

का मसला है, मैं फिर उच्च सदन को उठा रहा हूँ, वह यह है कि हमारे देश में ईट बनाने के भट्टे तमाम राज्यों में बिखरे हुए हैं और उन भट्टों पर औरते बड़ी सख्या में काम करती है। मैं अपने यहाँ के अनुभव से यह बात कह रहा हूँ क्योंकि हमारे पटना में बहुत सारे सेटरों पर हजारों ईंटों के भट्टे हैं और हजारों औरते भी उन में काम करती है। मर्द तो काम करते ही हैं लेकिन औरते भी काफी सख्या में उन में काम करती है। उन के लिये कोई भी कानून नहीं बना हुआ है और जो भट्टों के मालिक चाहते हैं वही होता है। जो तन्हाह वे उन को देते हैं वही वे ले लेते हैं। मर्द और औरते के लिये वहाँ पर किसी भी प्रकार की सुविधा नहीं है (इयबवान)।

मैं इस का जिक्र इसलिये कर रहा हूँ क्योंकि प्रसूति की सुविधा वहाँ पर औरतों के लिये बिल्कुल नहीं है और अन्य कोई सुविधा भी नहीं है। इसलिये मैं चाहता हूँ कि अगर यहाँ पर भारत सरकार इस सम्बन्ध में कोई कानून बनाने में समर्थ न हो, तो कम से कम इस बारे में आप राज्य सरकारों को लिख सकते हैं और उन से कह सकते हैं कि भट्टों में काम करने वाली महिलाओं पर भी इस कानून को लागू करने की व्यवस्था करे। मेरा निवेदन है कि सरकार राज्य सरकारों का ध्यान इस ओर आकृष्ट करे अगर ये स्वयं इस बारे में कुछ करने में असमर्थ हों।

श्री बाल गोविन्द बर्मा : श्रीमान् जी, माननीय सदस्य ने ईंटों के भट्टों में काम करने वाली स्त्रियों के बारे में कहा है। मैं फिर उन्हें याद दिलाता हूँ कि यह राज्य सरकारों के अन्तर्गत आता है। अगर वे चाहें वहाँ पर कानून को लागू करा सकते हैं।

श्री रामावतार शास्त्री : बिहार में हम ने बहुत कौशियर्क। लेकिन वहाँ पर यह नहीं हुआ।

श्री बाल गोविन्द बर्मा : आप राज्य सरकारों को लिखें और उस की एक कापी हमें भेज दें।

श्री हुकम चन्द कछवाय : राज्य सरकार निष्कर्षी है, वे करती नहीं है।

श्री रामावतार शास्त्री : राज्य सरकार नहीं करती है।

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted.

15 48 hrs.

INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND MINES (SHRI C. SUBRAMANIAM): Sir, I beg to move:

"That the Bill further to amend the Industries (Development and Regulation) Act, 1951, as passed by Rajya Sabha, be taken into consideration".

This is a short Bill which has been introduced with the object of amending section....

श्री मधु लिमये (बांका) : मुझे इस विषय में कुछ कहना है।

MR. DEPUTY-SPEAKER: You can only raise a point of order.

श्री मधु लिमये : मैं प्वाइन्ट ऑफ आर्डर नहीं उठा रहा हूँ।

उपाध्यक्ष महोदय, यह विधेयक जैसे तो बहुत छोटा सा है, लेकिन अत्यन्त महत्वपूर्ण है। इस के बारे में दो चिट्ठियाँ मैंने प्रधान मंत्री जी को लिखी थी लेकिन आप जानते ही हैं कि चार, पाँच दिनों के लिए ब्रेकनेब साहब यहाँ पर आए हुए थे और अब इसक साहब आ रहे हैं।

MR. DEPUTY-SPEAKER: Why do you want to raise it now? He is only moving for consideration.

श्री मधु लिमये इसी लिए प्रधान मंत्री जी को समय नहीं मिल सका। हम लोग उन से श्रीर मंत्री महोदय से इस विधेयक के बारे में, जो हम ने सम्बोधन विये थे, बात करना चाहते थे लेकिन विशिष्ट परिस्थितियों के कारण हम लोगों को मौका नहीं मिल सका।

MR. DEPUTY-SPEAKER: That can come at a later stage

श्री मधु लिमये मैंने सुझाव दिया था कि कुछ समय के लिए, इस बिल को टाल दिया जाय। तो बातचीत हो और उसका नतीजा निकल। उस के बाद इस बिल को लाया जाए।

इसलिए हमारा निवेदन यह है कि दो दिन के बाद अगर यह विधेयक लिया जायगा, तो इसक साहब के चले जाने के बाद हम उद्योग मंत्री जी और प्रधान मंत्री जी से बात करेंगे। उस के बाद आप फिर इस विधेयक को लाइए।

MR. DEPUTY-SPEAKER: He is only moving for consideration.

श्री मधु लिमये यह बिल आज पास हो जाएगा। उपाध्यक्ष महोदय, फोरन एक्सचेंज बिल के समय भी आप ने हमारी बात को सुना था। मैं सेशन 109 के अन्तर्गत एडजोर्नमेंट का प्रस्ताव मूव करता हूँ।

MR. DEPUTY-SPEAKER: You cannot. How can you?

श्री मधु लिमये : यहाँ हो नहीं वे हुये हैं.....

MR. DEPUTY-SPEAKER: Order please. There are certain well-established procedures for that. After the Bill has been moved for consideration, there are so many means open. If the Minister agrees, if the House agrees, the discussion of the Bill can be adjourned. But that does not come now. It comes only after he has moved.

SHRI MADHU LIMAYE: He has moved

मैं ने मंत्री महोदय का पहला वाक्य सुनने के पहले कुछ नहीं कहा। जब उन्होंने कहा कि मैं पेश कर रहा हूँ तब कहा है।

MR. DEPUTY-SPEAKER: Let it be done in a proper procedure (Interruptions) By by-passing, you are violating all procedures

श्री मधु लिमये : आप बननाइये कि मैं किस बन्त मूव करूँ।

MR. DEPUTY-SPEAKER Order please

SHRI C, SUBRAMANIAM Even with regard to the submission of the hon. Member, even though the Prime Minister might have been busy, my humble, self was always available for any consultation. Perhaps he thought that he can only talk to the Prime Minister and not to the Minister

श्री मधु लिमये मंत्री महोदय से बात करने में हमें कोई गैरराज नहीं है। वह केवल मेरे सुझाव पर विचार करे।

MR. DEPUTY-SPEAKER: Order, please When he finishes, you can speak and make all these submissions (Interruptions) What is all this?

PROF. MADHU DANDAVATE (Rajapur): I do not want to interrupt, but I have only to make one submission

MR. DEPUTY-SPEAKER: Order, please. There is another procedure. When another Member is already on his legs, it is only when he yields that you can interrupt. I can not ask him to sit down. That would be most irregular. If he does not yield, I can ask him to yield.

PROF. MADHU DANAVATE: You can request.

MR. DEPUTY-SPEAKER: I cannot request. I have asked him to make his speech, moving the Bill for consideration.

PROF. MADHU DANAVATE: Then please tell us the procedural point. Suppose some Members want to make a request to the Minister, at what stage can it be done?

MR. DEPUTY-SPEAKER: He can make it after the Minister has made his speech.

PROF. MADHU DANAVATE: That is what we were asking.

SHRI C. SUBRAMANIAM: This is a short Bill which has been introduced with the object of amending Section 10 of the Industries (Development and Regulation) Act 1951, with a consequential amendment to Section 24 of the Act. A new industry, viz., "Linoleum, whether felt based or jute based" is also proposed to be added to the First Schedule of the Act.

The Statement of Objects and Reasons attached to the Bill outlines the background against which this legislation has been introduced. As Honourable Members are aware, the main instrument available with Government for the regulation and growth of industries is contained in the industrial licensing system. Licensing determines the capacity of the product that is allowed to be manufactured in any particular undertaking in order to regulate the ownership of the means of production among different entrepreneurs and in diffe-

rent regions of the country. When the Industries (Development and Regulation) Act became law in 1951 there were a number of existing undertakings which were already in production in the industries that were covered by the First Schedule to that Act. Similarly, when new industries were added to the First Schedule, units in such industries came under the purview of the Act for the first time. In all these cases, the existing undertakings were required to register themselves under section 10 of the Act. While industrial licences issued to undertakings which came into existence after the commencement of the Act contain details of the capacity of the unit, it was found that specific capacity figures had not been incorporated in registration certificates issued to undertakings which were already in the field in industries to which the Act was made applicable.

15.33 hrs.

[SHRI K. N. TIWARY in the Chair]

We find that this lacuna has led to a situation where the authorised production level in respect of registered undertakings has remained indeterminate. As a result, it has been possible for some of the registered undertakings to increase their production to levels much higher than what was reported by them at the time of registration. This unregulated increase in the production of registered undertakings has had a detrimental effect on small and medium units in certain cases. Further more, it leads to a disparity in our treatment of registered vis-a-vis licensed undertakings.

The Bill seeks to remove this lacuna by empowering Government to call for registration certificates and to incorporate in them the capacity of the industrial undertaking and other prescribed particulars from any class of undertakings to be notified for the purpose. Since a large number of

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registered undertakings will be involved, our intention is to fix capacities only in those classes of undertakings where it is necessary in the public interest to peg capacity to specified levels. It will be particularly necessary to regulate capacities in non-priority industries and in industries which have been reserved for future development exclusively in the small scale sector.

Section 10 (5) as now framed also outlines the reasonable and relevant considerations which will weigh with Government in specifying capacities in registration certificates. We shall pay due regard not only to the level of production at the time of registration but also to the current situation as evidenced by the highest annual production during the three years immediately preceding the amendment.

As a consequential matter, it has also been provided that individual undertakings which do not produce registration certificate for incorporation of capacity figures shall be punishable under section 24 of the Act.

"Linoleum, felt based and jute based" is being added to the First Schedule of the Act because this is an important industry which needs to be regulated in the public interest.

Sir, I trust that these amendments will find favour with all sections of the House.

MR CHAIRMAN: Motion moved.

"That the Bill further to amend the Industries (Development and Regulation) Act, 1951, as passed by Rajya Sabha, be taken into consideration

श्री मधु लिण्गये (बांका) . सभापति महोदय, मंत्री महोदय को गलत फहमी है। मैं ने शुरू ही में कहा था कि इस विधेयक के सिलसिले में जो संशोधन हम लोगों ने

रखें हैं उन के बारे में हम उन से भी चर्चा करना चाहते हैं और प्रधान मंत्री से भी करना चाहते हैं। हम ने ऐसा नहीं कहा कि हम मंत्री महोदय से बात नहीं करेंगे। वह शायद मेरी बात को सुन रहे थे। बुकि इस में नीतियों का सवाल घाता है इस लिये मेरी राय में उन दोनों का रहना अच्छा होता। यह कोई लम्बा चौड़ा मामला नहीं है। दस पाच मिनट की मीटिंग में यह मामला हल हो सकता है। ऐसी बात नहीं है कि मंत्री महोदय के बारे में मेरे मन में कोई फर्क है। दूसरे सदस्य कह सकते हैं कि मंत्री महोदय प्रतिक्रियावादी है और प्रधान मंत्री प्रगतिशील है, लेकिन मैं उन लोगों में से नहीं हूँ। मैं तो सरकार को सम्यक दृष्टि से देखता हूँ। इस लिये ऐसी कोई बात नहीं है। मैं मंत्री महोदय से भी बात करना चाहता हूँ। मेरी प्रार्थना है, और जैसा मैं पहले कह रहा था, हम इन से मिलना चाहते हैं, लेकिन पाच छ दिन तक डिबिन्टरीज की बजह से मुलाकात नहीं हो सकी। पिछली बार फारेन एक्स्चेंज के बारे में भी हम वित्त मंत्री और प्रधान मंत्री दोनों से मिले थे। लेकिन वह बात छोड़ बीजिए।

मैं कह रहा था कि मंत्री महोदय ने अपनी बात रखी है। अगर मेरी प्रार्थना माप सुनेंगे तो हो सकता है कि दो दिन के अन्दर हम लोगों की बात हो जाये। उस के बाद जो करना हो वह करे। मंत्री महोदय का यहाँ जो तिहाई बहुमत है। हम लोग तो सिर्फ अपनी बात रख सकते हैं। और हमारे पाम है ही क्या। हम लोग तो असहाय हैं, वह दण्डवारी हैं।

PROF. MADHU DANDAVATE: I want to point out to you that there is a precedent. When the foreign Exchange Bill was actually being moved in this House for consideration, some of us intervened at that stage and suggested that we wanted to have

consultations on that. Then the Treasury Bench representatives discussed among themselves. Our friends sat down with them and a very good attitude was taken by the Government. The point of view of some of the Members of the Opposition was accepted and incorporated in the Bill. We are sure that a similar result will ensue on this occasion also. Therefore, I suggest that he should comply with our request.

सभापति महोदय : कृम के मुताबिक हमारे सामने कोई मोशन नहीं है ।

श्री मधु लिमये : अगर आप जबानी नहीं मानते तो हम लिख कर दे सकते हैं ।

सभापति महोदय : मोशन न होने पर हम क्या कर सकते हैं ?

श्री मधु लिमये : हम दे सकते हैं ।

MR. CHAIRMAN: The Rule says:

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved, with the consent of the Speaker."

There is no motion according to the rules.

16.00 hrs.

SHRI DASARATHA DEB (Tripura East): The Minister in the course of his speech tried to convince us that this was a very simple and short Bill. He also tried to convince the House that his sponsoring the Bill was to restrict the production capacity of the registered industries. He tried to show that he wanted to restrict the growth of monopoly in this country. But we know what will be the fate of such regulations. The law of capitalism is much more powerful than your regulation. The minister also knows that. You cannot succeed

in regulating monopolies in this way, unless you take drastic steps to curb the monopoly industries. You are nothing but a bye-product of the big monopoly houses. Even without this measure, various methods can be adopted to protect the small and medium industries. There is no statement of objects and reasons appended to this Bill which has come here as passed by Rajya Sabha. In the Bill introduced in the Rajya Sabha, we find it is stated in the statement of objects and reasons:

"It has come to the notice of Government that certain registered undertakings have increased their production to a much higher level than what was reported by them at the time of registration. Such increases are likely to be detrimental to the interest of small and medium units and also likely to lead to other adverse results."

Nowhere he has mentioned in his speech what would be those adverse effects.

You say you want to have this regulation to protect the small and medium industries. Even in the parent Act of 1951 there is a provision under section 18 (G) under which Government can control prices and can move in certain other directions which can easily achieve the object of protecting small and medium industries, without taking recourse to this Bill. What is the justification for imposing restrictions on production in this country where everything is scarce and productivity is very low? Even assuming that the minister is sincere in implementing these things, we know in practice such type of regulation will not apply in all cases. Favouritism will be there. The production of some industrial concerns will not be restricted. Some industries in certain regions will not be restricted. Only in those industries where Government of India want to restrict production, their productive capacity will be restricted. In that way, they

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will be allowing industries of certain regions to increase their productive capacity beyond that mentioned at the time of registration. That apprehension is there.

We know that expansion of industries is very necessary. That can be done by taking over the foreign concerns without any compensation. We have been asking the Government all along to take over the foreign concerns. But they will not do it. They are incapable of doing it because they rely on the foreign industries also. Government from its very inception has been pursuing a pro-monopoly licensing policy. That can be found from the unchecked growth of two monopoly houses—Birlas and Tatas. These two houses have become industrialised to the extent of Rs. 1400 crores and they together control 75 per cent or so, or more than 50 per cent of the total capital investment in the country. Even this regulating measure will not check them. Rather, the benefit will go to the same houses. This apprehension is prevailing not only in the minds of the opposition but also in the minds of Congressmen.

Many Congressmen expressed their critical views against the licensing policy of their party Government in the parliamentary party meetings held recently. They appeared to have demanded the changes in the Government's Industrial Licensing Policy. I ask those Congressmen not to confine themselves within their party meetings alone. Let them join with us; let them stand firmly and make agitations against this Government to change this policy. But I am afraid, they have not got the courage to do that thing.

Very recently, this Government have evolved certain industrial licensing policy by which upto Rs. 1 crore, no licence will be required to start a factory, etc. It means, these big industrial houses can start a new indus-

try under a new name. They can start all sorts of ancillary industries blocking the way of other medium and small industries. This is a very dangerous policy.

The hon. Minister, the spokesman of the Government, has many times announced in the House that they are going to give priority to backward regions. But still we find that this regional imbalance is there. Even after giving that assurance, we find that no new industries are coming up in the backward regions, particularly in the eastern region, for example, in Assam, Tripura, Meghalaya, Manipur, etc. They have not taken any initiative in this direction. Even when the Manipur State Government wanted to start a cement factory, this Government refused in the beginning. Now, we are told that they have agreed. It is good. But why should the backward regions be agitating about having certain industries there? I think, the Government itself should have taken an initiative and started this type of industries in the backward regions. Otherwise, you cannot remove this regional imbalance in our country.

In this connection, let me quote in Bengali two lines from a Bengalee poet—of course, it is with reference to God—who wrote:

*Nachai Putul Jatha Daksha Bajikare
Tamanu Nachao Tumi Arbachin Nare.*

The meaning is: You make immature human beings to play and to dance at your sweet will just as the expert doll-play master makes his dolls to play and dance at his sweet will by pulling string or thread from the control-room behind the screen.

The same thing can be applied to the Government in relation to monopoly houses because the real policy makers are big monopoly houses, the capitalists, the hoarders, the black-marketeers, the speculators, the land-

lords and these Ministers are no better than dolls in their hands.

I ask the Minister: How long will this policy continue? Let him reply.

Here, I want to refer to the Industrial Re-finance Corporation. It was declared that the I.R.C. should take-over certain sick industries, run them and, as soon as these sick industries regain their productivity capacity, they could be handed over to the owners themselves. They are doing in some cases but not in all cases. The most unhealthy part of the functioning of the I.R.C. is that there is no proper check-up of the production. No profit has ever been shown; no amenity has ever been provided to workers who deserve it under the Trade Union Act. The workers are being denied their legitimate rights; the workers are not being given even their legitimate wages; no provident fund benefits are being given to workers under in the I.R.C.

Some of the industries, such as, containers industries were closed down for about four years. About 3000 workers were involved. They are still jobless and destitute. But the Government has not taken up this industry. Whatever Act or regulation we may pass here will not be fully implemented in the true interest of workers. That is why I say that apparently it sounds nice—and the Minister also wants to convince us—but by this regulation, I am afraid, they are giving full authority to the monopoly big business houses and they are practically selling our country to the big people.

In this connection, I have to refer to one case. There has been a long-standing dispute between the workers and the management of Patel Engineering Company of Jamuna Hydrel Project in Nahan District of Himachal Pradesh. The company retrenched 33 employees in September

1973. 13,000 workers held a demonstration in protest....

MR. CHAIRMAN: How is it relevant here?

SHRI DASARATHA DEB: I am referring to the workers' case..

Instead of reinstating the retrenched employees....

MR. CHAIRMAN: Please be relevant. Do not bring matters which are not relevant.

SHRI DASARATHA DEB: ...in defence of the Patel Engineering Company, the police arrested the workers and evicted them from their shades. The police arrested even the lawyers who were defending their case in the court of law....

AN HON. MEMBER: Under MISA.

SHRI DASARATHA DEB: . . under MISA and one MLA was arrested; his names is....

MR. CHAIRMAN: Please do not mention the name of anybody without giving notice to the Speaker. That will not go on record. You should not take the House unawares. It is not relevant also.

SHRI DASARATHA DEB: The workers were arrested, and even the lawyers who were defending their case were arrested under MISA and they were beaten severely by the police. Even medical assistance was not given inside the jail. This is a terrible thing. The Central Government must look into it. A reign of terror was let loose. The workers were being removed even from their shades. That is why I wanted to refer to this case. Government must take certain steps against those people. Otherwise, where is democracy? People are not able to have even their legal defence! That is why I say that the Government must take certain steps here.

I would again say that this Bill, instead of regulating the big industrial

[Shri Dasaratha Deb]

business houses, gives them more opportunities to squander the wealth of our country at the cost of the small and medium industries.

श्री मधु लिमये (बांका) : सभापति जी, मैं इस के तीन कारण बतलाना चाहता हूँ कि मैं इस स्वयं प्रस्ताव को यहाँ क्यों लाया हूँ.....

सभापति महोदय : आप ठहरिये । एक मौशन श्री मधु लिमये साहब की ओर से मेरे पास आया है, वह इस तरह से है—

"That the debate on this Bill be adjourned."

श्री मधु लिमये . आप इस पर वोट लें, उसके पहले मुझे दो एक वाक्य कहने कीजिए । मैं इस प्रस्ताव के लिये तीन कारण दे रहा हूँ —

1. यह बिल सिलेक्ट कमेटी में नहीं गया है इस लिए इस के सभी पहलुओं पर सोचने का मौका बोनो सदनों को नहीं मिला है ।

2. इस बिल पर एक संशोधन ऐन-वक्त पर राज्य सभा में आया, जिस को मंत्री जी ने स्वीकार किया । इस का साफ मतलब होता है कि इस में कोई अपूर्णता थी, जिस की वजह से इन्होंने उस संशोधन को स्वीकार किया ।

3. लोक सभा में भी विचार के समय इस राज्य सभा द्वारा स्वीकृत विधेयक पर और एक संशोधन सरकार द्वारा दिया गया है, जो परिचालित किया गया है ।

ऐसी हालत में हमारी प्रार्थना है कि दो दिन के बाद इन से और प्रधान मंत्री जी से हमारी बात हो जाय—हमारे संशोधनों पर । हो सकता है कि इस मुलाकात के फलस्वरूप सरकार हमारी कुछ बातों को मान

लेंगी । साक्षिकार ने भी मानते हैं—शुक्रवार की बहस में उन्होंने कहा है कि जहाँ हम पैदावार को बढ़ाना चाहते हैं, हमारी यह इच्छा भी है कि स्वदेशी उद्योगों को, छोटे उद्योगों को प्रश्रय दिया जाय । ऐसी हालत में जब छेय के बारे में, लक्ष्य के बारे में एक राय है, तो इस में कुछ संशोधन करने के लिये दो-दिन का समय होंगे तो कोई आपत्ति किसी को नहीं होनी चाहिये—यही मेरी इन से प्रार्थना है । मेरी निन्ती है कि ये "मसजल सर्वेंट" भी इस बात में आ जाते हैं ।

PROF. MADHU DANDAVATE (Rajpur): I would just like to bring it to the notice of hon. Shri C. Subramaniam that in this House there were two or three earlier precedents. For instance, when the Criminal Procedure Code (Amendment) Bill which was referred to the Joint Select Committee and on which discussions were held for more than a year, came up before this House and even when the clause-by-clause discussion was taking place, almost at the fag end of the discussion, a motion was moved that the discussion be postponed because a particular item had to be discussed by both sides of the House. Again, during the consideration of the Foreign Exchange Regulation (Amendment) Bill, a similar procedure was followed.

Therefore, my humble request to the Minister that there are members on both sides of the house who would like to discuss the matter with the hon. Minister and also with the Prime Minister and after this discussion, if the Bill comes up before the House, I think the point of view of a number of members on both sides of the House can be accommodated. Because this was not referred to the Select Committee, that is why I suggest this particular procedure and I would earnestly request the Minister to accept this motion and postpone the discussion so that we can have a better accommodation of our point of view which may still be incorporated in the Bill.

SHRI S. M. BANERJEE (Kanpur): I fully support the motion moved by my friend, Shri Madhu Limaye. I have three grounds for that.

One is that I have gone through the proceedings of the other House. I think there also first of all this Bill was taken up as a sort of a very innocuous Bill, but, later on, as the discussion proceeded, hon. Members did realise the far-reaching implications of the Bill and every one of them was practically convinced that it required some changes. Here also many amendments have been moved. Before this Bill was properly discussed in this House, I would urge upon the hon. Minister—if he has never referred it to the Select Committee, it is very difficult for him to do so now because it has been already passed by the other House and there one amendment has been accepted—here also an official amendment has been moved and many other amendments are there moved by Mr. Madhu Limaye and others and I do not know whether the Minister is inclined to accept any of them. But, after going through the Bill and its far-reaching implications—even during the half-an-hour discussion, you were presiding at that time, when certain questions were asked, the hon. Minister was kind enough to say that the same questions whether there should be a radical change in the licensing policy, etc., would be discussed when this Bill comes up. So, if this Bill is postponed for a couple of days, we can have a very close discussion with the hon. Minister and get an understanding and we can move certain amendments—I do not have any objection to the Government itself coming forward with the amendments.

There are instances when the discussions were postponed on controversial Bills. For instance, when the Aligarh University Bill which was not referred to a Select Committee, came up, the hon. Minister called a meeting of all Members of the House and 360 amendments were moved but they were not referred to the Select Committee. Ultimately, the Minister ac-

ceded to our request and he invited us to a meeting where we discussed certain amendments and certain amendments were finally accepted. Again a notification had to be issued by the President. So, what all I want is that once we are going to pass this Bill, we want that the Minister should give us an opportunity for a discussion. This motion should be accepted so that discussion may take place. I assure you and the Minister that we have not the slightest idea of scuttling this Bill. We want to discuss everything. Many points have been mentioned in the half-an-hour discussion. Some of our points were common. Even the Minister's reply, to a certain extent, was satisfying to us. So, I would beg of you to accede to this request of ours. Let the ruling party accept this in good faith. We want only to make the Bill foolproof so that this Bill may not give another handle to monopoly houses to reap the harvest at the cost of the nation. This is our respectful submission to the hon. Minister through you.

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): I would like to make this submission to the honourable House that notice of this Bill was given during the last session and this has been before the House for more than three to four months and in addition to that, this has been on the Agenda for the last one week and nobody had cared to come and tell me, these are the implications of the Bill and we want some clarifications. Nobody had cared to come and talk to me. None of the hon. Members who now ask for adjournment ever came to me saying these are the difficulties and we want a discussion. And, I had gone through the amendments. If there were any amendments of a complicated nature and therefore requiring detailed study, certainly, I would have considered them. I have gone through these amendments and they are not of that nature. I do not know whether they have anything else in mind but I thought so far as these amendments are concerned, we could discuss them

[Shri C Subramaniam]

in the House, and take decisions. As far as I am concerned, I have an open mind. And, after all, this is a general discussion and this discussion will not be over today. The time has been extended. If any of the hon Members want to discuss anything, I am always available to them and even tomorrow morning we can discuss and if they could convince me that certain things will have to be done I would still consider them and give further thought about them. But, at this stage I am sorry, they are not justified in asking for a postponement without giving any notice that they are going to ask for postponement. I wish they had taken the opportunity to discuss with me earlier because this matter has been before the honourable House for a long time.

SHRI VASANT SATHE I just wanted to say that sometime back myself and my honourable colleague Shri Vayalar Ravi wanted to meet the hon Minister Shri C Subramaniam about this very thing because we had certain amendments in mind which we wanted to be moved and Mr Vayalar Ravi told me that he would have a talk and fix up some time for it, but probably because of Mr Brezhnev's visit, the meeting could not take place.

SHRI C SUBRAMANIAM I can assure you, nobody had talked to me about it.

SHRI VASANT SATHE Then I have nothing to say.

DR. KAILAS (Bombay-South) I had also phoned to his P A to meet the Minister. I wanted to meet him about this Bill and talk to him but I could not meet him.

श्री मधु लिमये : सभापति महोदय, हो सकता है कि कोई गलतफहमी इस में ज़रूर हुई है क्योंकि मैंने श्री सर्वश्री वायलर रवि, उन्नीकृष्णन और साठे जी से बात की थी मेरी मशा क्या थी, मैं भी अकेले मिल सकता था, लेकिन इस मामले में मेरी हमेशा कोशिश रही है। क्रिमिनल प्रोसीजर कोड, फोरिन एक्सचेंज बिल के वक्त भी, कि कॉन्फ्रेंस

कन्फ्रेंस बिरोधी वक्त की वक्त में हो और कोई एक कॉन्फ्रेंस, एक सहमतिकार्य हो। इसलिये मैं ने कहा कि आप मुझका तब कीजिए, मैं भी भाजंगा। और अगर कोई गलतफहमी हुई है तो मंत्री महोदय को ऐसा नहीं समझना चाहिये। प्रधान मंत्री जी इसके पहले फोरिन एक्सचेंज के बारे में, एक वक्ता कहा कि मधु लिमये जी ने मुझको क्यों नहीं लिखा। तो ऐसा हम क्यों समझते हैं? इन के साथ तो औद्योगिक विकास के हर पहलू पर हमारा पत्र-व्यवहार चलता है। तो अगर गलतफहमी कोई हो गई है तो मैं स्पष्ट करना चाहता हू कि हम इनसे बात करना चाहते हैं। इन का सुझाव ठीक है कि आज अगर चलाना चाहते हैं, तो चलने दीजिए, हम अडगा नहीं डालेंगे। लेकिन कल बातचीत होगी कि नहीं यह मंत्री जी कहें।

सभापति महोदय साढ़े पाच बजे प्राधा घंटे की चर्चा हैं, और मंत्री महोदय ने कहा है कि यह आज खत्म होने का नहीं है क्योंकि बहुत से बोलने वाले लोग हैं, विशेषक महत्वपूर्ण है इसलिये लोग टाइम लेंगे। तीन घंटे इस के लिये अलाटिड हैं। मेरा ख्याल है कि आज यह मोशन जैसा है इस को छोड़ देते हैं, और जो कोई टाइम होगा मंत्री महोदय ने बात कर के आप डिस्कस कर लीजिये।

श्री मधु लिमये कल अगर किसी कारण से नहीं हो पाया तो ?

सभापति महोदय वह तो मंत्री महोदय से आप बात कर लीजिये।

SHRI DINESH JOARDER (Malda)
Sir, we want an assurance from the Minister

MR. CHAIRMAN No, please.

SHRI DINESH JOARDER We want to know whether he is going to call us for a Conference for a discussion

at his convenience to-day or tomorrow at any time.

MR. CHAIRMAN: You will hear the Minister.

SHRI C. SUBRAMANIAM: I am prepared to be at their disposal at 9 O'clock tomorrow. If they want to meet me, certainly, we can meet in the Parliament House, in my room, if you don't mind.

MR. CHAIRMAN: So, you are withdrawing your Motion.

SHRI MADHU LIMAYE: Yes, Sir.

SHRI VASANT SAHTE (Akola): Mr. Chairman, Sir, this is an important Bill although *prima facie* this is a simple Bill. But, as the hon. Minister, while introducing this Bill has himself pointed out, it is of basic importance because of its far-reaching implications. There were certain lacunae or rather I would say a certain attempt was made by the industrialists to utilise ingeniously certain provisions in the Act for their own purpose to avoid the object of the Act. As the Act stood, there was a provision that an undertaking which was being registered under the Industries (Development and Regulation) Act, 1951 had two specific things. That is, certain undertakings were required to furnish information regarding the monthly installed capacity, the number of shifts, the number of working days in a month, past production during the last three years etc.

Kindly see that already there was this provision of giving monthly installed capacity, furnishing information relating to the monthly installed capacity. After all, when a factory is seeking registration, it gives its monthly installed capacity that is supposed to be the capacity of that factory to produce the goods or articles for which that is making an application or seeking a certain registration. It is obvious because it also gives the shifts. It will give information as to how many shifts the factory will be working and what will be its monthly installed capacity etc. Nobody can

really produce more than what the installed capacity is. Therefore, we know that under the Act itself, if a factory were to furnish what is its monthly installed capacity, it has to give what its monthly production capacity is. There is no need to specify further as to what the production capacity is because the production capacity cannot be more than the installed capacity. Merely because these words 'productive capacity' were not spelt out or required to be mentioned in the registration certificate, the employers and the factory owners took advantage of the so called lacunae, which I would like to put it, and increased their capacity. They increased the installed capacity, brought about expansion, without seeking further licence and without seeking further registration. Not only did they do this but they did one more mischief namely that by having satellite industries or factories contracted out they increased their capacity indirectly also. All these ways and means were utilised by these houses. I shall not go into the question of big or small here but mainly they were big houses. Because of this mischief, this amendment is being brought forward now, as I understand it.

In the Statement of Objects and Reasons, it has been clearly stated:

"It has come to the notice of the Government that certain registered undertakings have increased their production to a much higher level than what was reported by them at the time of registration. Such increases are likely to be detrimental to the interests of the small and medium units and also likely to lead to disastrous results."

I personally fail to understand the very next provision that is being made, when a simple thing really ought to have been done. In the proposed sub-section (4) of section 10, it has been said that:

"The owner of every industrial undertaking to whom a certificate

[Shri Vasant Sathe]

of registration has been issued under this section before the commencement of the Industries Development and Regulation (Amendment) Act, 1973 shall....".

Here, I want to make one concrete suggestion. Then, we have the provision:

"If the undertaking falls within such category or within such class of undertakings as the Central Government may by notification in the Official Gazette specify in this behalf."

I would like to know why this is being done. The Industries Development and Regulation Act applies to the industries mentioned in the Schedule to the Act. All those industries automatically come under this, because all of them are guilty of this mischief which we are trying to cure. If that be so, why should we cure the mischief only in respect of certain industries and exclude the other industries covered by the Act by making a further provision that only those industries which are specified in the notification would be covered under this amending Bill? I would like to suggest that it may be considered whether this is really essential.

The second thing that I would like to suggest is this. After the words 'within such period as may be specified in such notifications', we have the words:

"the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars."

All that we need to say here is:

"the productive capacity of the industrial undertaking as on the date of registration"

That would have really solved the problem, or cured or corrected or set right the mischief. For, what is the object of the Bill?

As stated in the Statement of Objects and Reasons; it has come to the notice of Government that certain registered firms have increased their productive capacity to a much higher level than what was reported by them at the time of registration. So, whatever was reported by them at the time of registration ought to have been entered in the normal course in the certificate of registration as their productive capacity. But that has not been done. Later on, after the date of registration, they have increased the production illegally and clandestinely. This is the mischief which has come to the notice of Government and which they want to set right. If that be so, why should Government not say that they would accept whatever was the productive capacity at the time of registration and that figure would be entered as the productive capacity?

After that, if they have expanded, you must have some other provisions of compensating for that either by penalty or compensation or putting restriction that that additional capacity must be utilised only for export and will not be released into the internal market. You could put some such restrictions in the interest of the nation—I am talking of additional capacities illegally brought about. We are introducing in sub-clause (5) the provision:

"In specifying the productive capacity in any certificate of registration issued under sub-section (3), the Central Government shall take into consideration the productive or installed capacity of the industrial undertaking, as specified in the application for registration."

Later on we say:

"the level of the highest annual production during the three years immediately preceding the commencement of the Industries (Development and Regulation) Amendment Act 1973..."

Supposing it was registered in 1963 or 1965 and if they had expanded thereafter? What do we say here? Three years before, whatever their capacity, that we will take into consideration. Are we having in mind regularising and legalising an expansion brought about by them in this clandestine manner? That is my fear and apprehension if things stand as they are. I would like a clarification on this, because if this fear is correct on a reading of the Bill, it would be defeating the very object which we have in mind. That is my humble submission.

I do not wish to go at this stage into the question of amendments relating to the houses when we lay down the conditions. We have proposed certain amendments, myself and my colleagues, about putting restrictions on foreign companies, as to what we should do in this regard by way of putting certain other restrictions. This is because the hon. Minister has already said that we may discuss it separately. But I am pointing out today for the purpose of our understanding certain basic lacunae in the Bill which, according to whatever little experience of dealing with law I have, will open the floodgates for mischief, regularising and legalising the mischief, because all that they have to do is to come and say: 'Sir, during the last three years this was the additional capacity we had reached; enter it in the certificate.' Along with other things, this will also be taken into consideration.

After all, this is a legal provision we are bringing about to serve a very laudable objective which was originally in our mind, to protect small industries from competition of big industries who get centralised, developing monopolies and not allowing small industries to grow.

I would like to make one more suggestion. I suggest that some provision can be made, requiring these units who have expanded their capacity to shift to backward areas, to under-developed areas. Because, to-

day, all your industries are concentrated in Bombay and expanding in Bombay and Calcutta and other big cities, and with what problems; you know very well. The problems are not only social, political and economic but even moral. You cannot have a balanced growth and you cannot provide employment to all people in Bombay and Calcutta today. Therefore, these industries have to be decentralised, and if decentralisation has to take place, you will have to ask these industries which are today concentrated in these areas to go to the under-developed regions. For industrial development, I would consider the rest of the entire country as backward except those concentrated pockets. Let those industries go to the backward areas where they are infra-structure facilities. Why should not those industries, who have illegally expanded without having a licence and without having a registration, be either declared illegal and be penalised or even punished under section 24 if that is necessary, or, let them go to the backward areas, the other infra-structure facilities being provided by you? We do not want to be unjust to them. But there will have to be some such positive efforts to see that the industries are shifted to the under-developed areas. Only then our basic objective will be served. Otherwise, I am afraid this Bill, with the best of objective and intentions and motives, may not serve its purpose. That is why I would request that the Bill be given a second thought.

श्री मधु लिवये : मेरा प्वाइंट ऑफ ऑर्डर है। अभी श्री बसन्त साठे ने बहुत ही अच्छे ढंग से कहा कि जो वर्तम कानून है उस की तहत भी रजिस्ट्रेशन के लिए जो आवेदन पत्र होता है उस में मंथली कपैसिटी देनी होती है और शिफ्ट देनी होती है। इसलिये वार्षिक उत्पादन शक्ति क्या है इस का पता आवेदन पत्र से ही चल जाता है, लेकिन मंत्री महोदय ने स्टेटमेंट ऑफ

[श्री मधु सिन्घे]

भायोरेंटस एंड रीजन्स में जो बाध्य रखा है वह इस प्रकार है।

"If such a state of affairs is allowed to continue the production level of such undertakings will remain indeterminate and cannot be brought to a specified level as distinct from the undertakings licensed after the commencement of the Act for which the specific productive capacities are mentioned in the licence."

इस का मतलब है कि वह अन्डरटैकिंग में फर्क कर रहे हैं। उन्होंने अन्डरटैकिंग्स का वर्गीकरण कर दिया। लाइसेंस अन्डरटैकिंग और रजिस्टर्ड अन्डरटैकिंग उन का कहना है कि लाइसेंस अन्डरटैकिंग को कानून की तहत हम रोक सकते हैं, लेकिन रजिस्टर्ड अन्डरटैकिंग को रोकने की कोई शक्ति उन के पास नहीं है। मैं मंत्री महोदय से जानना चाहता हूँ कि क्या ऐंटार्नी-जनरल से इस बारे में कोई राय ली गई है। मैंने सुना है कि ला मिनिस्ट्री से प्रोपोनियन ली गई है। अगर ली गई है तो उन की प्रोपोनियन क्या है। क्या मंत्रालय में एक प्रोपोनियन की जगह दो या तीन प्रोपोनियन्स दी गई हैं। अगर ला मिनिस्ट्री ने अपनी राय दी है कि अधिकार का इस्तेमाल नहीं हुआ है, तो यह बिल बिल्कुल अनावश्यक हो जाता है।

इसलिये मैं जल्दी समझता हूँ कि ला मिनिस्ट्री और ऐंटार्नी-जनरल के बारे में बतलाया जाय कि उन्होंने क्या राय दी है। इस विषय में मेरी बहुत लम्बा चौड़ा पत्र-व्यवहार चला है। इसलिये मैं कह रहा हूँ : मेरा प्वाइंट ऑफ ऑर्डर यह है कि रजिस्टर्ड अन्डरटैकिंग्स में कानूनी ढंग से अपने आवेदन पत्र में जो कपीसिटी बतलाई है, जो रिफ्ट बतलाई है, उस के ऊपर उन की पेश करने में क्या कोई कानूनी विकलता है ? अगर है तो उस का स्वरूप क्या है ? इस का पता चलना चाहिये कि इस के ऊपर ऐंटार्नी-

जनरल और कानून मंत्रालय के कोई राय आई है या नहीं। अगर आई है तो यह समय में अपनी चाहिये। मंत्री महोदय अगर आज उस को नहीं रख सकते हैं तो कल रख सकते हैं। हम लोग 9 बजे बिग एड हैं, उस समय दे सकते हैं। लेकिन इस विधेयक पर निर्णय होने से पहले ला मिनिस्ट्री और ऐंटार्नी-जनरल की प्रोपोनियन हमारे सामने आनी चाहिये :

SHRI C. SUBRAMANIAM: I do not think it is a point of order against the Bill.

MR. CHAIRMAN: He wants to know whether you can tell him tomorrow.

SHRI C. SUBRAMANIAM: We have taken opinion before proceeding with the Bill.

श्री मधु सिन्घे: ऐंटार्नी-जनरल हमारा सर्वेन्ट है। यह जानने के लिये कि बिल आवश्यक है या नहीं, ऐंटार्नी जनरल को बुलाया जाये।

सभापति महोदय : ऐंटार्नी जनरल की प्रोपोनियन लेने के बाद ही यह बिल लाया गया है।

श्री मधु सिन्घे : उन्होंने ऐसा नहीं कहा है। सभापति महोदय, आप कह रहे हैं कि ऐंटार्नी-जनरल की राय ले कर बिल लाया गया है।

SHRI C. SUBRAMANIAM: Let him carry on the debate. I will be able to answer the points. If they think at that time somebody else will have to clear the doubts, we can consider it then.

श्री मधु सिन्घे : बहुत के लिये सारी सामग्री आने की जरूरत है।

सभापति महोदय : आप बहुत में अपनी बात रख सकते हैं।

SHRI S. M. BANERJEE: The point is that he has put a specific question. The Statement of Objects and Reasons is not now in the Bill; it was in the Rajya Sabha Bill. They must have raised that point. They have not raised it. Now Shri Limaye has raised the point whether the Attorney-General was consulted or the law officers were consulted. The hon. Minister says that he had consulted.

SHRI MADHU LIMAYE: He did not say that; he said legal opinion was taken; he is very clever.

SHRI S. M. BANERJEE: Legal opinion is taken before all the Bills are drafted. We want to know whether it is possible to lay that legal opinion on the Table of the House or pass it on to us, we want to say whether the Bill is in consonance with that or there is some difference.

DR. KAILAS: If legal opinion has been taken from the Attorney General, it may be placed before the House.

श्री मधु लिमये : सभापति महोदय, प्राप एस्टिमेटस कमेटी के चैयरमैन है। प्राप की कमेटी में कहा है कि फलां फलां उद्योग स्माल स्केल इन्डस्ट्रीज के लिये प्रारंभित किया जाये। छोटे उद्योग वाले कहते हैं कि यह विदेशी कम्पनियां विस्तार करती चनीजा रही है, जैसे कालमेट पामोलिन है : मेरा कहना यह है कि इस कानून के तहत मंत्री महोदय को जो अधिकार है वह उन का इस्तेमाल नहीं कर रहे हैं।

PROF. MADHU DANDAVATE: On this point, I shall quote a precedence which might help the Minister and also the Chair. Once there was a controversy regarding the M.R.T.P. Act and the Report of the Commission. The Minister of Company Affairs made a reference to the legal opinion given by the Attorney-General, and he said that when he consulted legal opinion, when they put forward that opinion before the House,

according to the Attorney-General's opinion, section 62 of that Act makes it incumbent on the Government that all the reports should be submitted. Similarly in this case if the opinion of the Attorney-General is put forward before us, as Dr. Kailas rightly pointed out, it will help the debate.

SHRI C. SUBRAMANIAM: It is the question whether the Bill is necessary or not. Let them make the point that it is not necessary. I shall try to convince the House that it is necessary. And if there is any legal point which I am not able to explain to the satisfaction of the House, after all these are all persons whom we consult, if there is still some doubt in the minds of the Members, they can say that the Attorney-General should come and explain the position. We can consider that at that stage. I am quite confident that I will be able to convince the House that this Bill is necessary.

श्री मधु लिमये : यह बाद में कैसे हो सकता है ? मंत्री महोदय ने अपने भाषण में कोई दलील नहीं दी कि इस की क्या आवश्यकता है।

सभापति महोदय : वहां डिबेट हो रहा है, सब कुछ कहा जा सकता है।

श्री मधु लिमये : डिबेट तो अभी हो सकता है जब सारी जानकारी रखी जायेगी।

What is this? I do not understand. There is nothing to hide.

सभापति महोदय प्राप जबानी कह सकते हैं कि अगर मंत्री महोदय हम को कॉन्फिडेंस नहीं कर सकते तो एटार्नी-जनरल को बुलाने की जरूरत होगी, या उन्हें को बुलाना चाहिये।

श्री मधु लिमये : तो हम को पता चलना चाहिये कि क्या बात है ?

सभापति महोदय : तो वह तो कह दिए कि हम ने ज़रूरत समझी इसलिए हम लाए हैं ।

श्री मधु लिमये : क्या सेक्योरिटी आफ स्टेट का मामला है इस में ? यह क्यों छिपाते ह ? हो सकता है इन की प्रोपिनियन आने पर हमारी ही राय बदल जाय । इसलिये हम को वह प्रोपिनियन मिलनी चाहिए । जैसे उन्होंने कहा कि उन का प्रोपेन माइंड है ऐसे ही हमारा भी प्रोपेन माइंड है । उन को देश का हित प्यारा है, हम को भी देश का हित प्यारा है । . . . (ध्वनि) . . .

अध्यक्ष महोदय, आप कुछ रूनिंग ही नहीं दे रहे हैं ?

सभापति महोदय : अब आप बोलने दीजिए । वह एक्सप्लेन करेंगे । उन्होंने ज़रूरी समझा इसीलिए वह बिल लाए ।

श्री मधु लिमये : अध्यक्ष महोदय, आप एस्टीमेटस कमेटी के अध्यक्ष हैं . . .

सभापति महोदय : तो उस के मुताबिक आप बहस कीजिए न । जब पूरी बात सुनी जाएगी आपकी तब न आदमी कोई निर्णय देगा ।

श्री मधु लिमये : हम बेमतलब नहीं, इंटेलिजेंट बहस चाहते हैं । अन्बेरे में बहस थोड़े ही चाहते हैं । अगर वह हमें पहले ही कबिस करें तो क्यों सदन का समय ले ?

SHRI NIMBALKAR (Kolhapur): If what Mr. Limaye has said turns to be right, the whole debate is useless. That is why a ruling is necessary at this stage.

SHRI C. SUBRAMANIAM: You should give some credit to the Government. We have gone into the whole thing and it is only on the basis of full investigation and examination, we have thought it necessary to bring forward this Bill. Let them argue that it is not necessary and we will convince them.

SHRI S. M. BANERJEE: If you allow me to read the proceedings of the other House on the Bill...

MR. CHAIRMAN: That is not the practice.

SHRI S. M. BANERJEE: I am saying from memory. Although the Minister said it is a short and simple Bill, still hon. members have demanded a comprehensive legislation.

सभापति महोदय : पहले सुनिए, उन्होंने इस बात को एक्सप्लेन कर दिया कि प्रोपिनियन उन्होंने ली और प्रोपिनियन लेने के बाद वह इस कान्फ्लूजन पर आए और उन्होंने मुनासिब समझा, इसलिए बिल लाए हुए हैं । अगर आप समझते हैं कि नहीं, यह यूज़लेस है तो आप उस को पूर्व कीजिए, उस का वह जवाब देंगे । अगर ज़रूरत पड़ेगी, उस के बाद में अगर एटार्नी-जनरल की ज़रूरत हुई तो वह उन की राय ले लेंगे या आप को मालूम करा देंगे । चलिए, अब बोलिए ।

श्री एस० एम० बनर्जी : तो फिर तो हम को मौका मिलेगा नहीं ।

सभापति महोदय : आप उस में डिस्कशन कीजिएगा ।

श्री मधु लिमये : कैसे करेंगे ? अब मान लीजिए बैनर्जी साहब बोल गए तो उस के बाद वह कैसे बोलेंगे ?

सभापति महोदय : आप का नाम है बोलने के लिए, तो क्या कोई बोलने वाला ही नहीं है ?

श्री एस० एम० बनर्जी : नहीं नहीं, बोलने वाल का सवाल नहीं है । मैं कहता हूँ क्या आप चाहते हैं कि दूसरा आदमी बिना जाने ही बोले ? अगर मैं बोलता हूँ तो मेरी बोलती तो बन्द हो जायगी आज बोलने के बाद ।

सभापति महोदय : हाँ, वह बात तो सही है। तो आप आज नहीं बोलना चाहते हैं ?

श्री एस० एन० बनर्जी : नहीं नहीं, मैं आप से रिजर्वेट करता हूँ, बोलने का सवाल नहीं है, बोलने के लिए आप कहेगे तो मैं बोलूंगा। मेरे प्वाइंट्स हैं, मैं तो बोलूंगा। लेकिन . . .

सभापति महोदय : आप आज बोलना चाहते हैं या कल बोलना चाहते हैं ?

श्री एस० एन० बनर्जी : मैं बोलूंगा, लेकिन मैं चाहता हूँ कि अगर वह ओपिनियन का जाता तो अच्छा होत

सभापति महोदय : ओपिनियन देने के लिए मैं नहीं कह रहा हूँ। उन्होंने कहा कि ओपिनियन लेने के बाद वह मुनासिब समझे हैं इसलिय बिल आए हैं।

श्री एस० एन० बनर्जी : आप क्या मुनासिब समझते हैं ?

सभापति महोदय : मेरा निर्णय यह है कि मैं उन को अभी टेबल पर रखने के लिए नहीं कह रहा हूँ। आप बोलना चाहते हैं तो बोलिए।

SHRI S. M. BANERJEE: Sir, I fully support some of the points mentioned by Shri Sathe. It is surprising that after a lapse of 22 years suddenly they have realised that there is a lacuna. But by this time all the business houses who enjoy practically monopoly in trye, jute, textile, cosmetics, etc., have enjoyed fully. There is nothing to end their monopoly or stop their further expansion. The fate of the Monopolies Commission is known to us. Hardly a Chairman could be found because it is the business houses who decide as to who should be the Chairman of such a commission. The Sarkar Commission is still there and has not submitted its report. The terms of reference of

this commission are very broad. They are investigating into the various malpractices of the big houses. They started with Birlas and other houses are also being investigated. It is surprising that at this time we have this legislation. What will be the function of the Commission? Is the hon. Minister prepared to tell us that, after the submission of the Commission's report, a comprehensive Bill will be brought forward?

Even in the other House, he never mentioned what was the immediate necessity of this Bill. He said, it is a simple Bill; it is a short Bill. I agree, it is both simple and short. But what are the far-reaching implications? Is it not a fact that in this country, after Independence or after 1951, after 22 years, the monopoly houses have increased their monopoly? In the case of foreign companies here, the repatriation of their profits to their countries has increased to an extent that we cannot possibly imagine. I am told, only the toothpaste industry has repatriated their profits to the tune of Rs. 9 crores annually. Whether it is Colgate or Palmolive or other company, the repatriation of their profits is to the tune of Rs. 6 crores annually.

On that day, during the Half-An-Hour Discussion, we did request the hon. Minister to let us know what his plans are, how he is going to plant it, how the foreign companies are going to be controlled, how the foreign exchange remittances can be minimised, what will be the future policy of import and export and all that. We want to know whether those industries which want to thrive purely on the indigenous material and on their own with a limited capital can also thrive.

It was with the greatest difficulty that the Indian tyre industry came up. The Goodyear and other foreign companies never allowed Indian tyre industry to come up. With greatest

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difficulty, certain Indian tyre companies came up and were given licences. They have to compete with other foreign companies.

Recently, we are being threatened and bullied every time by the foreign oil companies. This is what has happened to our country. You know what is happening. In the same manner, if you take other industries, all the medium and small industries are suffering because of these big business houses do not allow them to grow.

What is the Phillips doing? They are getting their tubes manufactured through small firms. The seal is put on them and sold as the Phillips product. This is exactly what is being done. On that day, the hon. Minister said that his policy will be to curb the monopoly and he said, supposing somebody expanded the capacity illegally without properly informing the Government, there will be a proper investigation into that.

What happened to the barrel industry? Whether it is the Bharat Barrels Co or other Barrel Companies, they increased expanded their capacity illegally and unlawfully through shady means and, ultimately, their capacity was properly regulated.

17 00 hrs.

What about other industries, like, nylon, rayon, etc.? I can quote many houses who increased their capacity without making any reference to the Ministry, in anticipation; it would be regularised and they would be able to make more profits. There is a liaison between the monopoly houses and some section of the politicians also. I do not want to bring the names, but it is true that certain politicians are interested to see that business houses enjoy and expand at the cost of small industries. I have seen the amendments given notice of by my hon. friends Shri Sathe and Shri Madhu

Limaye. I have also seen the amendments given notice of by my hon. friends, Shri Ishaque and Shri Daschowdhury. I do not know where they are; they are not here. I was surprised to see those amendments. Are those amendments which they have given notice of in accordance with the Industrial Policy Resolution? Is it not a side-back from the Industrial Policy Resolution which we adopted during the time of Pandit Jawaharlal Nehru in 1956? And if it is not a side-back from that Industrial Policy Resolution, will the hon. Minister explain to us how the monopoly has grown beyond expectations unchecked and unabated during the last 25 years? My hon. friend, Shri Dasaratha Deb, has quoted figures about Birlas and Tatas. I am not going to quote many figures. But if you see the percentage, it is 700, 800 and sometimes even 1000 per cent; the capital had increased that much, the business had increased that much. We could understand 50 or 60 or 100 per cent. But here to what extent has it increased? And at the cost of what? Tax evasion is more in the country, and the presence of black money according to the Wanchoo Committee was about Rs. 7,000 crores in 1970. Now it must have gone beyond that; it must be Rs. 10,000 or 12,000 or even 15,000 crores. A Select Committee has been formed to plug the loopholes in the taxation laws, with a view to unearthing black money. Will it be possible for us to do so? If the hon. Minister, Shri C. Subramaniam, does not bring these monopoly houses under control or at least tame them, it will be impossible for any Select Committee to suggest stringent measures for tax evasion or for unearthing black money.

Coming to the application of this Bill, here it is said that it shall come into force from such date as the Central Government may, by notification in the Official Gazette, appoint. Amendments have been given notice of by Shri Sathe and Shri Madhu Limaye that it should be done at

once. Otherwise, if it is only to be kept in their armoury and is not to be implemented, then what is the use of our passing this Bill? Also, Sir, this Bill should have been sent to the Select Committee. They could have invited some of the parties and listened to them with patience and then taken a decision whether this was necessary after a lapse of 22 years. Then the Select Committee could also have come to the conclusion to what magnitude monopoly has grown in this country; the poor has become poorer and the rich has become richer. And if you consider all the industries....

SHRI C. SUBRAMANIAM: No-body moved for this Bill to be referred to a Select Committee. Now everybody says that it should go to a Select Committee.

SHRI MADHU LIMAYE: How are we to know? You got it passed in the Rajya Sabha.

सभापति महोदय, हम तो इन की मदद करना चाहते हैं, लेकिन ये उल्टा ऐसी बात कहते हैं। आप जल्दी इस को पास करना चाहते हैं—लेकिन हम मदद करना चाहते हैं, करना हम बड़ सकते थे।

SHRI C. SUBRAMANIAM: This is what he is saying now.

SHRI S. M. BANERJEE: I say that it should have gone to the Select Committee. I am not responsible for the wisdom of the Rajya Sabha. I am in Lok Sabha. You can address both the Sabhas, but I cannot. So, you should have said it there.

The question is very simple here. Take any member, every member there expressed his apprehensions. The Wanchoo Commission also suggested a comprehensive legislation. The question is this. I am quoting from my memory. Members after members said, "Why wisdom has dawned suddenly after 22 years, where was this lacuna? Why was it not

rectified? What was the necessity for it now?" To my mind, this Bill is going to legalise the illegal acts of the business houses. How is he going to stop it? The hon. Minister should have explained it to us right in the beginning. Even in the other House he did not explain that. He said that this is a consequential amendment. In Section 10, the following sub-section shall be inserted:

"The owner of every industrial undertaking to whom a certificate of registration has been issued under this section before the commencement of the Industries (Development and Regulation) Amendment Act, 1973, shall, if the undertaking falls within such class of undertakings as the Central Government may by notification in the Official Gazette, specify in this behalf, produce within such period as may be specified in such notification, the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars."

17.07 hrs.

(**SHRI SEZHIAN** in the Chair.)

Everything is 'such'. No period is mentioned. 'Within such period'—we do not know what period. "As may be specified in such notification"—what is that notification, we do not know. We have discussed enough about the barrel industry. Myself and Shri Madhu Limaye brought the Bharat Barrel case to the notice of the Public Accounts Committee. Then we discussed in this House how the barrel industry was expanded by these men and how it was regularised shamelessly by the Minister—not the present Minister, I am not accusing him. I feel—I am speaking subject to corrections—and I hope my apprehensions are wrong, that some of these illegal acts of the big business houses are going to be regularised before the UP elections after the passage of this Bill. This is my

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apprehension. I may be totally wrong, I wish I am wrong. That is why we want it to be sent to the Select Committee. The hon. Minister says, 'Why you have not moved it?' The question is that sometimes we do not realise the implications of it. He is concerned only with one Ministry and the Congress Committee. We have to speak so many Bills. Sometimes, it looks so innocuous, so short a Bill and so small and simple a Bill that we do not realise its implications at the first glance but later on we come to realise it. I am not supposed to be a versatile genius like the Minister. I realised this morning when I read the whole thing and when I read the amendments that we should request the Minister that it be referred to a Select Committee and that if he does not agree, let it be deferred by five or six days so that we may apply our minds and suggest certain ways and means by which the loopholes may be plugged systematically, calculatedly and with a view to see that nothing comes under this

Now, clause 4 of the Bill says:

'In the First Schedule to the principal Act, under the heading '38. Miscellaneous Industries', the item 'Cigarettes', shall be numbered as item (1), and after the item as so numbered the following item shall be inserted namely:—

'(2) Linoleum, whether felt based or jute based.

There are amendments in which cosmetics come in

MR CHAIRMAN: You can take it up when we come to clause-by-clause discussion

SHRI S M. BAERJEE: You were present, Mr. Chairman, in the committee meeting in Bombay when the Taxation Laws (Amendment) Bill was considered. Mr. Palkiwala was giving evidence. This point was raised that

when Tatas started producing lipsticks we were angry. The question was why particular firms or business houses which were producing steel should go down to lipsticks. He quoted a letter written by Pandit Nehru to Mr. J. R. D. Tata, in which he said: 'I do not want foreign lipsticks. I want that you should manufacture lipsticks.' He was ready to produce that letter from the late-lamented Pandit Nehru. He was a man who never used lipsticks. He did realise that even in respect of this minor thing it should not be imported. Why should we depend upon import of such things into our country? Sir, this particular craze for imported things is so much in the country only because the business houses and industries in our country are not properly run. That is why this is there. Let the Minister check up with the Ministry of Company Affairs as to how much profits these firms make. He would completely support us in respect of what we say that proper action should be taken against them.

Then, about the limit of 60 days, I fully support it. There should be a limit prescribed. Otherwise this will not be taken seriously. I would request the Minister, if possible, to let us have the opinion of the Law Ministry. We believe whatever he says. But, I have a feeling that even after the Bill is passed the lacuna will remain. The loophole will remain. The business houses are clever people and with the help of their cleverest lawyers they will be able to manipulate all these things. Monopoly will result in more monopoly and expansion of monopoly. I have not seen any monopoly houses being abolished.

Now, with the slogan of joint sector, it is a wishful thinking which is indulged in by certain business houses that they should enter defence. They think they should also manufacture them. They say, 'look, what is happening in America. There are no defence factories under the U. S Government. They are all done by private

people; the country is ours; they are also countrymen; all citizens are equally patriotic." Like that it goes on.

Then, Sir, I am surprised about this. A special alloy steel plant was sanctioned for Defence, to be located in Kanpur. The Minister said, it will be in Kanpur. Thank God that the foundation-stone was not laid; otherwise even that stone would have been removed. Now, they say, no. They say, it will not be in Kanpur. The Planning Commission does not approve of this. They say they will have to consider whether this should be under Defence. I am surprised about this. Whenever they take a decision they should take the decision seriously, but this is not done.

I do not know what is going to happen to automobile industry. We want automobile industry to be taken over by the Government. When Moinul-Haque Chaudhury was the Minister in charge he said, we are not interested in taking over the junk. He called the Birla's Hindustan Motors, a junk, although this junk is producing the maximum number of cars. It is a question of the entire take-over of the automobile industry including Maruti. Otherwise what will happen is this. Whenever Government wants to put their hand they will immediately say, we are junk, please don't touch us. What happens is this. Government is only taking the sick mills only as if they have established a hospital for sick mills.

With these words, I would request the hon. Minister to kindly throw some light or at least educate me. We have seen various Commission Reports—Sircar Commission Report is there—and obstruction after obstruction was placed by one particular family and I doubt very much whether the reports will at least see the light of the day. Sometimes we are forced to believe that the Government also becomes a party. I do not accuse the ruling party for this. Sometimes they

do it. But, in this case, if you consider the performance of the last 22 years of the Government as far as industries are concerned, you will find that there was a definite shift in the policy towards nationalisation of industries. Nationalisation has received a great set-back today in the name of joint sector or any other thing after the submission of the memorandum by Tata. That is why I say that the Minister should allay the fears in our minds. A doubt which arises in my mind no doubt will arise in the minds of common people also. Therefore, I would request him to allay this fear so that we may try to move certain amendments tomorrow after we meet the Minister—after my friends meet him—who will be able to explain these things. Whether I come or not that is not material. If Shri Limaye or Shri Sathe comes he will explain it. In this regard, we will all rise above party affiliation. I shall fully support my colleagues.

SHRI B. V. NAIK (Kanara): Mr. Chairman, Sir, I welcome the Bill presented by the Minister for Industrial Development.

Before I proceed with it, I want to say that the hon. Member Shri Banerjee has placed the extent of black money in our country at Rs. 7,000 crores. His further estimate was that it might be to the extent of Rs. 10,000 crores unless by definition of money—I mean the money as a unit of exchange—as a unit of value,—unless he has got something very different from what we, common people, usually understand.

Let me repeat that the Wanchoo Committee itself has placed the extent of rough estimate of the black money as Rs. 1400 crores. They have multiplied it by five to denote the number of transactions, that is, the number of times money circulates, approximately five times in the course of a year. The total amount of black money that will be circulated, that is, including all the transactions will come to Rs. 7,000

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crores. Arithmetically it is just impossible that in our country—I mean for the sake of information—we will have Rs. 10,000 crores as black money, because these exaggerated figures might create a tremendous amount of anxiety in the minds of common people and therefore, it would be appropriate for all of us as responsible Members here to put the records straight.

The total currency in circulation in this country in the denomination of Re. 1, Rs. 2, Rs. 5, Rs. 10, Rs. 100, Rs. 1,000 and upto Rs. 10,000, and this is according to the information furnished to me, in reply by the Finance Ministry to a question, is exactly Rs. 6,558 crores. By whatever arithmetic it may be, according to euclidian law of geometry, part of the money cannot be greater than the whole which is a geometrical absurdity. So, a part cannot be larger than the whole of money in circulation. I do not think that the exaggerated figure of Rs. 7,000 or 10,000 or sky being the limit is the extent of black money. (Interruptions). The extent of black money is what I am referring to I am logical arithmetically—I am not political at all, if you can bear with me.

SHRI S. M. BANERJEE: I am quoting it from the Wanchoo Committee.

SHRI B. V. NAIK: I have read the Wanchoo Committee Report along with the Member. The extent of black money that they have estimated for which they themselves are so apologetic as to say this; they cannot compile the exact estimates, the nature of black money that is being in circulation as such, comes to Rs. 1,400 crores. I would not like to labour on this point. We should disabuse the minds of the public to the extent of diabolical financial structure of our country that is being presented so that they do not get scared and alarmed about the

financial conditions in this country. I think it is proper that we should put the record straight. There is no justification for putting everything for solutions in this Industrial Bill. The solutions for black money should be of fiscal and monetary nature for which we should be able to welcome all the bright ideas that will be provided either by the Treasury Benches or by the Members of the Opposition. Now, I come to some of the points made by the hon. Members before me. I feel that ours is the only country, perhaps, as some of our friends would agree, where a premium is being placed on non-production. The only other comparable country is an extremely affluent country in the world where people are rewarded for not producing, namely the USA, and that too not in the field of industry but in the field of agriculture, and this is because of the farm surpluses which have resulted in a net loss to the farmer so much so that they have subsidised non-production of either wheat or corn. But India in the year 1973 is very very far cry from the affluent societies of the West, and I wonder whether our Government, our people, our parliamentarians, or our industrialists could afford to reward non-production in this country.

Secondly, we are speaking about growth. If the production capacity of a particular factory is pegged at 100 tonnes, and if we say that our country should have six per cent growth rate and the planners do this planning and say whether it should be 6 per cent or 4 per cent or whatever it may be, how can we have growth in our economy, unless year after year, there is a definite enhancement in the production capacity and in actual production? So, whenever a particular industrial undertaking goes into production, we have to project over a period of time that its production capacity will be increasing. I do understand that there will be a certain amount of sarcasm that here is somebody who swears by socialism.

who is able to say that there is a justification for increase in production. I submit that I am not one of those who would like to be apologetic about enhanced production in our country.

I now come straightway to the structure of our monopolies which have recently been dealt with by Dr. V.K.R.V. Rao and a panel of economists as not a monopoly. But it is given even in the elementary books on economics like that of Jathar and Bery that there is a distinction between monopoly and oligopoly. But in recent times there has been a changeover in regard to our approach in these critical times of rising prices about what should be done in regard to the privileges of monopolists.

As the structure of our industry stands, according to the list published in 1971, approximately the two houses, namely, Messrs. Tatas and Messrs. Birlas between them control Rs. 1,500 crores worth of assets out of Rs. 3,200 crores of assets held by all the 13 monopolists starting from Tatas and ending up with Kapadias, which means that in our organised industry as a whole, out of the monopolies, these two houses virtually command 50 per cent of the total assets while the remaining houses virtually command the balance of 50 per cent. The reason for my stating this is this. If it is a question of placing a limitation on the wealth of individuals and on the industrial holding of individuals and having limitations in regard to the quantum of property rights that have to be controlled in a socialist economy, the road to that will lie not in curtailing production, not by saying, for instance, let us say, that the production of the Hamam soap should be curtailed; if its production increases, it will go at a much lower price to the poorer sections of society who today cannot afford to use it for the purpose of their personal hygiene. So the road to curtailing growth of monopolies or the growth of the power

of the monopolists lies in directly putting a ceiling on the holdings of these people and not in putting a ceiling on production.

If today we are to control production—that seems to be the intention of this Act—I would submit that in regard to the industries, whether it is the big houses or the medium houses, the greater amount of rub lies today not in what they produce, not how much they produce but in respect of the unnatural concessions that some of these houses have been able to wrangle either from governments or other local authorities and thereby create a sort of socio-economic friction and a problem in the area of their production. I have in this House brought umpteen number of times the case of one monopoly house trying to establish a factory in the State of Mysore where unnatural concessions have been taken by them. Now, if it is not a question of production alone, but if it is a question of these unnatural concessions, whether in the form of land, concessions for electricity, concessions of water supply at the cost of society, we have to take into consideration the total cost to our people and thereafter we will have to arrive at a decision as to what is appropriate for a particular industry.

Today Indian industrialists are enjoying certain concessions which are not prevalent perhaps in many other parts of the world. Naturally, it is also my proposition that industry in this country is over protected. The sum total result is that when it comes to importation of goods or the craze of the people for foreign goods, they are virtually writing off the qualitative content of Indian goods. This is because in the course of the last 20—25 years, over-protected Indian industry has enjoyed such cosy conditions that it is proving to be non-competitive in the international sphere. So much so that the element of risk in our industrial planning has been taken out. All that is prepared

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taken out at the time of the preparation of the project report itself. In these circumstances, I would suggest that when it comes to the question of placing a ban or a limitation on the productive capacity, it should be considered more than once, and the production in this country will have to be increased, from whichever sector it may come.

Thirdly, I would suggest that the negative approach which it is sometimes fashionable, the book socialist approach which is found to be popular, will have to be discarded. I think in this country socialism will have to be saved from doctrinaire socialists in order to see that the common people in this country who do not distinguish between the brand or source it comes from get the goods they want at a reasonable price. They want goods in abundance. Under these circumstances, unless we are able to increase production which need not come in conflict with the principles of distributive justice, unless we are able to gear up our governmental machinery for this task, there is no salvation.

MR. CHAIRMAN: He may continue tomorrow. Now we shall take up the half-hour discussion.

17.30 hrs.

HALF-AN-HOUR DISCUSSION

ELIGIBILITY FOR PENSIONS TO FREEDOM FIGHTERS

SHRI C. K. CHANDRAPPA (Telli-cherry): Sir, the question of deciding the eligibility of the freedom fighters to receive pension has become a matter of serious concern. At the very outset, I would like to make one thing very clear. When we are sitting in judgment as to who are the people who are eligible to receive pension for having been freedom fighters, we

should take into account the fact that the freedom movement in our country was fought by a large majority of our people irrespective of their political or ideological beliefs and also irrespective of their religion, caste or creed. I am saying this with a view to impressing upon the Government that our present considerations, political or otherwise, should not come in the way while we decide the eligibility for granting pensions to the freedom fighters.

Now, I want to raise certain specific cases and I would like to get specific answers from the Government in regard to them. Firstly, during the last session, there was a discussion about the eligibility of the participants in the Moplah rebellion in Kerala. The Government outright rejected it; and in this session, in answer to a question, they said that they had gone through the records of the then Government, that is, the British Government, and they had also gone through the records of political conferences and their resolutions, and also R. C. Majumdar's history. I do not want to make any observations about that attitude of the Government. I would only request the Government not to close that chapter. In that answer, the Government made it clear that the Kerala Government, a government in which the Congress party is also a partner, had decided to grant pension to the participants in the Moplah rebellion taking into account all the different aspects that the Ministry here had considered. I do not like the manner in which a State Government's decision on a major political incident, on a major freedom battle which took place in that part of the country, was ignored; it is not good for people to pass a sweeping judgment completely ignoring the decision of the Kerala State Government. So, I would like the Government to reopen that subject.

I would also like to suggest that if they are very keen on consulting the British records, let them do so;