

MR. DEPUTY-SPEAKER: Motion moved: 15.30 hrs.

"That the Bill be passed."

SHRI S. M. BANERJEE: The hon. Minister has not made any commitment about the Central Government employees. With all the sincerity and eloquence at my command I would appeal to the hon. Minister to remove the injustice done to the Central Government employees in the matter of bonus, after the submission of the report of the Bonus Review Committee, and I would submit that they should be brought on par with the employees in the public sector undertakings.

SHRI C. M. STEPHEN: During the consideration stage I made a point about the reimbursement of the bonus from the provident fund. This Bill relates only to the period 1972-73 when the workers will get the benefit of the bonus credited to their provident fund. I am suggesting that the amount credited to the provident fund even in the years 1970 and 1971 should be made available to the workers and an amendment to this effect should be accepted by the Minister.

SHRI RAGHUNATHA REDDY: So far as the point of Shri S. M. Banerjee is concerned, I have to work within the framework of the Act. So far as the point of Shri Stephen is concerned, the most respectful consideration will be given to it, when the comprehensive Bill is brought forward, of course within the framework of the Act.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

BURN COMPANY AND INDIAN STANDARD WAGON COMPANY (TAKING-OVER OF MANAGEMENT) BILL

MR. DEPUTY-SPEAKER: Now we take up the Burn Company and Indian Standard Wagon Company (Taking over of Management) Bill. Shri T. A. Pai. Two hours have been allotted.

SHRI S. M. BANERJEE (Kanpur): This is an important Bill, Sir. The time should be extended. The Business Advisory Committee is meeting today at 4.00 p.m.

SHRI RAJA KULKARNI (Bombay—North-East): What is the time allotted?

MR. DEPUTY-SPEAKER: For the time being it is two hours. The Business Advisory Committee will meet, I am told; they may review it.

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): I beg to move:

"That the 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 rational and co-ordinated development and production of rolling stock, other products of iron and steel industry and other goods needed by such industry, and for matters connected therewith or incidental thereto, be taken into consideration."

In saying so, I would like to make a few observations.

For some time past, we were receiving disturbing reports about the gross mismanagement resulting in an alarming drop in production and erosion of capital reserves in two of the finest engineering companies in the country, namely, Messrs Burn and

*Moved with the recommendation of the President.

Company Limited, Calcutta and Messrs Indian Standard Wagon Company Limited, Calcutta. The two companies together are engaged in the production of items like railway wagons and components thereof, steel structurals, iron castings, forgings and the like as well as refractories and industrial ceramics which are critical to the needs of the core sector of the economy of the country. Both these Companies were doing reasonably well till 1965-66, after which a steady deterioration set in.

We have taken a close look at the working of the two Companies, which shows that Companies are absolutely on the verge of closure. The symptoms have already manifested themselves in an alarming drop in production, erosion of the working capital resources of the two Companies leading to a highly adverse liquidity situation with the financial institutions applying the credit squeeze, erosion of the net worth of the two Companies in progressive stages leading to adverse net worth position in the Indian Standard Wagon Company Limited and very precarious net worth position in Burn and Company Limited and a dichotomy in the administration between the Board of Directors and the persons who wield real administrative control. Our examination also shows that this situation has been primarily brought about by the inadequacies and the pathetic failure of management to exercise themselves with the problem of diversification of product lines to ensure proper definition of responsibilities and authority to executive level personnel and the virtual disassociation from vital functions of financial control and advice, perspective planning, commercial transaction, etc. At a time when the challenges of the situation needed a dynamic and bold leadership, the management in both the Companies allowed the situation to drift. As a result, both the Companies have now come to a stage of virtual financial bankruptcy and closure.

There is indeed no possibility of survival for both these Companies unless the inadequate and inefficient management is immediately replaced and the financial liquidity of the Companies is brought again to a stage of normalcy.

The items being produced by these two Companies are of critical and strategic importance. It is not only necessary to maintain the present level of production; it is also absolutely essential to step up their production to meet the rising requirements of these items in the country. The requirements of railway wagons during the Fifth Plan period have now been finalised and our ability to meet the requirements will depend to a very large extent on the abilities of these two Companies. These two Companies are also at present executing important export orders, and the drop in production in this sphere has already caused considerable concern. Moreover, the refractories produced by the Units of Burn and Company Limited are vitally needed in the iron and steel industry.

The management of these two Companies is inter-linked, both financially and production-wise. Messrs Martin Burn Limited together with Messrs Burn and Company Limited, the Directors of the Company and their relatives hold about 48 per cent of the ordinary shares of the Indian Standard Wagon Company Limited. Apart from that, Messrs Indian Standard Wagon Company Limited are dependent on Messrs Burn and Company for supply of certain critical inputs like castings, etc. It is, therefore, not surprising that the decline in the management in both these companies from the year 1966-67 followed an identical pattern. It is also obvious that any action we take on these two companies will have to be concurrent and consistent.

After considering all the factors, we have come to the conclusion that it will be expedient and in public interest, to nationalise these two companies. However, before we do so, it

[Shri T. A. Pai]
would be necessary to find out the exact extent of the damage done, a true picture of the assets and liabilities etc. We have, therefore, decided that as a first operation, we would require the management of the two Companies and, thereafter, make a quick assessment about the actual position in regard to the two companies. At the same time, we are making a definite policy announcement that our ultimate intention is to nationalise these two companies, because there lies the ultimate solution. We would certainly not like to nurse these two companies back to health and then hand them over back to the old and inefficient management.

I am sure this House will understand the urgency of the situation and endorse the line of action that we have proposed.

MR. DEPUTY-SPEAKER: Motion moved:

"That the 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 rational and co-ordinated development and production of rolling stock, other products of iron and steel industry and other goods needed by such industry, and for matters connected therewith or incidental thereto, be taken into consideration."

15.37 hrs.

[SHRI S. A. KADER in the Chair]

SHRI S. P. BHATTACHARYYA (Uttar Pradesh): I fully support the proposal of taking over of these two companies, but we cannot support the payment of Rs. 50,000 and Rs. 25,000 as proposed in the Bill. We know fully well how the management has

mismanaged the whole situation, creating losses to our nation and suffering to the workers. Perhaps, the Minister would have received a letter from our Deputy Leader, Shri Samar Mukerjee about the memorandum submitted in this connection wherein it is stated that the company has not only mis-managed but that it is working at a loss. They have reappointed retrenched officers and staff at a higher pay. I hope the Minister has got that memorandum with him. So, I will now go in detail into it. Some persons who were getting Rs. 3600 in 1972 were retrenched but were re-appointed in 1973 on a pay of Rs. 4800. Such persons were re-appointed when the company was working at a loss. We must see what was the purpose behind it. Is it some conspiracy? When the Government is going to take it over or nationalise it, are they going to load the government with more responsibility? We should see very carefully. Sir, after the incidents in Chile, countries, especially developing countries, like ours must be very careful about conspiracies which may be working behind our development projects and our policy of nationalisation. We should be very careful so that our future prospects of developing this company may not be jeopardised by some conspiracy before we take it over.

Now, the Government should see that the working class of the company are really interested in the progress and development of the company, they should be properly consulted and helped so that a patriotic spirit may be developed to develop this company and the bad name created in the public sector concerns of working at a loss must be eradicated. There is sufficient possibility of developing that prospect so that it can become an ideal concern really serving the country and for development of our exports. That should be seen very carefully.

Another thing, when we take over the Standard Wagon Company Ltd. and the Burn & Company Ltd., we will have to see that the head office staff

of Martin Burn Ltd. may not be unemployed. We should consider something about them so that those staff may be utilised properly for our development.

SHRI P. R. SHENOY (Udipi): Mr. Chairman, Sir, every commercial undertaking, whether it is in private sector or in the public sector, should be run on commercial lines and they should be run efficiently. If a commercial undertaking in private sector is mismanaged and if that undertaking produces articles which are essential to the country, it is the duty of the Government to take over that undertaking provided there is cooperation from the labour. Similarly if a public commercial undertakings is mismanaged then the person in charge of that undertakings should be accountable to the Government and to the Parliament and he should be punished for whatever wrong action he has taken in running the undertaking.

The Government has come forward to take over the management of Burn and Company and Indian Standard Wagon Company pending nationalisation. It is a welcome step. I hope that the Government will take over similar companies engaged in producing essential articles in national interest. The Burn and Company and the Indian Standard Wagon Company are engaged in producing wagons which are in shortage now. Not only wagons, but they are producing some other essential articles also.

In this connection, I would like to draw the attention of the hon. Minister of Heavy Industry to the Memorandum submitted by the employees of the Mackenzie Limited, Bombay, engaged in the manufacture of wagons. The wagon manufacturing factory of Mackenzie Limited is now closed since 1971 but the Government has not taken any action for taking over that company in spite of requests made by the employees and others. These employees are working in this wagon manufacturing factory and there are also

thousands of others who are indirectly affected by the closure of this wagon manufacturing factory. This wagon manufacturing factory. This wagon manufacturing about a thousand wagons per annum and it is also having orders for wagons and certain other articles from foreign countries.

So, I think, it is the duty of the Government to take over Mackenzie and Company.

As regards compensation, I do not think that the compensation provided in this Bill is high. Because, after all, the compensation is paid for taking over the management pending nationalisation. The Minister has assured us that the Government will quickly assess the assets and liabilities of these two companies so that they may be nationalised quickly. So, the compensation that is to be paid by the Government for taking over the management is only for a short period. It may be at the most one year. Therefore, the compensation provision is not such a provision which should be liable to be criticised by the Members.

With these remarks, Mr. Chairman, I welcome the Bill.

श्री राम नारायण शर्मा (धनबाद) : सभापति महोदय, मैं बर्न कम्पनी और इंडियन स्टैंडर्ड वैगन्स कम्पनी (टेकिंग ओवर दि मैनेजमेंट) बिल का स्वागत करता हूँ । इस बिल का समर्थन करते हुए मैं सरकार का ध्यान इस ओर आकर्षित करना चाहता हूँ कि इस तरह के मैनेजमेंट जितने पिछले दिनों में लिए गए हैं वह आर्डिनंस के द्वारा लिए गए हैं और मेरा ख्याल है कि पार्लियामेंट के सेशन के पहले ही इस के मैनेजमेंट को भी आर्डिनंस के द्वारा लिया जाना चाहिए था । यह मैं इसलिए कहना चाहता हूँ क्योंकि पार्लियामेंट को तो विचार कर

[श्री राम नारायण शर्मा]

के लेना चाहिए लेकिन सरकार ने जब इस फैसले को किया इस को लेने के संबंध में तो प्राइवेट के द्वारा लेने से यह फायदा होता कि वह कम्पनी नये लोगों को जो भर देती है जैसा कि श्री भट्टाचार्य जी ने उदाहरण दिया वह नहीं कर पाती या अपने बहुत से एसेट्स को इस बीच में वह हटा देती है, वह नहीं हटा पाती और इस से यह होता कि सारी व्यवस्था ज्यों की त्यों सरकार के हाथ में आ जाती। मैं यह भी सरकार को बतलाना चाहता हूँ कि जब सरकार प्राइवेट निकाल कर के भी ऐसी कम्पनियों को लेती है तो वैसे हालत में भी यह पाया गया है कि कोल माइन्स एथारिटी के अंडर की एक कम्पनी ने 3 करोड़ का सामान रातों रात इकट्ठा कर लिया। जब प्राइवेट से रातों रात इस कम्पनी को लिया गया, 30 जनवरी, 1973 को प्राइवेट हुआ और 30 को या 30 की रात में ही अधिकारियों ने जा कर के कोलियरी पर घावा बोल कर सारी चीजों को जब्त कर लिया, तब तो ऐसी बात हुई कि 3 करोड़ की मशीनरी इकट्ठा कर ली। वह तीन करोड़ की मशीनरी एक जगह तीन महीने के बाद पाई गई है और उन मशीनरीज को एक जगह इकट्ठा करने वाला आदमी जो था वह आज सरकार का अधिकारी है। वह इन के नेशनलाइज्ड कोल माइन्स एथारिटी का एक पदाधिकारी आज है और उस के ऊपर कोई आंच नहीं आई। जब प्राइवेट सेक्टर के मालिक के जिम्मे वह था तो उसने प्राइवेट सेक्टर के

मालिक की तीन करोड़ की सेवा दरके उस सेवा के बचले में उस को बचशील मिल गई होगी और वह बचशील ले कर के अब सरकार के यहां मजे में काम कर रहा है। इसलिए मैं यह कहता हूँ कि इसे प्राइवेट निकाल कर के लेना चाहिए था। उस का एक कारण तो यह है।

दूसरा कारण मैं यह बतलाना चाहता हूँ कि ये दोनों कम्पनियां इंडियन आयरन एंड स्टील कम्पनी की सभी कम्पनियां हैं। मार्टिन बन कम्पनी मैनेजिंग एजेंट थी इंडियन आयरन एंड स्टील कम्पनी की, बर्न कम्पनी की और इंडियन स्टीडड बैगन्स कम्पनी की। यह बर्न कम्पनी भी इंडियन आयरन एंड स्टील कम्पनी की पार्ट एंड पार्ट्स थी और इंडियन स्टीडड बैगन्स कम्पनी भी उस की पार्ट एंड पार्ट्स थी। या तो ये सब्सिडियरी कम्पनियां थीं या उसी के लिए चीजें उत्पादन करती थीं या उस से लेकर के चीजें उत्पादन करती थीं। तो ये दोनों कम्पनियां इस तरह की कम्पनियां हैं कि इन को इंडियन आयरन एंड स्टील कम्पनी के साथ ही लेना चाहिए था। अगर सरकार के पास फिगर हो तो उस से मालूम होगा कि जुलाई 1972 में इंडियन आयरन एंड स्टील कम्पनी को लिया गया और आज दिसम्बर 1973 में आप उठा कर के देखेंगे कि इस डेढ़ साल के अंदर में इन की हालत और भी बिगड़ गई है। इस का कारण यह हुआ है कि जैसे आप ने कल कोकिंग कोल माइन्स को नेशनलाइज्ड किया तो कोयला खदान के मालिकों का विश्वास खत्म हो गया और उन्होंने इन्वेस्टमेंट बन्द कर दिया और

उस में से निकालना ही शुरू कर दिया, उसी तरह से इन दोनों कम्पनियों के साथ भी यही बात हुई है कि इंडियन आयरन ऐंड स्टील कम्पनी को जब आप ने जुलाई 1972 में ले लिया तो उस समय से इस में एक वैसे का भी इन्वेस्टमेंट नहीं हुआ, बल्कि उस में से निकालना शुरू किया है, उस में प्रोब्लम-स्टाफिंग शुरू किया है और इस तरह की स्थिति आ गई है।

तो ऐसी हालत में मैं यह कहना चाहता हूँ कि नेशनलाइजेशन में सरकार को एक, दो, छ महीने लगे, लेकिन यह बिल इन्ट्रोड्यूस कर के उन लोगों को यह मौका मिला कि अब तक लूट खसोट कर के कम्पनियों को खत्म कर दिया। और ये कम्पनियां 1895, 1918 की हैं जो बिल्कुल ऐग्जास्ट हो चुकी हैं। इस के असेट्स को देखेंगे तो सारी प्रोपर्टी के उन को रिटर्न मिल चुका है और जो कुछ भी अब इन की बुनियाद रह गई होगी वह केवल पेपर की होगी। इन्वेस्टमेंट इन्होंने लम्बे अर्से से बन्द कर के रखा है। अभी भी वक्त है, चाहे सख्ती से हो, क्योंकि इन का कारोबार एक सूबे में नहीं है, मद्रास, बंगाल और बिहार में इन का कारोबार फैला हुआ है, तो स्टेट गवर्नमेंट्स से सब तरह की मदद ले कर के इन को अभी भी ट्रांसफर से रोक सकेंगे तो रोक सकेंगे, नहीं तो ये कम्पनियां ऐसी हालत में मिलेंगी कि वह बीमार जो बिस्तर से न उठ सके और कोई काम न कर सके, वही हालत इन कम्पनियों की आप पायेंगे।

दूसरी बात यह है कि जब टेक ओवर करते हैं, जो कि करना चाहिए, लेकिन क्या

करते हैं कि किसी बेकार आदमी को वहां बैठा देते हैं। वह चाहे लूला हो लंगड़ा हो, भ्रूल से बैकराट हो, वह कस्टोडियन बन कर बैठा जाता है। तो वह हाथी की क्या रखवाली कर सकेगा? क्या सरकार की सम्पत्ति की रखवाली कर सकेगा। सरकार ने दो वर्ष के लिये इंडियन आयरन स्टील कम्पनी को लिया, डेढ़ वर्ष हो चुके हैं, और सरकार ने यह भी कहा कि हम ने सुधार के लिये लिया, ये सबसिडियरी कम्पनीज हैं इसलिये ऐसे वक्त में बतलाना चाहिये कि उस में क्या क्या सुधार किया। केवल एक बोर्ड को हटा कर इंडियन आयरन स्टील का दूसरे आदमी को बैठा दिया, और वही सारा काम व्यवस्थित ढंग से चला लेता है और सारा सैटअप जो सड़ा गला बचा था वह ज्यों का त्यों बना हुआ है उस में कोई तबदीली नहीं हुई है। अगर उस आदमी के खिलाफ कुछ बात कही जाय, सरकार को लिखा जाय तो जो वह लिख देता है सरकार की तरफ से वही जवाब हम को मिल जाता है। अगर किसी पब्लिक मैन ने या वहां के लोगों ने कोई शिकायत की है कि यहां पर इस तरह की बदअमनी चल रही है तो सरकार इंडिपेंडेंट सोर्स से जांच करावे, सो भी नहीं होता। मंत्री के पास शिकायत कीजिये तो वह कमप्लेन्ट उसी अधिकारी से पास जाती है और वह जो जवाब दे देगा वही हम को मिल जाता है। ऐसी हालत में आप इन कम्पनियों में सुधार की आशा कैसे कर सकते हैं। जहां पर भी कुछ महत्वपूर्ण सिद्धान्तों, आदर्शों और उद्देश्यों को सामने रख कर इन चीजों का राष्ट्रीयकरण करते हैं अपनी व्यवस्था में

[श्री राम नारायण कर्मा]

लेते हैं, उस व्यवस्था में सिर्फ सरकार की मोहर लब जाती है और कोई तबदीली नहीं होती है। अब बताइये कि ऐसी तबदीली से क्या फायदा? वह अफसर समझता है कि उस के ऊपर कोई डंडा नहीं है और वह उदंड हो जाता है और वह हड़ताल की बात सोचता है। वह भी बिना काम किये हुए पैसा लेने की बात सोचता है। वह सोचता है कि हम को कोई डिसमिस नहीं कर सकता, और उस का काम है दूसरे लोगों से काम लेना। तो जब वह खुद काम नहीं करेगा फिर वह दूसरों से क्या काम लेगा। वहां पर मजदूरों की जो साझेदारी की भावना होनी चाहिये, उन में जो अपनत्व की भावना होनी चाहिये वह न समझता है और न मजदूरों को खुद मौका देता है कि यह उस को अपना लभ है। जो आज कोई अपनत्व की भावना नहीं रखता, और उस का फल यह होता है आप देखते हैं कोयला हाथ में लिया गया, हमने बहुत मेहनत की कि सरकार को लेना चाहिए, आज कोयला खदानों के मजदूर बंभने हैं कि प्रोडक्शन देना है। वह कहते हैं कि आप ने पैसा तो दिला दिया लेकिन उत्पादन नहीं होता है, काम नहीं होता है। वह अफसर जो पहले अपनी ड्यूटी पर आ कर मस्तीद रहते थे 8 घंटे तक, मैनेजर जो खान के नीचे से ऊपर नहीं आता था, आज हालत यह है कि कोई मैनेजर नीचे खान में नहीं जाता है। यही हालत है इंडियन प्रायरन स्टील की खदानों की, कारखानों की। तो अधिकारी समझ लेते हैं कि अब हम से कोई जवाब

पूछने वाला है नहीं नॉमिनिस्टर पूछेगा तो हम जवाब देंगे। ती यह भावना ठीक नहीं है। मैं सरकार का ध्यान आकेवित करना चाहता हूँ इसकी व्यवस्था इन्होंने अपने हाथ में ली है, लेकिन पुरानी जो व्यवस्था ली है उस व्यवस्था के आधार पर इसकी व्यवस्था न ले कर कुछ नया आधार कायम करें। वहाँ के मजदूरों में अपनत्व की भावना पैदा होने में मदद करें। पहले अगर कुछ सुनवाई होती थी तो वह आज नहीं होती है क्योंकि जिन के ऊपर जिम्मेदारी है वह खुद अपनत्व की भावना से प्रेरित नहीं होते। इसलिये मैं इस बिल का स्वागत करता हूँ, यद्यपि मैं समझता हूँ कि इस बिल को अर्डाइनेंस के रूप में आना चाहिये था, फिर भी बिल के रूप में आया है और सरकार व्यवस्था लेने जा रही है मैं उम्मीद करूँगा सरकार पुरानी गलतियों से शिक्षा ले कर उन गलतियों को न दोहरा कर के सुधार कर के काम में लायेगी।

श्री मधु लिनये (बाँका) : सभापति जी, इस विधेयक को देख कर मुझे लगता है कि यह राष्ट्रीयकरण नहीं हो रहा है, नेशनलाइजेशन आफ फ़ाउड हो रहा है। क्योंकि इस कम्पनी में क्या चल रहा था? इस कम्पनी में पांच साल से लूट चल रही थी। हम ने कम्पनी कानून 1956 में पास किया। उस में कई दफ़ा संशोधन हो गया। जिन कम्पनियों के द्वारा बर्दईतजामी की जाती है उन की जांच करने का कम्पनी ला बोर्ड को पूरा अधिकार है कम्पनी अफ़ेयर्स मिनिस्ट्री को।

मंत्री महोदय पहले इस बात का जवाब दें कि 1967 और 1972 के बीच में जब कम्पनी की स्थिति खराब होने लगी, तो इन पांच वर्षों के बीच क्या कम्पनी कानून मंत्रालय से रहा था। अतः श्री पाई इस का जवाब नहीं दे सकते हैं, तो श्री गोखले को बुलाया जाये। सरकार पांच पांच साल तक सारे श्रमिक कामों पर पर्दा डालने का काम करती है, और जब किसी उद्योग से सारी मलाई निकल जाती है, तो मंत्री महोदय राष्ट्रीयकरण और टेक-ओवर के सुझावों को ले कर आते हैं।

मैं मानता हूँ कि यह कम्पनी और इस के कारखाने बन्द होने वाले थे, ये बहुत जरूरी सामान पैदा करते थे, और इस लिए सरकार के लिए इन को अपने हाथ में लेना जरूरी हो गया। लेकिन मेरा आरोप यह है कि जो काम पांच साल पहले होना चाहिए था, उस को सरकार ने अब हाथ में लिया है।

इस कम्पनी के बारे में—और कई अन्य कम्पनियों के बारे में भी—मैं एक बुनियादी सवाल उठाना चाहता हूँ। मेरी जानकारी के अनुसार वर्न एंड कम्पनी का शेयर कैपिटल 3,36 लाख रुपये था और उस के बोनस शेयर 3,24 लाख रुपये के थे। आ जानते ही हैं कि बोनस शेयर क्या चीज है। जो अनाप-जानाप मुनाफ़ा इन कम्पनियों के द्वारा कमाया जाता है, जिस का न तो टैक्स सरकार को दिया जाता है, और न जिस का लाभ कामों को बटा कर उपभोक्ताओं को दिया जाता है, उसी को

वे बोनस शेयरों के रूप में बांटती हैं। यह सरकार समाजवाद का डंका पीटती है लेकिन आज भी यह जो बोनस शेयरों का फ़ाड़ चल रहा है, उस को रोकने का वह कोई प्रयास नहीं करती है। अभी अभी मैं ने जे०के० सिन्धेटिक्स के बारे में वित्त मंत्री और कम्पनी कानून मंत्री को लिखा है कि वे इस कम्पनी को बोनस शेयरों बांटने की इजाजत न दें। लेकिन कोई सुनवाई नहीं हुई—कोई सुनने के लिए तैयार नहीं है।

मैं तो यह कहता हूँ कि यह सरकार पूंजीपतियों को इस बात के लिए प्रोत्साह दे रही है कि वे एक एक कर के सभी कारखानों और कम्पनियों से मलाई निकाल कर उन को खोखला बना कर और उन को दिवालिया बना कर निकल जायें! और फिर सरकार टेक-ओवर करने के लिए आ जायेगी !!

सरकार कहती है कि हम उन को मुआवजा देंगे। सरकार पहले जी मैनेजमेंट अपने हाथ में ले रहीं है, उस के लिए वह पचास हजार रुपये और पच्चीस हजार रुपये देने जा रही है। मैं पूछता हूँ, काहे के लिए। बल्कि ऐसा कानून बनाना चाहिए कि जिन लोगों ने बदइन्तजामी की है, उन पर इस के लिए ज़माना किया जाये और उस को वसूल किया जाये। लेकिन सरकार उन को राज्य के खजाने से पैसा देने जा रही है। इस का कोई समर्थन नहीं कर सकता है।

सरकार के द्वारा थुमा-फिरा कर संविधान और सुप्रीम कोर्ट की बात की जाती है। उस ने संविधान में जो इतने संशोध

[श्री मधु लिमये]

हैं व काहे के लिए? यह सारी बहस काहे के लिए चल रही है? अगर संविधान में संशोधन करने के बावजूद सरकार मुद्रावर्धन की रकम को घटाने का काम नहीं कर सकती है, तो मेरा सुझाव है कि सरकार एक नई संविधान निर्मात्री परिषद् बुलाये।

जहाँ तक सम्पत्ति के अधिकार का सवाल है, इस को फंडामेंटल राइट्स से बिल्कुल निकाल दिया जाये, लेकिन यह सरकार नहीं करने वाली है, क्योंकि जिस सरकार की प्रधान मंत्री अपने निर्धन और बकार लड़के को करोड़पति बनाने का काम करती है, (व्यवधान)

प्रधान मंत्री का नाम लिया, तो बस . . . (व्यवधान) डा० कैलाश, अगर आप सबूत चाहते हैं, तो मैं सबूत देने के लिए तैयार हूँ। लेकिन मैं यह बात तो एक इलस्ट्रेशन के तौर पर कर रहा हूँ। (व्यवधान)

सभापति महोदय : आप ने एक अच्छी डिबेट कहाँ डाल दी ? (व्यवधान)

श्री मधु लिमये : मेरी समझ में नहीं आता कि इस सदन में कुछ नामों पर बिल्कुल रोक लगा दी गई है। क्या प्रधान मंत्री का नाम अनपालियामेंटरी है? कुछ लोग प्रधान मंत्री पर यह गलत आरोप लगाते हैं कि वह सम्पत्ति के अधिकार को छीनने आ रही है, खत्म करने जा रही हैं। मैं कहता हूँ कि आश्वस्त रहिये, कोई सम्पत्ति का अधिकार छीन नहीं रहा है, फांड कीजिए, कम्पनियों से मलाई निकालिये, कम्पनियों

को खरम कीजिए, मिनिस्टर साहब नैस मलाइवेशन और टैक्स-ओवर करने के लिये और मुद्रावर्धन के रूप में पैसा देने के लिए, तैयार हैं। सम्पत्ति के अधिकार को कोई छीन नहीं रहा है। जो अपने निर्धन बेटे को करोड़पति बना रही हैं, उन से सम्पत्ति के अधिकार को कौन सा खतरा है?

मैं एक उदाहरण देना चाहता हूँ।

आप को जैसप एंड कम्पनी की कहानी मालूम है। मैंने कई दफा इस को उठाया है। उस को टक-ओवर करने के बजाये शान्तिप्रसाद जैन को बहुत ज्यादा शयर का बल्यु, छः करोड़ रुपया इसी सरकार ने दिया। (व्यवधान)

श्री बालोबर पांडे (हजारीबाग)

यह रामकहानी रहने दीजिए।

श्री मधु लिमये : यह राम कहानी नहीं है।

श्री बालोबर पांडे : जैसप एंड कम्पनी का इस से कोई सम्बन्ध नहीं है।

श्री मधु लिमये : यह इस से सम्बन्धित है क्या आप चाहते हैं कि चोरी करने वालों को पैसा दिया जाये ? (व्यवधान) मैं इलस्ट्रेशन दे रहा हूँ। क्या इलस्ट्रेशन देना अपराध है? माननीय सदस्य भी दे सकते हैं। अगर मैं सभापति बन जाऊँ, तो मैं आप को सी इलस्ट्रेशन देने की इजाजत दूँगा। (व्यवधान) बड़ी आफत है। अगर इन्दिरा का नाम लें, तो नाराजगी और अगर शान्तिप्रसाद जैन का नाम लें, तो नाराजगी (व्यवधान) सभापति महोदय, आप इन को रोकिये।

माननीय सदस्य द्वारा बैठ जायें ।

MR. CHAIRMAN: The question is whether we are going to have direct talk in the House or whether we are going to debate this Bill in this House. You may have one or two exchanges here and there, but not cross talk between two Members. Both Members should avoid it. I do not find the propriety of Mr. Damodar or Mr. Madhu Limaye answering each other in the House; they can do it outside. As for as this House is concerned, it should be done through the Chair. If the Chair allows it, then alone the speaker should answer any interruption.

I also make a request to my friend whom I hold in great esteem. He is really contributing to the debates. But sometimes he has the habit of taking the debate, right from the broad road to the nulla. I would request you to avoid such things and keep the debate on the straight lines.

श्री मधु लिमये : सभापति महोदय, जब जीवन बहुत रसहीन बन जाता है, लाइफ बहुत डल और डीपरी बन जाती है तो मैं मजा लाने के लिए ऐसा करता

श्री एल० एम० बनर्जी (कानपुर) : सभापति महोदय आपने ठीक कहा है लेकिन कभी कभी ऐसा होता है कि अगर एक सड़क को बनाने की कोशिश करेंगे, तो किसी न किसी को खोदना पड़ेगा । बिना खोदे सड़क नहीं बनेगी ।

श्री मधु लिमये: मैं इस भाषण को और लम्बा नहीं बनाना चाहता हूँ । मंत्री महोदय से मेरी प्रार्थना है कि वह मलाई निकल जाने के बाद टैंक छोड़कर न करें । वह इस से एक सबक सीखें और मलाई खाना शुरू होते ही, कम्पनी कानून में

श्रीयोगिक विकास मंत्रालय, यह सारी जो उन की भारंभी है, उस का इस्तेमाल करें । जनता की मलाई जबता को ही मिलनी चाहिए । मंत्री महोदय इन पूंजीपतियों को उन की बदन-इन्तजामी के लिए उपहार न दें । इस अवसर पर मेरी इतनी ही प्रार्थना है ।

SHRI B. V. NAIK (Kanara): Sir, I welcome this Bill. The accumulated loss of this firm amounts to Rs. 265 lakhs as given in the statement of objects and reasons. That means, even though we may not pay in cash, we are taking over a liability to the extent of Rs. 2½ crores. Whatever may be the net assets of the company, I am quite sure according to the statements made by our esteemed friends that we are taking over a net liability and to that extent, it would be a burden on the exchequer. I have also not understand, unless it is to avoid court action, why this company which is luckily not in liquidation should be taken over under a special legislation. We have already passed an Act where-under industries which are sick or are on the verge of closure or which have been technically closed for 60 days can be taken over. This company could have been taken over under that Act, unless there are certain extenuating circumstances for taking it over under special legislation which I hope the minister will be kind enough to enlighten us about.

The question which was correctly raised by Shri Sharma and in the brighter part of his address supported by Mr. Limaye was, to what extent we are in a position to do this job of carrying the baby. Whether it is locomotives or some other strategic parts for our railways, it is not in 1973 that these products are being produced in this concern. It is true that in 1965 also at the time when this was a going concern making profits, these products, which are of extreme im-

[Shri B. V. Naik]

portance to the railways, were produced by this company. But we are taking it over when the concern is in a dark period, on the verge of liquidation. Why is it that we always land up in taking over these concerns on their virtual verge of liquidation or bankruptcy, in other words transferring the accumulated omissions, commissions, errors and sins of the private management to the responsibility of the Government exchequer? I hope there would be some consistent policy that we locate in the entire economy those strategic areas of production, whether in the joint, public or private sector and earmark them for being taken over by the Government in the not too distant future.

I would very much agree with what Shri Sharma said, on the basis of his experience, that in the coking coal, iron ore and an umpteen number of other areas of production, wherever nationalisation has been done, a profit-motivated business manager is hundred times better than an indifferent bureaucrat who would not stir out of his chair. It is his indifference, his lack of commitment and inability to identify himself with a particular production process which has brought not only the engineering concerns but a number of other nationalised concerns in the public sector to almost the brink of ruin. In the socialist countries they have a committed cadre of commissars who are committed to a particular programme, who have undergone specialisation in their field of industry, who have come out of the party machinery and who can be trusted by the party machinery. In our country we do not have such a cadre and we pull them out of the civil service or out of the secretariat. Since we have started nationalising concerns in almost every field and since we are also thinking of having a new concept of joint sector where professional managers will be put with the approval of the Government, may I know from the hon. Minister whether they

have any scheme to train such professional managers, in whom we entrust precious Government money, taxpayers' money, State funds, as well as various production units, so that they will run them as successful enterprises.

I would not like to offer any comments on the compensation that has been provided in section 3 of the Bill of Rs. 25,000 and Rs. 50,000. I wish we had an opportunity to have a look at their balance sheet so that we can have an idea of their financial standing on the basis of which this amount of Rs. 25,000 and Rs. 50,000 have been worked out. In the absence of that it would be hazardous to comment on whether it is adequate or inadequate.

However, I would like to bring to the notice of the Minister the fact that after considerable discussion we have struck off the word "compensation" from our Constitution by the Constitution (25th Amendment) Act. Shri Madhu Limaye said that the Indian Constitution does not provide for changing the concept of property in this country. He was not here at the time when we passed the 25th Amendment, and it is an omission on our part that we have not told him so! "compensation" is a word which is not relevant in our Constitution after the year 1971, when we brought into force the Constitution (25th Amendment) Act. So, this should be treated as "amount" and not as "compensation" and it can be one rupee or any other amount. Therefore, I would suggest that in future legislation the word "compensation" should be scrupulously and studiously avoided.

SHRI S. M. BANERJEE (Kanpur): I am also happy, Sir, like the other hon. members that not last these two units have been taken over by the Government. M/s. Burn and Company and M/s. Indian Standard Wagon Company were among the giant units in West Bengal who were producing wagons. And once upon a time to have service in those companies was considered a coveted service.

The hon. Minister, while speaking on this Bill and also in the Statement of Objects and Reasons, has stated that, from April, 1972, the Ministry received various complaints of irregularities, defalcations, misappropriations and mismanagement from various people and specially from the Unions who were in the know of those problems. I remember, in 1972, delegations of the working classes from West Bengal come. An all-party delegation also met the then hon. Minister and requested him to take over these units at the earliest opportunity. There was a fear in their minds that, taking advantage of the delay—the abnormal delay rather—the erstwhile management or even the present management of those two concerns would deplete the resources of these units and handover to the Government only the liabilities without any assets. It is admitted here in the Statement of Objects and Reasons:

“The deficit in the working capital was about Rs. 16.50 lakhs. As far as Burn and Company Limited was concerned, it was seen that the company was declaring dividends at the rate of 17-1/2 per cent till 1966-66, in 1966-67 its net profits come down to Rs. 6.82 lakhs as against Rs. 158.76 lakhs in 1965-66.”

16.23 hrs.

[SHRI K. N. TIWARY *in the Chair*]

What a fall. And because of what? It was only because of the gross mismanagement by this company.

“Thereafter, the company started incurring very heavy losses and the accumulated loss as on 30th April, 1972, was Rs. 118.55 lakhs. The deficit in the working capital was to the extent of Rs. 56.33 lakhs.”

Two Committees were appointed to investigate into the charges levelled against these units and their recommendation was ultimately accepted by the Government that these two units

should be taken over by the Government. Still we do not know when a final decision will be taken to nationalise them.

It is provided in Clause 5 of the Bill that an amount of Rs. 50,000 per annum in the case of M/s. Burn and Company and Rs. 25,000 per annum in the case of M/s. Indian Standard Wagon Company would be paid. What for? Is it for the misappropriation and mismanagement done? Is it for terminating the services of 1100 workers illegally? And with all this loot made from the common people in the name of shareholders. When New India was taken over, Mr. J. R. D. Tata was weeping so bitterly for the poor shareholders. We saw it in the Select Committee when he came to give evidence. We were extremely happy when the management of Iron and Steel Company, owned by the same person, was taken over by the Government—for three or five years; I do not exactly remember—without any compensation. I want to know why this amount of Rs. 75,000 is being wasted. For what? Is it to please Sir Biren Mukherjee or to provide for his extravagant expenses?

He is still a knight and he can stay in Calcutta as luxuriously as ever, enjoying the same privileges. Then, what happened in between? My friend, Shri Samar Mukherjee, the leader of the CPM Group has submitted a memorandum to the hon. Minister, Shri Pai, as to what an amount of mischief has been done by the company during this period, this period of indecision whether to take over or not to take over, this sort of a Hamlet-like approach of the Government. Many officers who were drawing less salaries during 1972 when they left the company were taken back in 1973 on fabulous salaries. Shri S. R. Chatterjee left this particular concern—I am taking of Burn & Company in Howrah—and on 1st May 1972 when he left he was drawing Rs. 3000 per month and on

[Shri S. M. Banerjee]

19th February 1973 he was re-appointed on a salary of Rs. 4800. Mr. C. L. Dey was drawing only Rs. 2500 when he left the company in 1970. He was recruited and re-appointed on 5-5-73 on a salary of Rs. 3000. Mr. C. P. Ghose Dastidar drew a salary of only Rs. 1400 when he left the company in 1972 but he was reappointed on a salary of Rs. 1900 on 11-7-73. Mr. Aloke Dutta who left the company in 1970 was only drawing Rs. 935 but he was re-employed on 23-7-73 on a salary of Rs. 1480. Mr. A. Konar when he left the concern on 1-11-71 was drawing only Rs. 800 but he was reappointed on 27-6-73 on a salary of Rs. 1200. Again Mr. A. K. Ghose who was drawing Rs. 1200 on 1-5-72 when he left the company was re-appointed on a salary of Rs. 1500 on 16-5-73.

From these you can well imagine how people are trying to swindle. Once again all the officers have been recruited with a view to increase the overheads. What will be the relation between the direct and the indirect labour? I know what happens in certain government undertakings where workers are paid on piece-rates and I am sure piece-rates are going to be introduced here also. There the prices of each item are 20 per cent, 30 per cent and even cent per cent more only because of the indirect labour, that labour which is unproductive and non-productive. In the same way, here in this company some 1100 workers were retrenched in 1969. We requested Mr. Biren Mukerjee collectively and singly also. The Labour Minister of West Bengal also made a request and even the Union Ministry of Labour also wanted that these workers should be taken, but it has not opened the lock-out unless he was having the blood. So, these 1100 workers were retrenched in 1969. And when these officers were taken and their salaries were increased from Rs. 3600 to Rs. 4800 and so on, how were the workers who were retren-

ched taken back? Only 150 out of 1100 were taken back.

You can compare their previous wages and present wages. They are getting fifty per cent loss of wages. Out of 1100 workers only 150 were taken on these reduced wages. This is the position. I do not know what these officers were doing. I do not know whether they were related to some families of some ministers. I charge them. What were they doing when the recruitment was going on? If these figures, given by the Union in the Annexure submitted along with the letter dated 12th November of Shri Samar Mukherjee to the Minister, are correct, then what does it show? What did the Ministry do in between? Do they not know that these two companies have been robbing the workers, have been converting these two beautiful units into junk? Why were they allowed to be recruited? It was done with the connivance of some people, I believe. I do not suspect that the present Minister, Mr. Pai, with his energy and dynamism, would have allowed it. But then, my question is: How could these gentlemen be recruited after that? That is my point. This is a company which has been constantly sustaining heavy losses. This is a company against which two investigations were held. This has been a company against which take-over was recommended. The profits dwindled from Rs. 150 lakhs to Rs. 6 lakhs. Why were these people with fabulous salaries allowed to be recruited? I request the hon. Minister to make an investigation into this matter.

About the compensation of Rs. 75,000, I wish to submit that it is no more 'compensation' but it is only 'amount'. I hope my friend Mr. Naik will agree with what I say. I was present when the word 'amount' was substituted for the word 'compensation'. Whether it is amount or compensation, what you are now doing is that you are paying Rs. 75,000

to these very persons who have ruined these units. If only this had run efficiently thousands of workers could have been absorbed who have been waiting in the queue. I do not know why these people should be given Rs. 75,000, to spend their luxurious evenings in Calcutta.

I request the Minister to announce as to when they are going to be nationalised, including IISCO management. It has been taken over only for a few years. Is it should be given back to the same gentlemen? I do not think that is possible at present.

So, while welcoming the taking over of the management of these companies, which is a welcome measure, I would request the Minister to make a statement here in West Bengal, what has happened with regard to Jessops, with regard to Braithwaite? What is happening in some of the units in West Bengal? Calcutta has become a dead city today. Why? Because there is poverty and plenty. There are big buildings and footpaths. What is happening there? The line between hunger and anger is very thin. I would request the Minister to think of taking over some more units. The same management mismanaged the Martin-Burn Light Railway. This had been managed by the same company, Martin-Burn Company.

That was also mismanaged. They mismanaged everything except that they managed their own affairs very well. They even pounced upon the Government and the workers and prevailed upon the Government to give them an amount of Rs. 75,000 annually.

With these words, I would request the hon. Minister to kindly tell us when it is going to be taken over completely. In the form of nationalisation, this compensation should not be paid.

2542 LS—11.

श्री रानसिंह भाई (इन्दौर) :: सभापति महोदय, बड़ी चिन्ता और आश्चर्य के साथ मैंने इस बिल का समर्थन और स्वागत करना है। मुझे यह देख कर आश्चर्य हुआ है कि सरकार ने इस बिल के उद्देश्यों और कारणों के विवरण में कहा है कि फिलहाल सरकार इस कम्पनी का प्रबन्ध ग्रहण कर रही है और थोड़े दिन के बाद इस कारखाने को कब्जे में लिया जायेगा। इस के अतिरिक्त उस में यह भी कहा गया है कि इस कारखाने के संचालकों को 50,000 रुपये और 25,000 रुपये प्रति-वर्ष मूआवजा दिया जायेगा। इस का अर्थ तो यह है कि जिन लोगों ने इस कारखाने को बर्बाद किया है, उनको 50,000 रुपये और 25,000 रुपये प्रति-वर्ष देते रहने के बाद—न मालूम कुल कितनी राशि दे देने के बाद—फिर सरकार इस कारखाने पर अपना कब्जा करेगी। इस कम्पनी के संचालकों का मिसमैनेजमेंट तो 1966-67 से शुरू हुआ, लेकिन सरकार का मिसमैनेजमेंट तो कारखाने का प्रबन्ध तो कब्जा अपने हाथ में लेने से पहले ही शुरू हो गया है।

अभी माननीय सदस्य ने बताया है कि इन कम्पनियों पर डेढ़ करोड़ का कर्जा ऐसी बात नहीं; भेरे हिसाब से 3,83 लाख रुपये को केवल कर्ज के हैं मजदूरों के बेतन, प्रोवीडेंट फंड आदि के अलग अन्य कर्ज इस प्रकार के हैं कि उन को छिपाया गया है। सरकार की ओर से रह भी नहीं बताया गया है कि इन कम्पनियों के एसेट्स क्या हैं और लायबिलिटीज क्या हैं। इन बातों को देख कर हमें बड़ी चिन्ता हो रही है। प्रश्न

[श्री राम सिंह भाई]

यह है कि क्या सरकारी खजाना इन शोषक लोगों द्वारा लूटने के लिए है।

इन कम्पनियों के बैलेंस-शीट को देखने से पता चलता है कि जिन कारखानों ने 1965-66 में एक करोड़ अठ्ठावन लाख रुपये का प्राफिट किया, उससे अगले वर्ष ही अर्थात् 1966-67 में, उन का प्राफिट केवल 6 लाख रुपये रह गया। इस से हम को समझ लेना चाहिए था कि वास्तविक स्थिति क्या है। इन कारखानों को चलाने में कोई मन्दी और तेजी का सवाल नहीं है, क्योंकि इन कारखानों में जो चीजें पैदा होती हैं, उन की खरूरत आम जनता को नहीं है, बल्कि उन को डायरेक्ट गवर्नमेंट खरीदती है और आज तो उन की आवश्यकता बहुत बढ़ गई है।

मैं यह जानना चाहता हूँ कि इन कारखानों का कब्जा ग्रहण करने में डील क्यों की जा रही है। जब हम लोग, स्टेट गवर्नमेंट और ट्रेड यूनियन्स बार-बार कह रहे हैं, तो फिर यह डील क्यों है? मैं निवेदन करना चाहता हूँ कि लोगों ने 1966-67 से ही समझ लिया कि ऐसे कारखानों को हाथ में लेने के बारे में गवर्नमेंट की नीति क्या है और इस में कोई शक नहीं है कि उन को सरकार हाथ में लेगी लेकिन उस का तरीका यह नहीं है। 1966 के बाद आज 1973 में सरकार इन कारखानों को लेने पर विचार कर रही है जो चिन्ता की बात है। लेकिन मैं कहना चाहता हूँ कि इनके संचालक लोगों ने इन में से जो कुछ लेना था, वे ले गये—

प्राण ले गये, अब लाश रही है। सरकार इन में कहां तक प्राण डाल पायेगी, यह सावल हमारे सामने है।

जो कारखाने टेक-ओवर किये गये हैं मैंने उन्हें देखा है। आज छोटे छोटे कारखानों को पाला जा रहा है। आज जो भी कारखाने सरकार के पाम हैं वहां चलाने वाले लोग किस लियाकत के हैं, उन में टेक्नीशियन कीन से हैं। सरकार उन्हीं लोगों को बुला कर वहां बिठलायेगी जो प्राइवेट सेक्टर से निकाले गये हैं। उन्हीं को बुना कर संचालक बना कर बिठाय जायेगा, जो स्टेट गवर्नमेंट की सर्विस में हैं। मैंने देखा है कि ऐसे लोगों को बुना कर कंट्रोलर बना कर बिठनाया गया है जिन को नाक पोंछने का भी शऊर नहीं है। मैं इस तरह की बातें रोजाना देखता हूँ। ऐसे कारखानों को चलाने के लिए मुर्दा लाश में प्राण डालने के लिए ज्ञानवान आदमियों की आवश्यकता होती है, जिन को खरीदने बेचने का ट्रेड मालूम हो, जिन को टेकनिकल ज्ञान हो और आप की सारी पालिसी जानते हों।

मैं आपसे निवेदन करूँ कि थोड़े दिन पहले एक टेक्स्टाइल मिल को राजस्थान में टेक ओवर किया गया है। मैं उन्हें जानता हूँ कि विजयनगर की इस मिल के मालिक इन्दौर की एक मिल के मालिक के भांजे थे और उस मिल मालिक ने उन्हें अपने यहां रख लिया। वह इन्दौर से पुरानी मशीन विजयनगर ले गये और उस कबाड़ा मशीन से मिल खड़ा कर लिया। वह उस मशीन

को चला नहीं पाये, और चलाया भी तो बरसों तक बिना लाइसेंस के चलती रही। ऐसा राजस्थान के चीफ़ मिनिस्टर श्री सुखाड़िया ने मुझे बताया। केन्द्रीय गवर्नमेंट ने इस की जांच के लिए भी एक कमेटी, मुकरर की थी, जिस में मुझ को भी रखा गया था। वह मिल कभी बराबर चली नहीं। उस आदमी ने एक पैसा भी कारखाने में नहीं लगाया। हमने पिछले साल ही इस कारखाने को टेक ओवर किया है। मैं जानना चाहता हूँ कि इस के लिए सरकार ने कितना खर्चा दिया है।

एक भाननीय सदस्य : जमीन का पैसा दिया है।

श्री राम सिंह भाई : जमीन का ही नहीं, मशीनों का भी पैसा दिया है, यह चालू भी तभी हुई है। मैं इस कारखाने को भी जानता हूँ और कारखानेदार को भी जानता हूँ।

समापति महोदय : आन इस कारखाने के ऊपर बोलिये।

श्री राम सिंह भाई : कारखाने पर ही बोल रहा हूँ।

मैं जानना चाहता हूँ कि इस मिल के ऊपर कितना कर्जा है। इस बिल में आप ने यह भी नहीं बताया है कि मैनेजमेंट हाथ में लेने के बाद सरकार श्रमिकों के साथ क्या व्यवहार करेगी। जितने कारखाने सरकार ने अपने हाथ में लिये हैं उन के मजदूरों के प्राविडेंट फंड की रकम बाकी है। विवाह-शादियों पर उन को इस में से रकम लेने की जरूरत

पड़ती है, जो कि उन को नहीं मिल पाता है। इसके लिए आप क्या करने जा रहे हैं? मैं यह भी जानना चाहता हूँ कि कहीं आप ऐसी कोई बात तो नहीं करेंगे कि टेक ओवर किये गये कारखानों में आप मजदूरों के वेतन कम करके उन कारखानों को चलायें।

मैं ज्यादा न कहते हुए यही कहना चाहता हूँ कि आज जिस स्थिति में हम हैं, उसमें जब कभी हम किसी कारखाने को हाथ में ले लें, तब उसके प्रबन्ध को ही हाथ में ले लें क्योंकि आप यह भी कर सकते हैं कि थोड़े दिन बाद जिस कारखाने का प्रबन्ध आप अपने हाथ में ले लेते हैं इंडस्ट्रियल डेवेलपमेंट ऐंड रेगुलेशन ऐक्ट के अनुसार उस को ठीक कर के उस को उसके मालिक को लौटा दें। इस लिए प्रबन्ध के बजाय उस को अधिग्रहण कर लेना चाहिए। उस के बाद उस को लौटाने की बात नहीं होनी चाहिए। अगर लौटाने की बात नहीं होती है तो श्रमिकों का उस में पूरा सहयोग मिलता है। मैं यह भी कहना चाहता हूँ कि जब भी किसी कारखाने को टेक-ओवर करने की बात हो तो उस को एक दम से ले लेना चाहिए अध्यादेश द्वारा। अगर इस तरह से नहीं करेंगे तो पहले बिल पास होगा, फिर राष्ट्रपति की स्वीकृति मिलेगी। इतनी देर में इन कारखानों का पता नहीं क्या हाल होगा।

मैं निबेदन करना चाहता हूँ कि इन सारी बात को सरकार को साफ़ कर देना चाहिए।

*SHRI THA KIRUTTINAN (Sivaganja): Mr. Chairman, Sir, on behalf of my party, the Dravida Munnetra Kazhagam, I rise to say a few words

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on The Burn Company and Indian Standard Wagon Company (Taking over of management) Bill, 1973 which has been brought forward before this House by the hon. Minister of Steel, Shri T. A. Pai.

Sir, this Bill seeks to provide for the taking over, in the public interest, of the management of The Burn Company and The Indian Standard Wagon Company. Instead of such a Bill providing for just taking over the management of these two industrial concerns, if the Government had brought forward a Bill to nationalise these two undertakings, I would have unhesitatingly and wholeheartedly welcomed it. As the Government have introduced this Bill for taking over the management of these two undertakings as the first step for revitalising the concerns engaged in the manufacture of essential items for the country's economic growth and for saving the lakhs of industrial workers from the scourge of unemployment, I commend this legislative effort of the Government.

Sir, whenever the Government come forward with legislative proposals either for nationalising the industrial concerns or for taking over the management of industrial concerns, I begin to wonder whether the Government are technically capable to manage and run such ventures efficiently and profitably. I am an ardent advocate of the policy of setting up more and more industries in the public sector. In spite of this, I get this genuine doubt because of the fact that though the Central Government have invested about Rs. 5052 crores in the public sector undertakings, the annual loss incurred by the Government due to inefficient management of these undertakings in the public sector is of the order of Rs. 405 crores. In these circumstances, I would like to

know from the hon. Minister whether he has assured himself of the technical competence and industrial verve within the Government to run these two industrial concerns, the management of which is being taken over, successfully and profitably.

I would like to refer to what has been stated in the Statement of Objects and Reasons of this Bill. I quote:

"...it is considered expedient in the public interest to take over, initially the management of Messrs Indian Standard Wagon Company Limited, Calcutta and Messrs Burn and Company Ltd., Calcutta, and to completely acquire the undertakings of the two companies subsequently."

It is apparently clear from this statement that initially the management of these two concerns is being taken over and subsequently these two concerns will be acquired by the Government. I would like to request the hon. Minister to clarify this enigmatic first step of coming forward with a legislation to take over the management, when it has been decided that subsequently these two concerns will be acquired. I would also like to know from him what has prevented him from straight away coming forward with a legislative proposal to nationalise these two concerns.

Sir, the Government have also proposed to pay to the Companies an amount at the rate of Rs. 25,000 per annum in the case of Messrs Indian Standard Wagon Company Ltd., Calcutta and at the rate of Rs. 50,000 per annum in the case of Messrs Burn and Company Ltd., Calcutta during the period of Government management. I am violently opposed to this move of the Government. I am an unabashed votary of the view-point that when the Government nationalise, in the public interest, industries

no compensation should be paid to the erstwhile owners who had played ducks and drakes with the very survival of such industries. It is beyond my comprehension why the Government should pay any compensation to these two companies, when they had been mismanaged for so many years, when they were incurring huge losses every year for nearly a decade now. The ways of Central Government are inscrutable to me, when I see that compensation is being paid to these two companies just for taking over the management. By agreeing to pay Rs. 25,000 and Rs. 50,000 per annum respectively to these two companies, I am sure that the blame of squandering the public money rests squarely on the shoulders of the Central Government. Besides paying compensation, the Government have also got to invest massive amounts for re-starting these two industrial concerns.

In the year 1965-66 the net profit of Burn and Company was Rs. 158.76 lakhs. Surprisingly, in 1966-67 the net profit slumped down to Rs. 6.82 lakhs. I wonder how this should have escaped the attention of the Government. Under the statutory rules and regulations, the Companies are to submit to the Company Law Department their audited annual account and also a report of their working

The Revenue Intelligence Department of the Central Government, which is now functioning under the direct control of the Prime Minister, should have had an opportunity to scrutinise this thing. Besides these two organs of the Central Government, the Companies submit their annual returns of income for the purpose of income-tax assessment. I do not know how the startling factor of sudden slump in the net profit of this concern from Rs. 158.76 lakhs to Rs. 6.82 escaped the notice of the Income-tax Department. If during the past eight years these three important organisations of the Central Government have not cared to look

into the functioning of this concern, then surely the Government cannot absolve themselves of the grave failure on their part. I would also like to know from the hon. Minister whether the Income-tax Department merely accepted the audited accounts of this concern for 1966-67 without going into the reasons for the sudden slump in the net profit. I am constrained to say that the management has practised deception of a great magnitude on the shareholders, on the workers and on the Government.

Sir, it is mentioned in the Statement of Objects and Reasons that Messrs Martin Burn Ltd., a monopoly foreign concern, together with Messrs Burn and Company Ltd., the Directors of the Company and their relatives hold about 48 per cent of the ordinary shares of Messrs Indian Standard Wagon Company Ltd., whose accumulated loss as on 31-3-1972 was Rs. 265.21 lakhs. Messrs Martin Burn Company ranks fourth in the list of monopoly concerns in India with the total assets of Rs. 168.4 crores I am also told that a former Secretary-General of the External Affairs Ministry is a Director of M/s. Martin Burn Co. When it is clear that Messrs Martin Burn Co., and their Directors have played a major role in the downfall of this concern, I would like to know from the hon. Minister what action he proposes to take against the Directors of Martin Burn Co. for their nefarious activities. It is also surprising that the activities of this monopoly foreign concern, M/s. Martin Burn Co. should have escaped the notice of the Company Law Department and also the Monopolies Commission.

In this background of failures and lapses on the part of the Central Government, I hope you will agree with me if I demand from the hon. Minister the concrete steps he proposes to take for working these concerns efficiently, successfully and profitably. In fact, he should have referred to them in his introductory speech. I hope he will refer to them

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in his reply to the discussion. I would also like him to assure this House that all the workers in these two concerns would be retained and they would also be given their dues which the erstwhile management owes them. I would like the hon. Minister to indicate the time by which these two concerns will be competely nationalised. With these words, I conclude.

SHRI C. M. STEPHEN (Muvattupuzha): Mr. Chairman, Sir, it need not be said that I rise to support this Bill. This Bill, as is apparent, is an interim step, namely, the assumption of the management of this concern, pending finalisation of action for the purpose of nationalisation of the whole thing. I have only to underline one point which has been emphasised by many friends here. This is not a move to take over any concern for the purpose of ensuring employment to anybody. This move is to salvage certain engineering machinery which have got production capacity, so that valuable production which is capable of being effectuated could be carried on in spite of the mismanagement of the present managers.

As has been emphasised by my friends here, the statement of assets and liabilities and performance given by the hon. Minister in his Statement of Objects and Reasons has revealed a very alarming position, an alarming position of perversity. As to whether there was any justification for that, is something on which the Minister may, when he replies, throw some light. What we find here is, here is an engineering concern which has been making a profit up to the year 1966-67.

In the analytical statement by the Reserve Bank of India for subsequent years which shows how different industrial and plantation concerns have been faring upto the year 1970-71, engineering concerns, particularly

concerns such as the one we are now dealing with, we find a review by the Reserve Bank of India and it shows that those concerns have made considerable profit during the period subsequent to 1966-67. I do not want to quote all the figures. Capital formation, the total assets, the reserve profits and the total profits have all been increasing. That is what the study by the Reserve Bank of India of 1500 companies including 290 engineering concerns, shows. In that period we find a considerable slide back. In 1965-66, it was pointed out that the profit was to the tune of Rs. 158 lakhs. It came down to Rs. 6 lakhs in 1966-67.

In the subsequent four year period, the working results have landed the company in a total accumulated loss of Rs. 265 lakhs. That is indeed a miraculous achievement on the negative side. It is this concern that we are going to take over. The question is what should be the terms under which we take it over. The other question, is whether this particular Bill is necessary. Under the Industries Development and Regulation Act, it should have been taken over. Of course, it might have to be handed back. Under the new amendment it need not necessarily be handed back; by restructuring of capital it can automatically be nationalised without much of compensation. That is the present picture. Now we are bringing in a Bill to take it over. If we did it under the Industries Development and Regulation Act, nothing could have been paid as management compensation or anything like that. Here we pay compensation 50,000 and 25,000. This is not the first time that when a company is taken over management compensation is being provided. The point is that we may have to take over more and more companies hereafter. I am not able to glean out any definite policy which enables the Government to determine whether or not compensation should be paid. If so, what should be the criterion whereby the compensation has to be determined.

The consent of Parliament is now asked for. We are now asked to pay Rs. 50,000 as management compensation. To whom does this money go? They say that it goes to the company. We are only taking over management. The money must go to the Manager. He is to be compensated, from whom the management is taken over. It is not from the company that we take over the management. We assume the management of the company from the management of the company. Then how are we going to compensate the company? Or are we going to compensate the manager from whom we are taking over? I am not clear about it who is going to get the money. The question of compensation need not necessarily arise at this stage. That is what I emphasise. Is money to be paid to the company who are a separate entity altogether? It should be the management. It is not postulating the existence of the separate entity. The management is of that company. Therefore, the management need not be compensated. That is the point I want to emphasise. I may be correct or incorrect. I do not know the exact position.

17.00 hrs.

Anyway, Rs. 15,000 must be paid for assuming the management of a company which has performed the miraculous deed of giving us an accumulated loss of Rs. 268 lakhs in the course of four years. Burn and Company has got 48 per cent of the shares of the other company, which means Burn and Company by itself will be getting about Rs. 65,000 out of that and the other company will be getting the rest of it. The whole picture is rather confused and should be clarified. When Parliament is asked to agree to payment of compensation, it is but fair that the full picture about the assets and liabilities of the company should be placed before it.

Nationalisation or assumption of management which is necessary in the socio-economic pattern we are going to weave must not become the

approver for all sorts of sins that may have to be perpetrated. Unless assumption of management and nationalisation have certain elements of socialisation woven into them, these things will have absolutely no value at all. Removing some individual and putting in some bureaucrat and then appealing to workers, "Here is nationalisation; you cooperate" will have no meaning. The workers must feel that he has got a definite share of participation. Otherwise, co-operation will not be forthcoming. I am not saying this only in respect of this particular matter. The unrest we are finding in the nationalised sector altogether is a disease which somebody must analyse. Workers, whose patriotism is not in doubt, do not feel the sense of exhilaration the moment a concern is taken over by the State because corporately they do not find any definite qualitative change in the matter of management. In the place of one person, another bureaucrat, who is wooden, unresponsive, unimaginative and irresponsible, comes in. So a feeling of socialisation does not come, the result being we are having problem after problem. That is why I am making this appeal. Let something be spelt out as to the policy and guidelines with respect to the liability to give compensation and the criteria for fixing the quantum.

In the circumstances as stated in the statement of objects and reasons, this is a very welcome move. Valuable assets must not be allowed to go to waste and at the earliest opportunity they must be taken over so that they may be enabled to contribute to the productive machinery of this country. With these words, I support the Bill.

17 30 hrs.

PAPERS LAID ON THE TABLE

JOINT INDO-CZECHOSLOVAK DECLARATION AND AGREEMENTS

MR. CHAIRMAN: The foreign Minister will now lay on the Table a