गया, तब इन्होंने पब्लिक पर धरना ध्यान दिया धीरे 1970 में पब्लिक से फ़िक्स्ड डिपॉजिट्स लेने शुरू किये। अब इन्होंने फ़िक्स्ड डिपॉजिट्स लेने शुरू किये तो जो बेकारे रिटायर्ड दाहमी थे, उन्होंने धरना कुछ पैसा फ़िक्स्ड डिपॉजिट्स में जमा करना शुरू किया धीरे बाद में इन्होंने उन लोगों से इसकी बुरी तरह से ब्यवहार किया कि उन लोगों को बड़ी मुश्किल हो गई। इन के वंस लेने के जो टर्म एण्ड कंडिशनस थे वे इस किसम के थे कि धरना लोग धरना पैसा लेना चाहें तो उन को कुछ नहीं मिल पाता था बाद में पब्लिक कुछ ग़ज़बदार हो गई धीरे उस ने फ़िक्स्ड डिपॉजिट देना बंद कर दिया। जिन लोगों ने पैसा दिया उन की मध्या 150 है धीरे उस का जो एनाउन्स है वह 3 लाख 55 हजार रुपये का है। जहां तक मुझे पता है इस में ज्यादातर पैसा जो है लिडियन क्लास लोगों का धीरे नौकरी पैसा लोगों का है। इस का जो एवरज निकलता

है वह 2500 रुपये हैं। इस सब का नतीजा यह हुआ है कि फ़िक्स्ड डिपॉजिट्स अब मेम्बर हुए, तो उन का बलेद करने वाले बहुत से लोगों का पता ही नहीं चला। कुछ लोग बले गये होंगे धीरे कुछ मर गये होंगे। इसलिए मेरा निवेदन यह है कि यह जो 3 लाख 55 हजार रुपया है, यह जिन लोगों का रुपया है धीरे जो इस के क्लेन्ट्स हैं या जो मरे हुए लोगों के वारिस हैं, उन को फ़ौरन बुला कर दे देना चाहिये उन लोगों पर बहुत जुल्म हुआ है।

तीसरी बात मैं यह कहना चाहता हूँ कि मिनेजमेंट का टेक-ओवर इन्होंने 1973 में किया धीरे उन के बाद क्या हुआ, वह मैं धाप को बताता हूँ। एम्प्लाइड के सुपर-एगुअन्स की जो बात आई, उस में दो कटेगिरीज एम्प्लाइड की है। एक कटेगिरी में वे एम्प्लाइड आते हैं जिन की उम्र 60 साल या 58 साल की हो चुकी है धीरे रिटायर होने के बाद उन को सेचुरिटी धारि का पैसा देना होता है। उन को सेचुरिटी का पैसा न देना पड़े, इसलिए उन को क्रि नौकरी में रख लिया। ऐसे जितने लोगों को इन्होंने रखा हुआ है उन की मध्या 611 है धीरे उन को बैठा कर वे 2,90,900 रुपये हर महीने दे रहे हैं। वे रिटायर हो चुके हैं नौकरी बाद में उन को नौकरी में रख लिया। उन को सेचुरिटी के 41 लाख 74 हजार रुपये देने को धीरे जी० पी० की फ़ायनंस वेस्ट 41 लाख 10 हजार की होनी। इन वेस्ट को न करने के लिए इन को 2 लाख 90 हजार 900 रुपये मंजरी सैलरी दे रहे हैं। मैं पूछता हूँ कि यह किस का रुपया था धीरे गवर्नमेंट ने इस के लिए क्या कार्यवाही की धीरे यह जो धाप का डिपार्टमेंट है यह सोना रहा। मजबूत तीन लाख रुपये का वेस्ट हर महीने होता रहा धीरे वे बीटे देखने रहे। मेरे पास मार्च, अप्रैल तक की फ़ीगर्स भी हैं धीरे उन को भी मैं धाप को बता सकता हूँ।

दुन्दरी कैटेगरी में कौन सांग घात है :

MR. SPEAKER: The hon. Member may please continue after lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Five minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

BURN COMPANY AND INDIAN STANDARD WAGON COMPANY (NATIONALISATION) BILL AND BRAITHWAITE AND COMPANY (INDIA) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKING) BILL—contd.

The Lok Sabha re-assembled after lunch at Five minutes past Fourteen of the Clock.

सरदार स्वर्ण सिंह सोखी : मैं नन्व से पहले यह कह रहा था कि बर्न एंड कम्पनी में जो एम्प्लायोज रिटायरमेंट को एज पर पहुंच चुके हैं लेकिन जिन को फंड्स की कमी की वजह से रिटायर नहीं किया जा सका है उनकी संख्या 611 है और उनको कुल मिला कर आप हर महीने 2 लाख 90 हजार 900 तनख्वाह दे रहे हैं। इस पैस को बचाया जाना चाहिये और उनको जल्दी से जल्दी रिटायर कर दिया जाना चाहिये। दुन्दरी कैटेगरी उन एम्प्लायोज की हैं जो मुपर एनुएशन की एज पर तो अभी नहीं पहुंचे हैं लेकिन जोकि फ्रिजकली फ्रिट नहीं है और इन लोगों की संख्या 100 है और इन पर आपका मंजली एग्ज खर्च तनख्वाहों घाबि का 47,700 घा रहा है। इनको सेचुइटी की रकम 6 लाख 80 हजार 500 बनती है। प्राविडेंड फंड की राशि 7 लाख 90

हजार बनती है। जिन को कई किस्म को बानारियां हैं, जो अतफ्रिट हैं, जो काम करने के लायक नहीं हैं; उन से आपको जल्दी छुटकारा पाना चाहिये। मिनिस्टर साहब गए हैं। शायद इनको पता नहीं है। धारे धारे इनको जानकारो हो जाएगा।

आपने अपने फाइनेंशल मैमोरेंडम में कहा है :

"...Bill provides that the liability arising in respect of (a) the loans advanced by the Central Government or State Government or both, to the two companies (together with interest due thereon) after the management of the undertakings of the concerned company had been taken over by the Central Government...."

अब आप देखे कि लॉज इस पर कितने हैं। फाइनेंशियल इंस्टीट्यूशज के, बैंक के कितने हैं 31-3-1975 तक। आप इनको रुपया देगे 25 करोड़ 30 लाख। लेकिन लोन कितना है इनको आप देखे। प्रोफार्ना बॉलेंस शीट जो 31-3-75 का है उससे मैं आपको बताता हूँ। बर्न के ऊपर बैंकों का 1474.65 लाख का लोन है जो मिकयोर्ड लोन है। इंडियन स्टैंडर्ड बैंक के ऊपर 1407.48 लाख का मिकयोर्ड लोन है। टोटल हो जाता है 2882.13 लाख। अब मिनिस्टर साहब बनाएं कि 25.23 लाख में किस तरह से काम चल सकता है। इसके बाद अनतिक्वोर्ड लॉज जो हैं वे करीब 3219.04 लाख रुपये के हैं। अब आप किस तरह से सब भुगतान करेंगे और कहां से रकम आएगा यह आप बताएं।

कई अरुपर डेयूटेशन पर हैं। ये अरुसर अरारों जिम्मेदारी का सम्भलते नहीं हैं और न उररका कोई जवाबदेही है। इन लोगों को या ता अरर वारिया इनके वररारों में भेजें या इनको वहां पकवा करें। जितने पुराने अरुसर हैं उन में से कई अरुसरों को मर्जी कान करने का नहीं है क्योंकि जैसे पहले

[सरदार स्वर्ण सिंह सोधी]

ब मलाई खाते थे वह अब उनको खाने को नहीं मिलेगी। पुराने घकसरो की छानबीन की जाए। जो डीक लपके जाए उनको रखा जाए। रिटायर्ड घादमियों को रखने की जरूरत नहीं है। उनको हट बना कर रखने को क्या जरूरत है यह ध्याय बताएं। मेरी समझ में नहीं आता कि क्या हमारे पास काबिल घादमियों की, इंजीनियर्स की कमी है? जिनकी पुरानी घादसे बराब हो जाती है खर्च बड़ जाते हैं वह बदले हुए हालात में धपने को ऐडजस्ट नहीं कर सकते हैं। ऐसे लोगों को तो निकाल ही देना चाहिए।

बीचबेट कम्पनी के बारे में कुछ डिटल्स ध्याय के सामने रखना चाहता हूं। यह भी इन्विसन कम्पनी थी जिस ने बड़े-बड़े प्रम किने, हाथका डिज इन्होंने बनाया धीर की पुन बर्बर बनाये। धक्का काम यह कम्पनी करती थी। लेकिन घकसरो के मिल-वर्जनेजमेंट की वजह से धीर डिजनिसेशन के धक्के काम न होने की वजह से यह कम्पनी बूब गई। इस कम्पनी के मैजिस्ट्री इन्विसटी जेयर्स की कुल तादद 16 लाख है। एक जेयर 10 रु० का है जिस के मूनाबिक 1 करोड़ 60 लाख रुपया हुआ। इन में से 16 जेयर इन्विसटी जेयर होल्डर्स हैं। दूसरे किस्म के जेयर्स धीर भी हैं जो रिटिरेड एंजिनियर्स-मैटिक प्रीजेंट्स जेयर कहलाते हैं। इन की टोटल संख्या 40,000 है, धीर एक जेयर 100 रु० का है जिसके मूनाबिक 40 लाख रुपया बनता है। मैं चाहता हूँ कि इन दोनों तरह के जेयर्स के बान्ते, इन दोनों तरह के जेयर होल्डर्स के साथ एक तरीके का बर्नाब किया जाय। धवर जेद धाब बरना जायना तो धक्का नहीं होगा। मैजिस्ट्री इन्विसटी जेयर्स में इन्विसटी की बीचबेट कम्पनी के, 313 1975 की बर्नेस रीट के मूनाबिक, टोटल बँयू धाफ जेयर्स 12 लाख 58 हजार 700 रु० बलते

हैं। यह कम्पनी 59, चर्च रोड, इंग्लैंड में स्थित है। मेरा कहना है कि इन लोगों को 12 लाख 60 हजार रु० के करीब डिस्कूल नहीं देना चाहिये, यह पैसा देन के बाहर नहीं जाना चाहिये। इस को उबल होना चाहिये।

कई ऐसी बातें हैं जिस में बैंक जेयर होल्डर्स हैं। यह कैसे हो गया, समझ में नहीं आता। स्टेट बैंक ऑफ इंडिया के पास बीचबेट कम्पनी के 10 ० बाले जेयर 4 लाख 76 हजार 521 ० के हैं। मैं जानना चाहता हूँ कि जितने भी बैंक जेयर होल्डर्स हैं इन को किस तरह से डील किया जायगा? बैंक जेयर होल्डर्स कैसे हो गए? एक बैंक है युनाइटेड बैंक, इस के धधिकारी धीर कम्पनी के साथ मिल कर कर्जा मिले गये, धीर इतना कर्जा बढ़ गया कि कम्पनी लिक्विडेशन में जाने के करीब हो गई। घकसरो के इस करज्जन को ह; बन्द करना चाहिये। फिनांजल मेमोरेण्डम के पैराधाफ 7 में कहा गया है :

"7. Funds will also have to be provided to the undertaking of the Company for modernisation and expansion. The expenditure on modernisation is necessary to make these undertakings financially viable. The total estimated expenditure during the remaining period of the Fifth Plan is estimated to be of the order of Rs. 1 crore (one crore only)."

यह एक करोड़ रुपया बहुत कम है। बीचबेट ने 1975-76 के लिए धपना प्लान 1.50 करोड़ रुपये का बनाया था। इन के लिए 1 करोड़ रुपया रखा गया है धीर रिवाइज कर के उस को 82 लाख रुपये कर दिया गया है। धगर इस तरह रुपया काट दिया जायेगा, तो टाइम पर गार्जिटीरियल बॉयर्स नहीं खरीदा जा सकेगा, जिस से मुस्तान होगा। इस लिए धगर इम रर यको बड़ा कर

1.50 करोड़ कर दिया जाये, तो अच्छा होगा ।

फिनांश्ल मेमोरेण्डम में बहुत सी डीटेल्ल नहीं दी गई हैं । कम्पनी की फिगर्स के मुताबिक मनेजमेंट के टेक-ओवर करने और नैशनलाइजेशन करने के बीच के टाइम में इन्ट्रस्ट फ्रान गवर्नमेंट लोनः 228 लाख रुपया, पेमेंट फ्राक लोनः 510 लाख रुपया, ग्रदर लायबिलिटीः रिवाइज्ड एर्ट-मेट्स और बजट इस्टीमेट्स, 16 लाख और 39.77 लाख रुपया दिखाया गया है। बकिंग कैपिटल को निल कर दिया गया है ।

मिनिस्टर साहब को ऐसा इन्तजाम करना चाहिए कि पिछले दो तीन साल के बीच में जो यह बडियां हुई हैं, वे प्रागे रिपीट न हों । ब्रैचवेट कम्पनी अच्छा काम कर रही है । वह रिफ्रेंस एक्विपमेंट बनाती है और ट्रेडर बहुत अच्छे बना रही है । लेकिन उस के पास प्राडंश की कमी है । वह कम्पनी बहुत पुरानी है और इसलिए उस की मशीनरी को बदलना बहुत जरूरी है । वहां पर ऐसा प्रादमी रखा जाये, जो काम को समझे और सरकार के पैसे को अपना पैसा समझ कर खर्च करे ।

इन शब्दों के साथ मैं इन दोनों बिलों का समर्थन करता हूं ।

श्री हरी सिंह (शुर्जा): उपाध्यक्ष महोदय, सदन में बर्न एंड कम्पनी तथा इंडियन स्टैडंड बैगन कम्पनी और ब्रैचवेट कम्पनी को नैशनलाइज करने सम्बन्धी दोनों बिलों पर एक साथ बिचार हो रहा है ।

बर्न एंड कम्पनी 1895 में स्थापित हुई थी । जहां तक उस के काम का सम्बन्ध है, वह मुख्य रूप से रेलवेज एंड गवर्नमेंट कन्ट्र-

क्टर्ज, इंजीनियर्ज, मनुफैक्चरर फ्राफ रोलिंग-स्टाक, ब्रिज बिल्डर्ज, प्रायरन एंड ब्रास फ्राउंडर, प्रायरन शिप एंड बोट बिल्डर्ज, ब्रिज कन्ट्रैक्त्स, मशीनिस्ट्स, मचेंट, पाटरी स्टोनवेयर और फ्रायर-ब्रिक्स मनुफैक्चर, प्रादि कई काम कर रही है । उसका काम केवल कलकत्ता में ही नहीं, बल्कि रानीगंज, जबलपुर (मध्य प्रदेश), गुल्फरवारी (बिहार) और सेलम (तामिलनाडु) में भी होता है । यह एक बहुत बड़ी कम्पनी है । देखने में यह प्राता है कि 1895 से चलते चलते 1966-67 तक यह ठीक चर्ला लेकिन 1967 के बाद इस की हालत खराब हो गई । प्रश्न यह उठता है कि जिस कम्पनी ने इतना भारी काम किया हो, जिस का इतने विकसित रूप से काम चल रहा हो वह 1966-67 में आकर क्यों गिरने लगी? इसकी वजह यह है कि जो उद्योगपति होते हैं वह देश के एकोनामिक ढांचे के रख और रक्षान को भी पढ़ते और समझते हैं । हिन्दुस्तान में समाजवाद की तरफ देश की जनता का रुख है । आज इस कम्पनी के ऊपर एक नहीं करोड़ों रुपये की लायबिलिटी हैं और यह मुश्किल हो रहा है कि इस कम्पनी को किस तरह से ठीक ढांचे में लाया जाय ।

इस के आबजेक्ट्स एंड रीजन्स में कहा गया है कि इस के ग्रदर मिसमनेजमेंट या जिस के कारण राष्ट्र की आवश्यकता की चीजें जो इस में बनती थीं, उन को नुकसान पहुंच रहा था और उन का प्रभाव देश में होता इन सारे कारणों से इसका राष्ट्रीयकरण किया गया है । बात बहुत मुनासिब लगती है । लेकिन मैं कहना चाहता हूं कि आज हम देखते हैं कि हिन्दुस्तान में एक के बाद एक फैक्ट्री, मिल और प्राइवेट सेक्टर में चलने वाली फर्मों को सरकार लेती चली जा रही है और यह सिल सिला प्रब बन्द नहीं होने वाला है, प्रागे और राष्ट्रीयकरण होगा ।

[श्री हरी सिंह]

तो जैसा मैं कह रहा था आज का जो उद्योग-पति है वह यह समझ गया है कि अब प्राइवेट इंट्रप्राइज हेवी इंडस्ट्रीज में चलने वाली नहीं है। इसलिए मंत्री जी को धीरे सरकार को यह निश्चित रूप से तय कर लेना चाहिए कि एक के बाद एक को नेशनलाइज करने के बजाय वह एक निश्चित पारिभाषिका बना लें कि हेवी इंडस्ट्रीज का हमें राष्ट्रीयकरण करना है चाहे वह अच्छी अवस्था में हो, चाहे खराब अवस्था में, चाहे वह लाभ प्रद हो या नुकसान प्रद, सब को राष्ट्रीयकरण के लिए एक टाइम बॉर्डर प्रोपोज़ करना और उनका राष्ट्रीयकरण कर लेना चाहिए। इसी में देश धीरे देश की जनता का हित है और सरकार का भी हित है। इस तरह से पीसमाल काम करने से काम नहीं चलेगा।

अब तक यह माना जाता था कि प्राइवेट प्रापर्टी विवादान बाक नेचुरल राइट, है, लेकिन अब इस प्रकार की भावना जनता के धंदरे में समाप्त हो गई है। अब तो नया जो करण होना चाहिए। सारे देश को जनता सारे देश की मालिक है। तो इन भावनाओं को लेकर के हमको राष्ट्रीयकरण की तरफ बढ़ना चाहिए।

यह कंपनी तो बहुत खराब चल रही थी। इस मौके पर मुझे प्रधान मंत्री श्रीमती इंदिरा गांधी जी का यह क्वचन याद आता है :

"At any moment, if any privately owned industry is operating against the national interest or impeding social and economic progress, we should not hesitate to take it over."

तो मंत्री जी ने इस कंपनी का जो राष्ट्रीयकरण किया है वह ठीक हो किया है

क्योंकि राष्ट्र की भावना को देखते हुए इस के बलावा धीरे कोई चारा नहीं था। पर्यवसाय के एक बहुत ही विधान ने भी कहा है :

"For some industries, controls—financial controls or direct control—are enough. But sometimes controls are not enough, then the instrument of public ownership must be used."

इसी संबंध में मैं पागे धीरे जोड़ना चाहता हूँ :

"All property and all undertakings whose operation has acquired the character of a national public service or a monopoly in fact must become the property of the nation."

अपनी बात को पागे बढ़ाने हुए मैं यह कह रहा था कि देश में राष्ट्रीयकरण के बलावा धीरे कोई चारा नहीं है धीरे यह जो भावना बनी हुई है कि राष्ट्र को हमें समाजवाद की तरफ में आना है, इस संबंध में मंत्री जी ने यह बहुत ही अच्छा विचार राष्ट्रीयकरण का पेश किया है। यही नहीं हमारी जो इंडस्ट्रियल पारिभाषिका है उस का भी मंजा बड़ी है कि राष्ट्र में एकानामिक बोध, सामान्य बसिंटस धीरे बेलक रिनाएन इन दि इंडस्ट्रियल स्केयर हो। पब्लिक सेक्टर का रोल क्या है यह भी मैं पाप को बताता चाहता हूँ।

"All industries of basic and strategic importance, or in nature of public utility services, will be in the public sector. Other industries which are essential and require investment on a scale which only the State, in the present circumstances can provide, have also to be in the public sector. In the context of the approach to the fifth plan the state will have to take responsibility for the future development of industries over a wide field."

तो मैं कहना चाहता हूँ कि हमारी इंडस्ट्रियल पालिसी, हमारा एनेक्शन मेनिक्रेस्टी, हमारे राष्ट्र की पालिसी और हमारी जनता की जो मांग है उसके अनुसार राष्ट्रीयकरण के अलावा और कोई चारा नहीं है। सरकार को इस तरह बड़ी तेजी से बढ़ना चाहिए।

अगर आप इन मिनॉ की वैनच-शीट को देखें तो मालूम होगा पड़ता है कि करोड़ों का फ्रक है, इस को आप किस तरह से पाट पायेंगे यह मेरी मसल में नहीं आता। इसके लिए सरकार को बड़ी तेजी से काम करना पड़ेगा तभी आकर यह कम्पनियां इस देश के लिए फायदा-मन्द साबित हो सकती हैं। आजकल आप जानते हैं हमारे देश में मार्बनिक उद्योग बड़ रहे हैं गिन में बनना और सरकार का ध्यान होता है। डिमोक्रसी का यह उभूल भी है। अभी तक कोई प्राइवेट कम्पनी कोई चीज मैन्फैक्चर कर के बिदेसों में भेजती थी तो उस चीज के साथ केवल उस व्यक्ति की मात्र ही जानी थी लेकिन कम्पनियों का राष्ट्रीयकरण करने के बाद जो भी सामान बिदेसों को जायेंगा उस के साथ इस देश के 60 करोड़ इन्वनों की भावनाये भी जायेंगी। आज हमारे सार्वजनिक उद्योगों की बहुत सारी चीजें बिदेसों में पाएँकर हैं। आज अफ्रीका और एशिया की मुठकों पर हमारे देश के द्वारा बनाई हुई बसेज बड़ी तेजी से दौड़ रही है। और बहुत अच्छा पकॉपन दे रही है। संजानिया जैसे मुल्को में हमारे देश की बनाई हुई रेलें बहुत अच्छा कार्य कर रही हैं। मुझे खुशी है कि जो हमारी मंगा है, जिस को मैंने कोट करके बताया है और उस को और हम धरसर हो रहे हैं और इस के लिए मैं मंत्री जी का शुक्रगुजार हूँ लेकिन एक बात मैं जानना चाहता हूँ उन्होंने इस बिल में पेंसेन्ट कमिश्नर- की बात कही है जो किस तरह का एक सूटेबिल और बैफ्रिटिंग

आदमी इस काम के लिए नियुक्त किया जायेगा? आजकल कारखानों में मजदूरों के पाटिसिपेशन को लेने की तरफ भी हमारा रुख होना चाहिए लेकिन यह चीज इस बिल में देखने को नहीं मिलती है। इस डिमपैरिटी को मिटाना है। इस को मिटाने के लिए जो हमारी एकोनामिक बेस्ट इण्डस्ट्रीज हैं वहीं से यह बुनियादी काम शुरू हो जाना चाहिए इस देश की आर्थिक प्रगति को और आगे ले जाने के लिए कारखानों के मैनेजमेंट में मजदूरों को हिस्सा देना चाहिये। मैं समझता हूँ कि इस चीज का इस बिल में ध्यान रखा जाना चाहिये था।

मैं एक बात और कहना चाहता हूँ कि कोई उद्योगपति जब तय कर लेता है कि इण्डस्ट्री उसे छोड़नी है और वह यह भी जानता है कि सरकार उसको अपने हाथ में ले लेगी तो वे क्या करते हैं कि जाने से पहले अपने मगे-सम्बन्धियों को उस इण्डस्ट्री में ऊँचे पोस्टो पर लवा देते हैं चाहे वह लोग उस के लायक हों या न हों। वे समझते हैं कि सरकार द्वारा कारखाना ले लेने पर उन लोगों का क्लेम बना रहेगा। मैं चाहूँगा कि इन कारखानों में यदि इस तरह की कोई एक्वाइंटमेंट हुए हों, तो उनकी बारीकी से जांच कर लेनी चाहिये। इसी प्रकार से इस बिल को पढ़ने से एक शक और पैदा होता है। इस बिल में मजदूरों की ग्रेचुटी और उनकी सर्विस की सिक्वॉरिटी के सम्बन्ध में कोई स्पष्ट प्रावधान देखने को नहीं मिलता है। मजदूरों के हितों की सुरक्षा के लिए, उनकी भविष्य निधि और पिछला जमा किया हुआ जो धन है उस के सम्बन्ध में इस बिल में प्रावधान अंकित हो जाता तो अच्छा था।

इन्हीं अलफाज के साथ, जैसा कि मैंने पहले कहा है—यह बिल देश में समाजवाद



[श्री हरी सिंह]

माने के लिये, हिल्नुस्तान के प्राधिकराने को मजबूत धीर ढंका उठाने के लिये बहुत ही महत्वपूर्ण है, मैं इस बिल का समर्थन करता हूँ ।

DR. RANEN SEN (Barasat): I stand to support both the bills. But while supporting the bills, I want to raise certain points, which need clarification from the Minister. The first point relates to Burn & Co. and Indian Standard Wagon Co. In the title of the bill relating to them, the word 'nationalisation' is given within brackets. In regard to the bill relating to Braithwaite & Co. the words 'Acquisition and transfer of undertakings' are put within brackets. Why this difference?

All the speakers who have spoken here, have said that they have taken both the bills as nationalisation bills. And if the words 'acquisition and transfer of undertakings' mean nationalization, why has not the latter word been mentioned? When the Minister had introduced the bill, I was not present. Therefore, I do not know whether he has clarified this point.

We are connected with unions of workers belonging to both the companies. Naturally, as a public man and as a trade unionist, I have every right to get this clarification.

In regard to Burn & Co. as also Indian Standard Wagons Co., I want to raise a few points which probably have not been made by other Members who participated in the discussion. Some time back, the junior officers working in Burn & Co. got their wages and salaries revised, whereas the workers who equally deserved some consideration from the Government in regard to the revision of their wages and other things, did not get it. The term of the West Bengal Engineering Tribunal's award had expired. In the present conditions, there is no award that guides workers' wages. We do

not grudge the junior officers who have got their scales revised in their favour. The workers' demand would be that they should get the same consideration from the Government—since the Government is nationalizing Burn & Co. and Indian Standard Wagon Co.

My third point is this. I have read the bills relating to Burn & Co. and Indian Standard Wagon Co. very carefully. I find some discrepancies. Whereas in the bill relating to Braithwaite & Co., workers wages, provident fund and other dues get some priority—under section 18—in the bill relating to Burn & Co. and Indian Standard Wagon Co. the workers' dues come almost last.

SHRI DINEN BHATTACHARYYA: It is so, in the case of Braithwaite also, I think.

DR. RANEN SEN. No; in the case of Braithwaite & Co. it comes first. It is for the Minister to explain, because that may give raise to some misapprehension—if it is not explained—in the minds of the workers. Secondly in both these cases, what happens to the money under the Compulsory Deposit Scheme, deposited to both the companies, or to the three companies, under the Act of Parliament? It is stated in this House—and it is known to us—that not only in the private sector but also in the State sector, in the taken-over industry, the accounts of the CDS have not been maintained properly. The Government's directive was that the worker should get the first instalment before 15th July. As yet, the workers in both the companies have not got it. We are told that probably the accounting has not been made by the authorities who are responsible for doing it. Therefore, the Minister should see that the workers get at least their due share of the CDS money, according to the directions of the Government.

Then, Burn & Co. and Indian Standard Wagon Co.—more so, the ISW—constitute a heaven for the contractors.

This has been discussed in this House both during the discussion on the Budget Grants and also when these take-over Bills were introduced.

In the ISW in particular, there is a preponderance of contract labour. Some time back there was an agreement with the workers under the contractors that those who were doing perennial jobs would be taken as permanent workers of the company itself. According to that agreement, some workers were taken in the ISW, but it was done very slowly, sparingly and haphazardly. All those who have been doing permanent jobs have not been absorbed.

Contract labour is not only against the interests of the workers, but is a source of corruption. It has been found to be so everywhere, and more so in the ISW where a number of officers are in league with contractors. The contractors have been doing their jobs for years, and when a contract is over, somehow or other the same people manage to get appointed as contractors for the new contract in the same or under different names. Thus, lakhs and lakhs of rupees are being wasted in this way.

As mentioned by Mr. Sokhi, Braithwaite, Burn and ISW were really mines of gold. The huge Howrah Bridge which was started in the early 'thirties was constructed by a consortium known as BBJ—Braithwaite, Burn and Jassop. Jessop has been under Government for a long time, and it is a mine of gold, but if properly run, even Burn and Braithwaite can again become really mines of gold. Coming from West Bengal, I know how Burn & Co., from a very prominent position, has been reduced to its present state by the mismanagement of the owners who happen to be Indians. I remember that in 1967 Burn and ISW authorities approached the Government of West Bengal, then run by the United Front, saying that they were not in a position even to pay the workers their

monthly dues. They requested the State Government to stand guarantee for a loan of Rs. 2 crores, which the then Government refused to do.

After the take-over of Braithwaite particularly, many cobwebs had been removed and production was picking up. Before 1975 there was a lot of difficulty in running the company and maintaining production, but in 1975 there was a production of Rs. 4 crores, and in 1976, from January to July, the production has been more than Rs. 3 crores. That means it was picking up, which was a very good sign. In both the companies, the workers and the officers played a very glorious role, at least many of them tried to overcome the difficulties that were placed by certain people who were interested in the old company.

There is no mention of workers' participation in the management in these two Bills. They have said, "Workers' participation in industry." Workers are participating in the industry. Otherwise, the production will come to a stop. As far as public sector organisations are concerned, the Government should give a categorical assurance that workers would be involved in management from top to bottom. If there is any difficulty or if there is any rivalry between the two unions, then the simple method would be to allow the workers to elect their own representatives at the shop floor level and at a higher level in the management of a company or the Board of Directors, whatever it is. That is a very sound and democratic principle and that should be adhered to by the Government.

It is stated that Government should stand guarantee for the workers' dues from the appointed date. The appointed date is the First of April 1975. Braithwaite and Company was taken over in 1971. The other company was taken over in 1973. But the appointed date is the First of April 1975. So, between 1971—1975, there are four previous years, and between 1973—75.

[Dr. Ranen Sen]

there are two precious years. What will happen to the workers' dues and other things? As far as these dues are concerned, they have to be paid by the Government. This point has to be stated very clearly in this Bill. There are so many other points which have been covered in this Bill.

The second point is regarding Section 18 in both the Bills. Why do they differ? The Minister has to explain it. As far as Braithwaite and Company is concerned, the workers' dues get a preference. But in the case of the other company, it comes at the end. What is the position in this regard? Unless it is clarified by the Minister, there may be some doubt about it.

As you know, workers' money in the provident fund is eaten up by the employers and the Government remains silent. This financial question in regard to workers' money has to be clarified.

There are clauses and sub-clauses in both the Bills in which the conditions of service of the workers have been more or less guaranteed, but even then there are some loopholes which may be taken up by the authority and the management or anybody else who will be at top, who can transfer the workers from one place to another or who can terminate their services or force the workers to come to some agreement. It is not conducive to the interest of the workers, as far as their security of service and other conditions are concerned. They should be properly maintained.

I again thank the Minister for bringing in these two Bills, because they were long overdue and the workers were also making their demand. Last year, unions representing various political affiliations had asked the Government to nationalise these things immediately.

श्री मूल मन्त्र डोगा : (पाली) : उपाध्यक्ष महोदय, मैं बाँधी बिलों का स्वागत करता हूँ। बहुत कुछ कहने के लिये रह गया है, लेकिन मैं केवल दो, तीन बातें ही पूछना चाहता हूँ। इंडस्ट्रीज डेवलपमेंट और रेगुलेशन ऐक्ट, 1951 का है, इस को पारित किए हुए कितने ही साल हो गये हैं, और इसके अन्तर्गत घाप का क्या काम होता है? जो कम्पनी बिल्कुल दिवालियापन की स्थिति में हो जाती है तब घाप कुछ करते हैं, उस के लिये नहीं। घाप ने अपने स्टेटमेंट में कहा है :

"Explaining the circumstances which necessitated the promulgation of the Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Bill" when it was on the verge of closure.

उम समय घाप हम कम्पनी को लेने के लिये कदम उठाते हैं।

"On the eve of the taking over of the management of the undertakings of the two Companies, their liabilities far exceeded the value of their assets, interest liabilities on the loans advanced by banks, and particularly credit facilities made available, to the two Companies were mounting up and it came to a stage when the interest liability was as much as rupees one lakh and fifty thousand per day."

तो यह जो इंडस्ट्रीज डेवलपमेंट, एंड रेगुलेशन ऐक्ट, 1951 है, इसके सेक्शन 15 में यह है कि :

"Where the Central Government is of the opinion that—

(a) In respect of any Scheduled industry or industrial undertaking or undertakings—

(i) there has been, or is likely to be, a substantial fall in the volume of production in respect of any article or class of

articles relating to that industry or manufactured or produced in the industrial undertakings or undertakings, as the case may be; for which, having regard to the economic conditions prevailing, there is no justification;

(b) any industrial undertaking is being managed in a manner highly detrimental to the scheduled industry concerned or to public interest;

The Central Government may make or cause to be made a full and complete investigation into the circumstances of the case by such person or body of persons as it may appoint for the purpose."

1966 से इसकी हालत खराब होने लग गई। मैं यह जानना चाहता हूँ कि यह जो एक्ट बना हुआ है, इसकी धारा 15 के मुताबिक घाटने क्या बरत इसने बारे में उठाये ? आपके पास समय समय पर इसकी क्या रिपोर्ट्स आई ? आप जो कंपनी लि रहे हैं, वह अच्छा काम कर रहे हैं, लेकिन आप भी मुझे यह मालूम नहीं पड़ा कि उस के पास कितनी इन्-सूबेबल प्रापर्टी है, कितनी सबेबल प्रापर्टी है और कितनी मर्जने योग्य है। इस कंपनी को नेशनलाइज बैंक इतना लोन देने रहे, यह सिक कंपनी है, तो इसका कारण क्या है ? आपने खुद अपने मेमोरेण्डम में लिखा है कि 1966 से इसकी हालत खराब होने लग गई और 1966-67 के बाद से आज तक इसकी हालत खराब होनी रही। आपके मेमोरेण्डम से मालूम नहीं होता कि कितना कर्जा इस को देना है, कितना लेना है। यह सब बातें तो मालूम होनी ही चाहियें।

मैं यह जानना चाहता हूँ कि टेक-ओवर में और नेशनलाइज करने में इतना समय क्यों लगाया जाता है ? इस में क्या आपका परपज है ? इंडस्ट्रीज वलुमेंट एंड रेगुलेशन एक्ट, 1951

का क्या परपज था, उसका यही परपज था कि जो देश में इंडस्ट्रीज हैं, जिनका काम नहीं हो रहा है, जिन से लाभ नहीं होता है, उनकी आप के द्वारा इन्कवायरी होनी चाहिये। लेकिन मेरे क्याल; रे; हमारी सरकार की कुछ गलतियां रहती हैं। और उन के कारण वह कई सालों तक चुपचाप रहती है। उस के बाद जब पता लगता है कि किनारे पर इंडस्ट्री लग गई है, केवल ढांचा ही ढांचा रह गया है तब उस और ध्यान दिया जाता है। मेरे क्याल में इस कंपनी में अब कोई खून बाकी नहीं रह गया है, यह बिल्कुल खोखली हो गयी है। अब आप इसे नया खून देना चाहते हैं, ठीक है, इस से यह खड़ी हो जायेगी। लेकिन इस तरह कर्जा इनको कर्जा देते रहते हैं। दस साल तक जो कर्जा देते रहे हैं, इसका क्या कारण है ?

SHRI CHAPALENDU BHATTACHARYYA (Giridih): Mr. Deputy-Speaker, Sir, I welcome the two Bills, one for the nationalisation of Burn Company and the Indian Standard Wagon Company and the other for the acquisition of Braithwaite & Company. A hundred-year industrial history with its rich industrial culture is turning a page today, with this nationalisation. How this came about is a different story. There was a crisis of confidence, there was resources constraint and there were certain other constraints in the constitutional provisions; and the question of quantum of compensation, now that the amount has been reduced, has made things easier. But the immediate cause for the decline of the companies was of course, as my colleague Mr. Daga has said, the traumatic experience of the United Front Government of West Bengal since 1967.

But how this came about is secondary. The relevant question is on what lines we have to advance. We have to advance by modernising these units; we have to diversify these units. They



labour is also to be absorbed now, I am afraid, in the present circumstances and finances of the company, the company might sink. So, a reasonable, pragmatic method of phasing out the contract system is called for, and I would request the Minister to phase out the contract system ensuring that not only the fair wage clause is there in the agreement but the wage component payable is paid departmentally and not through the contractor. That would have at least ensured workers' dues. As a trade unionist, I would never welcome a lacuna in the Bill by which the workers will fall between two stools, pre-takeover of management and post-takeover of management. There are certain lacunae in the Bill which have been pointed out by Shri Ram Singh Bhai; those have to be removed, so that the workers do not become losers.

15 hrs.

As I said earlier, I would end by saying that a continuous dialogue and continuous participation of workers in management, inviting suggestions through suggestion boxes, rewards for different technical processes and cost cutting processes accepted should be actively encouraged so the workers have a sense of belonging and a sense of participation. That will not only be immediate pick-me-up remedy for these units, but also make for a long range cure and a road towards socialism.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI B. P. MAURYA): Mr. Deputy-Speaker, Sir, I would like to express my heartfelt thanks to all the hon. Members, who have been kind enough to support the Bill. Some of the hon. Members have, of course, raised some doubts the approach of the Government as to how best we are going to meet the liability of arrears which are due to the workers. Hon. Members, Shri Dinen Bhattacharyya, Shri Indrajit Gupta, Shri Ram Singh Bhai, Shri Hari Singh, Dr. Ranen Sen and Shri Chapalendu Bhattacharyya raised the

question of employees' dues being met as a result of the nationalisation of the Undertaking with effect from 1st April, 1975 both in regard to the pre-take-over and post-take-over period.

As I stated in my opening speech when the Bill was going to be discussed, these two Bills are going to have a little separate approach with regard to the question of arrears due to the workers. I would, however, like to explain in detail so that whatever fears the hon. Members have got in their minds that the workers may not get their dues, are removed completely.

First, I would like to take up the Burn Company and the Indian Standard and Wagon Company. The liabilities are being divided into two categories, the liabilities which are due for the period of post-take-over management and the liabilities which had been due for the period of pre-take-over management. I would like to mention about the post-take-over management. Every liability arising out of the wages, salaries and other dues of the employees of Burn Company and Indian Standard Wagon Company in respect of the post-take-over period has been assumed fully by the Central Government or the Government Company to be formed *vide* sub-clause (2)(b) of clause 5 of the Bill, Burn Company and Indian Standard Wagon Company (Nationalization) Bill. About the pre-take over period, so far as the pre-take over employees' dues in the form of arrears are concerned, it will be seen that these figures come under category 3 under the pre-take over management period of the Second Schedule of the Bill....

SHRI DINEN BHATTACHARYYA: Is it the Second Schedule or the First Schedule?

SHRI B. P. MAURYA: I am talking of Burn and ISW. I think you are talking in terms of Braithwaite to which I will come a little later.

[Shri B. P. Maurya]

According to the current calculations, the amount involved is about Rs. 78.35 lakhs pertaining to pre-take over management period. This will be fully covered out of the amount provided in the Bill for payment to both the Companies i.e. Rs. 25.23 crores. As I have already explained, the amount provided in the Bill will cover all the liabilities in categories I and 2 in the post take-over management period and will also cover fully category 3 relating to employees' arrears in the pre-take over employment period. If I give the figures here, I think things will be clearer.

The total amount which is fixed for both the companies is Rs. 25.23 crores of Part A which is for post-take over management period in Schedule 2. In category II, the amount will come to Rs. 10.29 crores and under category 2, the total amount will come to Rs. 63 lakhs. Out of this amount of Rs. 23.23 crores, if this amount is deducted, then category III, is very well covered. Not only category III will be covered but it will also be flowing up to category IV and out of the amount of Rs. 19.62 crores, at least Rs. 13.52 crores of the secured loans will be given. So, in the case of Burn and ISW, all the liabilities including salaries and liabilities of the workers regarding the post and pre-take over period are met.

I would now come to the second company, viz., Braithwaites. So far as Braithwaites are concerned, it has already been explained that in regard to post-take over management period, that is, between March 1971 and 1st April 1973, the wages, salaries and other dues of the employees come to about Rs. 80 lakhs. This has been accorded the first priority in category I under post-take over management period. It will, therefore, be seen that this amount is fully covered out of the amount provided in the Bill for payment to the company, i.e. Rs. 16.25 crores.

Hon. Members, Shri Indrajit Gupta and others have been mentioning repeatedly how it is that the workers' dues are being given top priority in the case of Braithwaites but that is not being done in the case of Burn and ISW. So far as Burn and ISW are concerned, as I have already mentioned just now, the entire dues of the workers are met, but, in the case of Braithwaites, the Government have gone in a more sympathetic manner and it is with in the discretion of the Government to change the order of priorities. Generally, the secured loans are given the top priority but in the case of Braithwaites, if we had given the top priority to the secured loans, then workers' dues would have been left without any solution. That is why we have put this specifically under category I giving top priority so that the workers' dues are met.

श्री राम सिंह भाई : बहुत अच्छा ।

श्री बी० पी० मौर्या : अगर हम ऐसा न करने, तो उन की समस्या हल होने वाली नहीं है। सभी सादरतीय वृत्त को ने कहा है कि इन दोनों में कर्क क्यों डाला है। डॉ० सेन की यह कहते रहे हैं कि और हमारे सादरतीय महसूस की कहते रहे हैं कि ऐसा क्यों किया है। हमने ऐसा हम लिए किया है कि इस में वर्कर्स को ज्यादा से ज्यादा जो उन के एरिअर्स है, वे उन्हें मिल सके ।

As regards arrears in relation to pre-take over management period, that is, prior to March 1971, it falls in category V under the pre-take over management period. No doubt the amount provided in the Bill will not carry the Commissioner of Payments figures beyond Category I and Category II. However, I would like to mention that pre-take over arrears as on 31-3-71 stood at Rs. 78.62 lakhs. The Govt. managed company having already discharged arrears to the extent of Rs. 71.45 lakhs. The shortfall is

only of Rs. 7.18 lakhs. It will therefore be seen that even in regard to pre-take-over management period, the arrears to the employees have been substantially discharged. Shri Dinan Bhattacharyya expressed certain lurking fears in his mind about the functioning of these companies after take-over. After the take over by the Government they have been showing satisfactory trends. In case of Burn and Company and Standard Wagon Company, the management of these two companies were taken over by the Government on 19-12-73.

Sir, I am now mentioning the production figure yearwise. After take over in terms of valuation, for the year 1973-74 it stood at 10.61 crores, in 1974-75 Rs. 17.50 crores, in 1975-76 Rs. 28.50 crores. It is our estimate that in the current year it may go up to Rs. 31.16 crores. In case of M/s. Braithwaite & Co. Government decided to take over management of the company in early March 1971. The works of the company were reopened in late March, 1971. At the time of the take-over the company's accumulated losses were very substantial. The Government has been financing the company all along. Government losses have progressively increased to more than Rs. 22 crores by March, 1975.

The operational results of the company have been adversely affected for various reasons including heavy interest burden on loans and a severely undercapitalised structure. After a detailed economic survey of the affairs of the company, it was decided that its viability could be achieved with partial diversification and also by implementing certain balancing and replacement programmes. At the same time, it was decided to formulate a scheme of capital reconstruction so that the crushing burden of the interest on loans could be reduced. A scheme of modernisation has been undertaken and Government have already sanctioned funds for the purpose. It is expected to be completed by 1976-77.

The production performance of this company has been showing a satisfactory progress, as would be seen from the figures that I am going to quote:

1971-72	. . .	Rs. 5.30 crores.
1972-73	. . .	„ 9.90 crores.
1973-74	. . .	„ 11.34 crores.
1974-75	. . .	„ 13.09 crores.
1975-76	. . .	„ 16.40 crores.

For the current year, it may go upto Rs. 21.54 crores. These figures go to demonstrate beyond doubt that the performance of these companies had been quite satisfactory after the take-over.

Shri Biren Bhattacharyya raised the issue about the head-office employees of Martin Burn Ltd. So far as the nationalisation bill is concerned, this is related only to the two companies—M/s. Burn and Co. and the Indian Standard Wagon Company Ltd. These two companies are distinct and separate from Martin Burn Ltd. There is no question of taking the employees of the head office of Martin Burn & Co. within the purview of the provisions made in the Bill. So far as the employees of the Burn & Co. and ISW Ltd. are concerned, every employee continues on the same service conditions, that is, even after the 1st April 1975. This has been made amply clear in clause 12. Same is the position in the case of Messrs. Braithwaite. It has also been made clear that they will continue to be employees of the Central Government or Government Company till their services are terminated or remuneration and terms and conditions of employment are duly altered by the Central Government or the Government Company, as the case may be.

Sir, Shri Indrajit Gupta had been raising the issue that the amount had been substantial.

SHRI DINEN BHATTACHARYYA:  
Do I take it that the fate of the employees of the head office is not yet



[Shri Dinen Bhattacharyya]

decided? In the head office of the Burn & Co., ISW, the work is not in that way separated. They are all in the Martin Burn & Co., head office. So, my question is: what will be the fate of these employees in Calcutta—you forget about their number. What will be their position?

SHRI B. P. MAURYA: At present we are discussing this Bill and through that we are going to take over three companies—Burn & Co., ISW and Braithwaite. So far as other companies are concerned, they may have been having certain relations. We are hardly concerned with them at this time. We are concerned with these three companies only. I may again assure that no worker will be retrenched. That will be our approach and that has been the policy of the Government also. The Hon. Member, Shri Indrajit Gupta had been raising the issue that we have amended the Constitution. So far as compensation is concerned, there used to be the word 'compensation' in the Constitution and because of various reasons, this word was replaced by the word 'amount' by the constitutional amendment. He had the feeling that the amount which we have fixed after taking into consideration the assets and liabilities had been the fair calculation. No doubt, the amount should not be illusory; it should be there. It should not be illusory. In certain cases, when the liabilities are very high or very heavy in comparison with the assets, there can be a token amount. But in assessing assets, no doubt the word 'compensation' is replaced by the word 'amount'. But as I said, the amount should not be illusory; it should be reasonable. So in this case, the assessment has been done in such a manner that the amount is quite reasonable. It is neither on the high side nor on the low side; it is just and reasonable.

A point was made about the shareholders of Burn-ISW and Braithwaites also by Shri Dinen Bhattacharyya. As

I have already explained, in the case of Burn-ISW, the amount provided in the Bill cannot be expected to go beyond category IV in the pre-take-over period. As regards Braithwaite, the amount provided can go only up to category I and category II in the post-takover period. The shareholders' rights which come last cannot obviously be provided in the legislation by passing the priority claims of secured loans and employees' dues. So far as these amounts are concerned, hardly any amount is going to the shareholders or owners who had been responsible for the mismanagement and for the sickness of these units.

As regards the point made about modernisation and diversification of the plant of Burn-ISW, the National Industrial Development Corporation has already submitted a report on the replacement and repair programme of Burn-ISW costing Rs. 3.62 crores. Apart from this, there is also a report from Dr. S. S. Ghosh of Messrs. Belpahar Refractories Limited on the modernisation and expansion of Works of Gullfarbari, Niwar and Salem of Burn & Co. estimated to cost Rs. 16.71 crores in two phases. Besides, there is a limited scheme for emergency plant and machinery rehabilitation of the Niwar works costing about Rs. 96 lakhs. These various proposals are in different stages of consideration by Government. During this financial year, we have made a budget provision of Rs. 1.8 crores for plant schemes relating to Burn-ISW.

Honourable members had been raising the question of some disputes regarding Unions and some incidents also. No doubt, it had been a very sad incident. But I would make a request to hon. members that let us sit outside and find a solution so that workers may not fight among themselves and no management dares to forfeit their rights.

Sardar Swaran Singh Bokhi made a point about superannuated employees

still being continued in Burn-ISW even after the takeover of the management by the Central Government. It is true that at the time of takeover, it was found that employees who were due for superannuation had not actually superannuated. At that time, the financial position of the company was extremely precarious. It was with great difficulty that funds could be found through IRCI and the banks for even essential items of expansion so that production could be maintained and improved. Terminal benefits due for payment to over 500 employees amounted approximately to Rs. 50 lakhs and money could not be found readily so that the employees concerned could be retired. It was, therefore, decided to retire them in a phased manner at the rate of 10 persons per month. By October 1975, about 400 people had been retired. During the last month, notices were issued for retirement of about 40 employees. Vigorous steps have been taken to continue this phased retirement so that the burden of the undertaking on account of such employees is removed at the earliest. Dr. Sen and some other Members also made a point that there was a big time gap between taking over the management and nationalisation. Shri Daga also specifically referred to this. Under the Industrial Development and Regulation Act of 1951 we take over management of units; so far as nationalisation is concerned, it is being done under the provisions of the Constitution. No doubt there had been a little delay in between. We had to find out whether those units are worth nationalising. That is why that delay has been there. Anyhow I should like to assure the hon. Member, that in future we are going to plan in such a way that before any unit goes sick, some monitoring arrangements are there. We are also requesting the financial institutions and banks, when they advance moneys to any unit, to see to whom they are advancing finances; and also to see that they are working, so that even at that time we know what is wrong with that unit. We will be coming before, the hon. House for the amendment of the

Industrial Development and Regulation Act and also the concerned sections of the Companies Act so that in future we shall try and see that the units do not go sick.

There had been some doubts about the units and undertakings of Burn-ISW including works at Howrah, Raniganj, Gultarbari, Jabalpur, Nirwar, Durgapur, Konda, Lal Koti and Salem. They include refractories, ceramics, etc.

DR. RANEN SEN: Does it include Kulti works?

SHRI INDRAJIT GUPTA: That is Indian Iron.

SHRI B. P. MAURYA: I do not think it includes that but I speak subject to correction. Shri Dinen Bhattacharyya also raised objections about the wording of clause 4(5). It is well drafted. So far as sub-clause 2 of clause 5 is concerned, we give protection to the workers; after the management is being taken over by the government the workers have every right to sue the government or the government company and vice versa. I may assure him that there is nothing wrong with this clause and it is in the interest of the workers and gives them protection. I think he will pardon me; he should think over it again.

Shri Bhattacharyya raised the issue and said that instead of exporting steel....

SHRI CHAPALENDU BHATTACHARYYA: Which Bhattacharyya. Marxist Dinen Bhattacharyya or Nirakshar Chapalendu Bhattacharyya?

SHRI B. P. MAURYA: I look towards him and I refer to the hon. Member belonging to the Congress. He has been giving very valuable suggestions and he said that instead of exporting raw steel, we could give a helping hand in a big way to those units in areas of industrial activity.

[Shri B. P. Maurya]

It had a high place in the international and national market. No doubt today they are not having that image but by giving a helping hand to those old units we could add to our exports in the category of engineering goods; we will not only be helping those units but we will also be helping developing countries which need our help, when we export engineering goods to such countries. There had been some other objections also. I wish I could meet all of them. But time is running against me! I would like to assure hon. members that whatever difficulties or objections they have about the working of these units, they can bring them to my notice and I am always at their disposal. So far as these Bills are concerned, the very fact that they have got support from all members irrespective of their party affiliations proves beyond doubt that these Bills are in the interests of the nation and in the interests of the working class. I express my thanks to hon. members who participated in the discussion.

DR. RANEN SEN: Has the Government taken any step towards workers' participation in management?

MR. DEPUTY-SPEAKER: That is a general policy. It is one of the points of the 20 point economic programme.

DR. RANEN SEN: That is workers' participation in industry.

MR. DEPUTY-SPEAKER: I am mixing it up with Swaran Singh Committee's recommendations on amendments to the Constitution. It comes because of having too much intellectual indigestion.

SHRI INDRAJIT GUPTA: Who is having it?

MR. DEPUTY-SPEAKER: I am.

SHRI INDRAJIT GUPTA: I sympathise with you!

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the acquisition of the undertakings of the Burn and Company Limited and the Indian Standard-Wagon Company Limited with a view to ensuring the continuity of the production of goods which are vital to the needs of the economy of the country and for the fulfilment of the contracts for the supply of railway wagons abroad and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the acquisition and transfer of the undertakings of Messrs. Braithwaite and Company (India) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country, and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now we will take up clause by clause consideration of the first Bill, i.e. Burn Company and Indian Standard Wagon Company (Nationalisation) Bill. There are a number of amendments given notice of by Shri Ram Singh Bhai. Is he moving them?

श्री राम सिंह भाई : मंत्री महोदय के  
आश्वासन को देखते हुए मैं अपने सगोपनों  
को सूच नहीं करना चाहता हूँ।

उपस्थित नहीं हूँ । धन्यवाद ।

The question is:

"That clauses 2 to 34, the First Schedule, the Second Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 34, the First Schedule, the Second Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI B. P. MAURYA: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now we take up clause by clause consideration of the next Bill, i.e. Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Bill.

There are no amendments.

The question is:

"That clauses 2 to 33, the Schedule, Clause 1, the Enacting Formula, the Preamble and the Title stand part of the Bill."

*The motion was adopted.*

*Clause 2 to 33, the Schedule.*

*Clauses 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

SHRI B. P. MAURYA: I beg to move:

"That the Bill be passed."

SHRI B. V. NAIK (Kanara): Sir, since much of the details have already been mentioned, I would like to seek certain clarifications from the hon. Minister.

Since the objective of the Bill is to provide for the continuity in the production of goods which are vital to the needs of the country, contract for supply of wagons abroad etc., the main thrust which I want to make is in regard to the general policy. When you wanted certain workshops, manufacturing concerns, machinery etc. installed, in cases like this, where there is a long history of mismanagement, causing loss of interest, heavy overdues or bad investments, and low production is expected instead of taking over them and investing precious money of the Government, why is it that you are not able to liquidate these companies, because as soon as a company is liquidated the first result of that is all the interests that are becoming payable in respect of dues become non-payable. I understand that, leaving aside the National and Grindlay's Bank, most of the other sources are the Public sector banks, and it might have been a sort of motive, undisclosed motive, in order to save these banks from being affected by the non-payment of these dues. But if the intention in regard to keeping up the continuity of production is to be served, it can as well be done by the simple process of taking over the production part of an enterprise, and not the constitutional part of an enterprise.

MR. DEPUTY-SPEAKER: Are you supporting the Bill or opposing it? What are you doing?

SHRI B. V. NAIK: After having supported it, I am trying to give them a certain amount of guidelines.

MR. DEPUTY-SPEAKER: Do you know what the third reading is for?

SHRI B. V. NAIK: For the purpose of...

MR. DEPUTY-SPEAKER: For the purpose of supporting or opposing, and nothing more.

SHRI B. V. NAIK: I hope that we can give certain guidelines in regard to the future?

MR. DEPUTY-SPEAKER: You should have done it in the first reading. Anyway, you conclude your speech.

SHRI B. V. NAIK: This is the point I wanted to make, in view of the fact that both these companies are going to lean heavily on the exchequer in regard to the allocation of resources.

In this country we do not have buyers for such heavy investments. If these companies, in regard to which there has been heavy mismanagement were to function even in a free economy of the world, most of the directors would have been charge-sheeted. The hon. Minister has not said a single word as to the reasons why the management went down, who were the directors or the people in charge of the management, who were responsible for the coming down of these institutions and what action is being taken against them for malfeasance or misfeasance and mismanagement, for the liability in respect of running the concern in a desirable way, as is provided in the company law, it is said that under the law of torts it is being accepted. But, except speaking in terms of the adequacy or inadequacy of the amount which is *de facto* compensated, we have said nothing more.

It is mentioned here:

"Due to the priority of claims in other sectors and constraint of resources, however, the Planning Commission have not been able to allot additional funds."

Constraint of resources is time and again given in respect of all new

projects. There are other projects, more worthy, crying for allocation of resources. We say day in and day out that we do not have funds.

MR. DEPUTY-SPEAKER: The Minister has already replied to these points.

SHRI B. V. NAIK: Therefore, I feel, whenever any concern is a profitable concern, it is a matter for consideration. But when a concern is bankrupt, has gone in virtual liquidation, it is time for us to call for the liquidation of that concern, and thereafter take all the productive parts of it with no liability, of course, giving protection to the workers. I feel that should be the approach. The hon. Minister has stated that they are going to amend the Industries (Development and Regulation) Act to cover sick industries. When he formulates that legislation, he may kindly keep this in view, so that we do not take over all the time the debris of the capitalist system.

MR. DEPUTY-SPEAKER: For the future guidance of Mr. Naik, I will read out the relevant rule relating to third reading:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill."

Kindly keep that for your future guidance.

The Minister, if he has anything to say.

SHRI B. P. MAURYA: No doubt, due to mismanagement and absence of modernisation and diversification, these units became sick. I explained that in my reply. By this proposal for liquidating these companies, the hon. Member is trying to reconcile the irreconcilable.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.40 hour.

[SHRI ISHAQUE SAMBHALI in the Chair]

**DELHI SALES TAX (AMENDMENT AND VALIDATION) BILL**

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to move:

"That the Bill to amend retrospectively the law relating to sales tax as in force in the Union territory of Delhi during a past period and to validate taxes on the sale or purchase of certain goods during such period, be taken into consideration."

By a notification issued by the Ministry of Home Affairs on 28th April, 1951, under section 2 of Part "C" States (Laws) Act, 1950 [later on named as Union Territories (Law) Act, 1950, after Delhi became a Union Territory], the Bengal Finance (Sales Tax) Act, 1941, was extended to the Union Territory of Delhi with certain modifications. The aforesaid Act of 1941 has since been repealed by section 73 of the Delhi Sales Tax Act, 1975, with the usual saving provisions. Sub-section (2) of section 6 of the 1941 Act, as extended, required a notice of not less than three months to be given before any notification to add or to omit from or otherwise amend the Schedule appended to the Act was issued. The above notification of 28th April, 1951, was subsequently amended on four different occasions by notifications issued by the Ministry of Home Affairs. The last such notification of 7th December, 1957, amended the aforesaid sub-section (2) of section 6 of the Act, as extended, so as to replace the expression "not less than three months' notice" by the expression "such previous notice as it consider reasonable." The result of

this amendment was that it was not necessary for the Government to give three months' notice of its intention to amend the Schedule and the amendment of the Schedule could be undertaken by giving a reasonable notice which need not be of three months.

Under the amended section 6(2) several notifications were issued by the Ministry of Home Affairs which amended the Schedule appended to the Act.

The Part "C" States (Law) Act, 1950, did not contain any provision for laying of notifications issued under section 2 of that Act, before Parliament. Similarly, there was no provision in the Bengal Finance (Sales Tax) Act, 1941, as extended to Delhi, for laying before Parliament, notifications issued under sub-section (2) of section 6 of that Act. Accordingly none of the above notifications were laid before Parliament. In the circumstances, the question of these notifications being scrutinised at any time by the Committee on Subordinate Legislation of this House did not arise.

The vires of the notification of 7th December, 1957, aforesaid was challenged through writ petitions in the Delhi High Court. While a single Judge of the Delhi High Court allowed the petitions, the Division Bench dismissed the petition on appeal. The matter came up in appeal before the Supreme Court in the case of Lachminarayan vs. Union of India and others.

The Supreme Court ruled in this case that the notification dated 7th December, 1957 was beyond the powers conferred on the Central Government by section 2 of the Part C States (Laws) Act, 1950 and, therefore, the notifications in question which were issued under the amended section 6(2) of the Bengal Finance (Sales Tax) Act, 1941, as applicable to Delhi, without complying with the mandatory requirement of not less than three months notice, enjoined by section 6(2) of the Act, were also in-