

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

⁷ Clause 2, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That clause 1, the Enacting Formula and the long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Alagesan: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13.48 hrs.

COMPANIES (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri K. C. Reddy): Mr. Speaker, I beg to move:

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

As the House is aware, this Bill was introduced in this House a few days ago, that is on the 13th. This Bill seeks to replace with a minor addition, the Ordinance that was issued on the 3rd of this month with a view to enabling the Boards of Directors of companies, both public and private, to make without delay generous contributions to the national Defence Fund, or any similar fund approved by

the Central Government for the purpose of national defence, uninhibited either by the limits and conditions imposed by section 293 (1) (e) of the Companies Act or by their own memoranda and/or articles of association.

13.49 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

This section of the Companies Act provides that the Boards of Directors of a public company or of a private company, which is a subsidiary of a public company, may contribute to charitable and other funds not directly relating to the business of the company or the welfare of its employees, any amount not exceeding in aggregate, Rs. 25,000 or five per cent of its average net profits during the preceding three years. If the Board wishes to exceed this limit, it must obtain the consent of the company in a general body meeting. The general meeting of a company can however be called only by giving not less than 21 days clear notice. Thus, the convening and holding of a general meeting of a public company necessarily entails time and expense. In the case of private companies also which are not subsidiaries of public companies, although the above-mentioned statutory restrictions regarding contributions to charitable and other funds do not apply, it may not be possible for many such companies to make such contribution in view of the provisions of their memorandum or articles of association. In the context of the aggression by China on our country and the need to mobilise all the available resources to combat such aggression, and with a view to swelling the National Defence Fund which has been created by Government, it was considered that companies which might like to make generous contributions to the fund in excess of the limits imposed by section 293 (1) (e) of the Companies Act or irrespective of the provisions in their memoranda and articles of

association should be enabled to do so without their having to call a meeting of the general body of shareholders for this purpose.

In fact, this is being done at the request of some of the companies themselves, that is, this amendment. The managements of several companies and also some prominent Chambers of Commerce in this country represented to Government the need for a suitable amendment to section 293 (1) (e) so as to facilitate such contributions without delay. Government considered this matter carefully and felt that an amendment to the section was necessary if the boards of directors of companies themselves were to be authorised to make contributions to the National Defence Fund or any other fund approved by the Central Government for the purpose of national defence without any limit and without obtaining the sanction of the company in general meeting. As the matter was considered urgent, and the amending legislation would necessarily have entailed delay, Government promulgated an Ordinance as has already been stated by me earlier.

The amendment to the Companies Act, which the Bill seeks to effect is by way of introducing a new provision, namely section 293B empowering the board of directors of any company to contribute such amount as it thinks fit to the National Defence Fund or any other fund approved by the Central Government for the purpose of national defence, not withstanding anything contained in sections 293 and 293A or in the memoranda or articles of association or any other instrument relating to the company.

Provision has also been made—this is the minor addition that I have referred to in the course of my earlier remarks—in sub-section (2) of the proposed new section 293B for the specific disclosure of such contributions in the profit and loss statements

of companies making the contributions, so that the shareholders may know what has happened without their knowledge.

Sub-clause (2) of clause 1 of the Bill makes it clear that the provisions of the proposed new section 293B will remain in force only for the duration of the present national emergency.

In view of the tremendous enthusiasm shown by all sections of the people in building up the national effort to meet the present emergency and in strengthening the hands of Government, I have little doubt that this Bill will find ready and unanimous acceptance by the House.

Sir, I move.

Mr. Deputy-Speaker: Motion moved.

“That the Bill further to amend the Companies Act, 1956, be taken into consideration”.

Shri S. M. Banerjee (Kanpur): I welcome this Bill and I hope that after this Bill is passed and it becomes an Act, there will be huge contributions from the various companies, and I am sure that the country will get a large amount in the National Defence Fund.

I have very carefully read the very small and welcome Bill before the House, and I find that under the proposed new section 293B, the board of directors of any company may, notwithstanding anything contained in sections 293 and 293A or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

During the course of the discussion on the situation which has unfortunately arisen due to the aggression and invasion of the

[Shri S. M. Banerjee]

Chinese, I made a suggestion that the millowners or the various companies, whether they are private companies or public companies according to the definition of the law, should contribute at least 50 per cent of their profits. My suggestion was that Government should examine the balance-sheets for the years 1961 and 1962 of these companies and make an appeal to them on the basis of the Prime Minister's appeal that they should contribute 50 per cent of the profits shown in the balance-sheets to the National Defence Fund. I would repeat that this appeal should be made, and it should not be left entirely to the sweet wishes of the companies. I do not attribute any motives. At this time of emergency, I am glad that all those capitalists, whom we have criticised in this House or outside, have come forward themselves, and so, there is a sincere desire on their part to help the country in fighting the foreign aggression. That is very good.

But I find that certain big companies—I do not want to name them—which contributed nearly Rs. 27 lakhs to the election fund have contributed only Rs. 25 lakhs to the National Defence Fund. So, I feel that this may not be fair. We belonging to the unions of workers whether in the public sector or the private sector have made a fervent appeal on the basis of the Prime Minister's appeal to all those workers who are getting even less than Rs. 100 a month to contribute one day's salary, salary meaning the net salary and all the allowances which come to nearly Rs. 7 or 8 or at least Rs. 5.50, to the National Defence Fund. Apart from that, we have requested the workers, and through them their wives, sisters and mothers to donate one ornament at least to the National Defence Fund. As you know, the middle class families or those families which belong to the down-trodden ordinary working class have no orna-

ments practically, but still I have seen in places like Kanpur etc. that wherever I went, when I made an appeal to them, they contributed whatever they had, to the National Defence Fund.

So, it is necessary that no discretion should be given to those companies. I know that they may be paying more than 50 per cent of their profits. But it is high time that in the larger interests of the country, in order to mobilise our resources for the defence of our Motherland, at least 50 per cent of their profits must come to the National Defence Fund. If the country survives this aggression they will have much more profits in the near future. But today the time has come when everybody has to give and give his best in the larger interests of the country and in defence of our Motherland.

I may quote here an instance to show how the workers have contributed to the National Defence Fund. After the Sampurnanand Award, all the textile workers in Kanpur got five holidays. One of those holidays was on Diwali, on the 28th October, 1962. The workers unanimously under the leadership of the Smt. Mill Mazdoor Sabha and other unions representing the workers decided that they would work on the Diwali day, that is, the 28th of October 1962, and they would contribute their wages for that day to the National Defence Fund. The wages came to about Rs. 2 or 2½ lakhs. That is the response from the workers to the Prime Minister's call. The Diwali holiday was the first holiday which was available to them after the Sampurnannand Award, and they worked for the full day on the Diwali day and they contributed whatever they earned on that day to the National Defence Fund. This was the first holiday which was given to them after the award; otherwise, they were not entitled to any wage on any holiday. But the millowners of

Kanpur have not even ratified that, and that money is still not being paid.

When the workers are paying so much of the wages which they have earned after hard toil I am sure that all the millowners should contribute at least 50 per cent of their profits.

I would also take this opportunity of requesting through this House all those companies which have not paid their income-tax arrears to pay those arrears soon. They should not only pay some amount to the National Defence Fund but they should also pay these income-tax arrears, especially since we are short of money now. The collections to the National Defence Fund hardly amount to Rs. 2½ crores today; at best, it may be only Rs. 3 crores. But we have been told in this House by the hon. Finance Minister that the effective arrears of income-tax come to about Rs. 131 crores. Is it not high time for us to request our brethren who are equally good nationalists to pay their income-tax arrears and thus help the country? After all, the country cannot afford to lose this sum of Rs. 131 crores. This sum represents only the effective arrears; if we take the non-effective arrears it would come to more than about Rs. 200 crores. So, Rs. 131 crores of income-tax, and about Rs. 6 to 7 crores of gift tax, and then an equal amount of other taxes such as wealth tax etc. should be paid without delay.

Further, in every State, there is a huge arrear of sales tax. In my constituency of Kanpur itself, I know that the arrears amount to about Rs. 21 lakhs. Income tax—how much? It is Rs. 2·98 crores. It was Rs. 4·98 crores. Thanks to the millowners and to the people of Kanpur, they paid their arrears and it has now come down to Rs. 2·78 crores or Rs. 2·98 crores. This is an occasion when everyone should pay whatever he can to the fund. I

am sure the companies will react very favourably to this measure.

14 hrs.

I expect more production. Where we have a mixed economy, more production always means more profits. We are asking the workers to work more and I am sure the profit will be more. Such being the case, they should give at least 50 per cent of the profit to the National Defence Fund.

I and some other Members of this House—seven of them—issued an appeal to fathers and mothers of this country to donate their sons at the feet of the Prime Minister for the defence of the country. What a response we got? The companies are expected to pay only money. I would, with your permission, read a letter I received from a poor sepoy. He is Shri J. T. Ghatge, Central Excise Office, Nipani, Belgaum. It is in Mysore State. The hon. Minister must be knowing. He writes:

“In response to your appeal for ‘putra dana’, I intend to dedicate the services of my two sons particularised below in defence of the motherland against the aggressor. I particularly feel that this dedication be accepted on the auspicious occasion of the Prime Minister’s birthday falling on 14th November, 1962. Kindly arrange for the acceptance of the offer and oblige. I would also be grateful to hear from you the place and the time at which they should report”.

We are the two sons? Ramdas J. Ghatge, aged 14 years and Aroonkumar J. Ghatge, aged 12 years. This is the sentiment shown by an ordinary sepoy from Mysore. Then there is a letter from Nagpur, another from Bengal. I have received so many letters. One retired conservator, Shri K. C. Ray has written....

Mr. Deputy-Speaker: We are concerned with companies here.

Shri S. M. Banerjee: When they are offering their sons, I feel the mill-owners must offer at least 50 per cent of their profits to the National Defence Fund. I am sure they will do so.

Shri D. N. Tiwary (Gopalganj): I welcome this measure which is an amendment to the Companies Act. While speaking on the Resolution moved by the Prime Minister, I had said that the enthusiasm in the country has gone so far as to make the poor contribute everything they have. The rich are not contributing to that extent. So I welcome this chance given to them so that they may not take shelter under the original Act for contributing less. They should come forward with their maximum contributions.

When they contribute, it is not their own money but the money of shareholders. The shareholders have no objection in contributing the maximum amount possible.

My hon. friend, Shri S. M. Banerjee remarked that so much of income-tax is due. That is due legally. Factually much more is due. Every year Rs. 50 crores or more are kept back or not disclosed. The income on this score, they have made since these 15 years of independence would be about Rs. 700—800 crores. That money has gone for the benefit of the company owners and managements. They should not grudge contributing at this juncture for the defence of the country. If the Chinese come, whatever they have will be gone and they will not reap any benefit from the wealth they have now. So they must come forward with as liberal contributions as possible. As regards the suggestions that it should be 50 per cent, I would say that is nothing. They should contribute more. Some minimum should be laid down below which nobody should go.

We have seen these few days that every party and every organisation is

moving about collecting funds, gold etc. for the defence of the country. The appeal for putra dan is also evoking a good response. Shri Banerjee read out a letter from a father donating his two sons. We in the Congress Party have assured the Prime Minister on his birthday that everyone of us is ready to contribute or give his sons as putra dan for this fight. No effort will be spared from my Party to contributing anything we have for the defence of the country.

Whatever percentage the Minister may fix, I would request him to move round the country and appeal to every industrialist and management to contribute the utmost they can. Contribution of Rs. 25 lakhs from a big magnate is not enough. As remarked by Shri Banerjee, they have given more to parties for the elections. This is more important than elections. This is for our very existence, the defence of the country. So they should not lag behind.

Shri Umanath (Pudukkottai): I rise to support this Bill on behalf of the Communist Group in Parliament. We had objected to companies contributing to political party funds, but we are supporting this measure because it will augment the National Defence Fund and that too without any ceiling.

If we look at this matter from the standpoint of the enormity of the task facing us, namely, the question of driving out the Chinese aggressors, this measure is inadequate. During the past three weeks, new problems have arising having a bearing on industrialists' contribution. Millions of workers are coming forward to pay one day's wage and for that purpose they are going to work one day extra. On that day, he works only for national defence and nothing else. When he gives that day's wage, the additional profit of that day as a result of the additional production, is still going to the bank account of the industrialist. That is not justified, because

if I work on a particular Sunday and if I work only for the defence fund, the profit of that day's production must naturally find its way to the defence fund. There can be no dispute about it. But today it is going to the bank account of the industrialist. That should not be.

Similarly, in major industries, discussions are taking place between labour representatives and industrialists on the question of increasing production to strengthen national defence. In Madras State, last week a tripartite conference was called by the State Government where proposals for a 7-day working week were discussed, or where that is not possible, to have 9th hour additional work every day. The profit as a result of the 7-day work will not be just proportionate increase, but more, because the overhead and establishment charges being more or less the same, this will be an additional profit. For Madras State alone, it is calculated in that conference that if the 7-day a week work schedule comes into effect as a result of agreement between all the three parties, the additional production in textiles alone will be 16 per cent. 16 per cent additional production means that the additional profit on account of that will be a recurring affair during the pendency of the national emergency. This also must naturally find its way to the National Defence Fund.

The other day the Prime Minister said, and we have endorsed it, that this struggle is going to be a prolonged and arduous one, which means that the sacrifice that we make will have to be sustained. Our experience during our struggle for independence has been that our people are willing to make any sacrifice, sweat or blood or going to jail or even facing the gallows that directly contributed to the struggle. So, the offer of the workers to work the seventh day or the ninth hour will be a sustained sacrifice during the national emergency, whose duration we do not know, if they know that the profit

flowing from that extra work will go directly to the National Defence Fund. This will inspire workers in other industries also to make similar sustained sacrifice. If it is extended to all the major industries, we can imagine the quantum of profit that will go to the National Defence Fund.

I feel the industrialists cannot grudge this, and if they do grudge it will only amount to saying that in addition to the normal exploitation of the workers, they are going to exploit also the special sacrifice of the workers made for the sake of the National Defence Fund. That can never be accepted. I hope they will not grudge this. I request the hon. Minister to take a decision on this.

Shri Sham Lal Saraf (Jammu and Kashmir): I welcome this Bill, because there is also a certain philosophy behind it. Though I support what my hon. friends have said, there is something more in it.

Firstly, under the existing law there is a provision that up to Rs. 25,000 the board of directors of a company can spend on charitable purposes. For instance, they can look after the welfare of the workers. The present Bill enables them to contribute more for such purposes. I congratulate the hon. Minister on taking this step, because a satisfied worker will mean increased production, which is the need of the hour.

Secondly, we want to get things done by persuasion by this Bill, which is absolutely consistent with our thinking, philosophy and Constitution. Personally, I do not think any compulsion should be used. I am sure they have enough patriotism, and already they are coming forward, and with the passing of this Bill they will do so all the more. If there are cases to the contrary that come to light later, your hands are always free to take any action especially during this emergency.

It is absolutely correct that boards of directors, whether of government,

[Shri Sham Lal Saraf]

semi-government or private companies, will find it difficult to give the notice of 21 days and take a decision later. So, I welcome this step also of dispensing with it.

Our action should be in such a way that we do not disturb the social conditions in which we live, that we do not jeopardise our efforts. From all these points of view, I think this is an absolutely correct step. I wholeheartedly support it.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय, यह जो बिल लाया गया है, उस का मैं जन संघ पार्टी की तरफ से पूर्ण समर्थन करता हूँ। इस के साथ ही साथ इस में जो प्राविजन रखा गया है कि कोई भी कम्पनी हो और वह कितना भी कंट्रिब्यूशन दे सकती है, यह भी बहुत अच्छा है। मेरे मित्र श्री वनर्जी ने कहा कि इस में कम्प्लेशन होना चाहिये। मैं कहना चाहता हूँ कि इनमें एक तरह से कम्प्लेशन होना नहीं चाहिये। एक साहब कहते हैं कि परमुएशन होना चाहिये, लेकिन अगर परमुएशन कामयाब न हो तो क्या हो? इस लिए मैं कहना चाहता हूँ कि परमुएशन जो हो वह कम्प्लेशन की सीमा तक जाना चाहिये।

ऐसा जान पड़ता है कि जब तक मजबूरी न हो जाये कोई अपना कंट्रिब्यूशन नहीं देता है। हम ने देखा है कि जब कस्टम्स बिल आया तो बहुत से लोगों ने उस का विरोध किया। चैम्बरर्स आफ कामर्स ने और दूसरी संस्थाओं ने अपन प्वाइंट को शासन के सामने रखा। लेकिन इस के बारे में मैं ने अभी तक कोई ऐसा रेजोल्यूशन नहीं देखा जिस में कहा गया हो कि यह कम्पनी इतना कंट्रिब्यूशन देगी। कोई ऐसा प्रस्ताव आज तक नहीं आया जिस में बतलाया गया हो कि अमुख अमुख कम्पनी को अपने प्राफिट का ५० परसेन्ट गवर्नमेंट को देना होगा। ऐसा

होना चाहिये था जरूर, लेकिन मैं ने आज तक ऐसा कहीं पढ़ा नहीं।

मंत्री महोदय ने लोगों से सैक्रिफाइस करने के लिए कहा है, उन्होंने किसी पर जबर्दस्ती नहीं की है। चूंकि वे लोगों से अपील कर रहे हैं, इस लिए वे बहुत धन्यवाद के पात्र हैं, लेकिन मेरा कहना है कि कंट्रिब्यूशन सैटिस्फैक्टरी तरह से आना चाहिये। वह सत्याग्रह से ले सकती है। वह सत्याग्रह पर विद्रोह भी करती है। अगर सत्याग्रह से नहीं तो अहंसाग्रह से धन ले सकती है। जैसे भी हो उस के पैसा आना चाहिये।

इस के साथ हम देखने हैं कि इस बिल में यह प्राविजन है :

“... relating to the company. contribute such amount as it thinks fit to the National Defence Fund or any other Funds approved by the Central Government for the purpose of national defence.”

यह शब्द क्यों लिखे गये, इन का कुछ विवक्षेण माननीय मंत्री जी ने नहीं किया है। जब इस बिल को लाने का उद्देश्य ही यह है कि नेशनल डिफेन्स फंड में रुपया दिया जाय, तब नेशनल डिफेन्स फंड के बाद यह क्यों लिखा गया :

“...any other Fund approved by the Central Government for the purpose of national defence.”

इस का मतलब क्या है ? क्या कोई और योजना शासन के मन में है ? जब यह चीज नेशनल डिफेन्स फंड के लिए की जा रही है तब फिर नेशनल डिफेन्स फंड के साथ इस दूसरी चीज को क्यों रखा दिया गया रख दिया गया है ? इस चीज का कोई खुलासा यहां नहीं दिया गया।

मेरा यह कहना है कि इस में जो प्राविजन दिया गया है वह अच्छा है। मैं

अपील करता हूँ इस हाउस की माफ़त कि कम्पनियों को जो मुनाफ़ा होता है उस में से ५० परसेन्ट देने के लिए उन पर परसुएसिव कम्प्लेशन होना चाहिये। बल्कि यहां पर तो यह कर देना चाहिये कि उन का जो प्राफ़िट कुल हो वह इस समय देश के काम के लिए दै परसुएशन होना जरूरी है। अगर ऐसा कर दिया जाय तो फिर यहां जो कम्पनियों से कम्प्लेशन की बात कही जाती है वह भी नहीं उठेगी।

Shri Subbaraman (Madurai): I congratulate the Government on having brought forward this amendment. Many of the chambers of commerce had themselves requested the Government to bring such an amendment. That shows that they are very eager to contribute voluntarily for the Defence Fund.

Many speakers before me have said that while the workers are offering one day's wages, the managements should be asked to pay at least 50 per cent of their profit, or at least the profit accruing on the additional production of the workers. I would like to point out that this is a voluntary thing, even according to the original Act. There is no compulsion at all. Nobody is asked to pay even one rupee under compulsion, but they are permitted to contribute up to Rs. 25,000 or 5 per cent of their profits whichever is more. The amendment has been brought to remove this restriction or limit. So, I would like to remind that it is only voluntary. None is compelled to pay anything. Many speakers mentioned about the necessity of huge funds. That is all right. If Government wants more it may consider taxing or raising more. While the workers are prepared to give one day's salary or earnings, I am sure the managements will rise to the occasion and give the profit earned by the workers working more, or even more than that. The Chambers of Commerce have come forward to contribute considerable sums and many institutions

and industrialists are contributing lakhs and lakhs of rupees. I do not think there will be any difficulty for them to contribute huge amounts and so I do not think there is any necessity to fix any amount or percentage as contribution to be given. The amendments brought forward are good enough and I support them.

Shri Narendra Singh Mahida (Amard): Mr. Deputy Speaker, I rise to support the Companies Amendment Bill.

Mr. Deputy Speaker: Let us finish this Bill by 2.30.

Shri Narendra Singh Mahida: I will not take much time. Normally it is the poor classes who come forward immediately and give their best to the nation; all over the world this always happens. The moneyed classes take some time to contribute. I may request the Government to approach all the richer classes. When they are approached at election time, they pay; let them be approached now. I am sure they will contribute more liberally.

Mr. Deputy-Speaker: This is about companies; he should confine himself to the Bill.

Shri Narendra Singh Mahida: The companies will come forward voluntarily, I was saying. If the national will is being roused, I am sure they will contribute liberally towards national defence fund. Some propaganda at the higher level has to be done. Therefore, I support this Bill wholeheartedly.

श्री विश्राम प्रसाद (लालगंज) : उपाध्यक्ष महोदय, इस बिल का मैं हृदय से स्वागत करता हूँ। उसी के साथ एक बात कहना चाहता हूँ। ब्रांडिनेस पास होने के दिन मे देश के हर वर्ग के लोगों के डोनेशन आ रहे हैं, इसी तरह से कम्पनियों के भी दाने चाहिये थे। जैसा कि एक माननीय सदस्य ने कहा, कम्पनियों के प्राफ़िट एण्ड लास एकाउण्ट और बैलेंस शीट देखने चाहिये। मेरी प्रार्थना

[श्री विश्राम प्रसाद]

है किये एक साल के ही नहीं बल्कि पिछले कई सालों के देखने चाहियें। एक सर्जेशन दिया गया कि वे अपना खर्चा निकालने के बाद अपने प्राफिट का ५० परसेंट दें। मैं कहता हूँ कि देश की रक्षा के लिए वे जितना दें उतना ही अच्छा है।

दूसरी बात मैं यह कहना चाहता हूँ कि इनकम टैक्स के डर से कम्पनियां अपना प्राफिट एण्ड लास एकाउण्ट गलत दिखाती हैं। इसकी भी जांच करनी चाहिये और जितना भी सेल्स टैक्स और इनकम टैक्स उनके जिम्मे निकलता हो उसको वसूल किया जाना चाहिए।

तीसरी बात मैं यह कहना चाहता हूँ कि खास कर उत्तर प्रदेश में शुगरकेन फ़ैक्ट-रियों के पास अभी तक किसानों का बहुत सा बोनास का रुपया पड़ा है जो उन्होंने किसानों को नहीं दिया है। उनसे वह बोनास का रुपया नेशनल डिफेंस फण्ड में लिया जाए। इसकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री मन्त्री (भीर) : उपाध्यक्ष महोदय, यह जो संशोधन लाया गया है मैं इसका स्वागत करता हूँ, किन्तु जिन उद्देश्य से यह संशोधन आया है मैं नहीं समझता कि वह इस प्रकार पूरा हो सकेगा। हमारे नेताओं ने जनता से सरकार को तन मन और धन से सहायता देने की अपील की, उस पर हमने देखा कि मध्यम वर्ग और निचले वर्ग के लोगों ने इस गम्भीर परिस्थिति में गवर्नमेंट को अपना सब कुछ और अपनी सेवाएं दीं, लेकिन बड़े बड़े लोगों ने उस तरह का त्याग नहीं दिखाया। यह जो संशोधन आया है यह उनके लिए दरवाजा खोलता है। हमें देखना है कि यह दरवाजा खोलने के बाद भी ये कम्पनियां आगे आती हैं या नहीं। पर मेरा

संशोधन है कि इस संशोधन से भी कुछ अधिक गवर्नमेंट को करना चाहिये। हमारे प्रधान मन्त्री जी ने कहा है कि यह लड़ाई लम्बी चलने वाली है, इसलिये मैं समझता हूँ कि सरकार को इन कम्पनियों के लाभ में से सदा के लिये, जब तक यह स्थिति रहती है, कुछ परसेंटेज लेने की व्यवस्था करनी चाहिये। मेरा ख्याल है कि केवल इस संशोधन से सरकार का मतलब पूरा नहीं हो सकेगा। जब गरीब लोगों ने अपनी आमदनी का ४० और ५० परसेंट दिया है तो यदि कम्पनियां अपनी आमदनी का ५० परसेंट दें तो बहुत बड़ी बात नहीं होगी।

अगर इस वक्त मालदार लोग सामने नहीं आयेंगे तो मुझे भय है कि कहीं मजदूर और किसान वर्ग में हिंसक प्रवृत्ति न पैदा हो जाए और सब को इस समय मिन जुल कर काम करना चाहिए इस लिहाज से भी बड़े लोगों का आगे आना उचित है।

इतना कहते हुए मैं इस बिल का समर्थन करता हूँ।

Shri K. C. Reddy: Sir, I will not take more than a couple of minutes for reply. I am happy this Bill has been welcomed by all sections of the House without any reservations. This is a permissive piece of legislation. It is not a fiscal measure nor a money Bill. If this were kept in view, several observations would perhaps have not been made now. It enables companies to come forward voluntarily and make donations. It is to facilitate their acting that way.

Shri S. M. Banerjee and others have said that on an occasion like this when there is a national emergency rich companies should come with their donations. Everyone agrees with that. Much can be said as to what the national effort should be in times like

this. I do not want to enter into a dissertation nor is this the proper time.

Much has been said that there should have been a provision compelling companies to contribute fifty per cent of their profits and that the income tax arrears and sales tax arrears should be collected and so forth. No one disagrees with that. These are all administrative steps to be taken by the Government. The business people should pay their income-tax arrears and sales-tax arrears. Everything has to be done. I hope steps will be taken in order to ensure that all these arrears are paid up in a time like this.

Now, about the quantum of money to be raised. One has to be gratified to see how donations had risen to the occasion. People from all categories are coming forward and donating generously. The collections are of the order of Rs. 3 crores or so. Some one was saying that it will not be enough even to buy one aeroplane, or two or three aeroplanes. Much more has to be raised to fight this invasion. Recently my hon. colleague the Finance Minister has come forward with Supplementary Demands to the tune of Rs. 70 to 80 crores for this year; and the next Budget will reveal the new proposals of the Government of India in order to raise the requisite finance for fighting this aggression. So that is a much larger problem. It is not as if the moneys that will voluntarily be paid by the people will go a very long way to meet the actual war expenditure as such. It is only to raise the morale of the country, to measure the enthusiasm of the country. It is only to that extent that this will be useful. If much more money is required, not only fifty per cent of the profits, this, that and the other—so many suggestions were made—there should be something more drastic for that purpose, legislation, fiscal legislation. So that is not the purpose of my simple amending Bill here. All that will come at the appropriate time in the proper manner.

I am also glad that the workers are coming forward in such a handsome manner to contribute to the wealth of the nation by more production. Naturally more production means more profits for the companies. I hope the managements of the companies will take note of what has been said on the floor of the House today and that if more production is ensured by the workers coming forward and working on holidays etc. they will not have any idea in the corner of their minds of grabbing the profits for themselves but will generously come forward to pay it back to the nation.

It was said that some companies have paid much less for the National Defence Fund than what they paid for the elections. Elections come once in five years, but the national emergency may be from year to year, month to month, period to period. They go on making contributions. It is not as if the contribution they have made so far is the final word. So let us not be too critical. Every one is rising to the occasion. Let not one class or category criticise the other. The working classes are rising to the occasion.

Shri S. M. Banerjee: I pointed out the importance.

Shri K. C. Reddy: The importance is realised. And the richer classes are rising to the occasion. The whole nation is rising to the occasion. So let us hope that it will happen that way in a much greater degree than has been the case up to the present.

Finally, an appeal has been made that I should go round the country appealing to the companies to contribute the maximum to the National Defence Fund. I will do so. And on behalf of the Government I can assure the House that we will not spare even a tittle of our persuasive powers to go and see that these companies contribute the maximum towards augmenting the National Defence Fund. And may I use this occasion to appeal to all the Members of the House to do their bit to go round and see that every person, rich man or poor man, every one contributes his

[Shri K. C. Reddy]

or her utmost to the National Defence Fund? Sir, I hope this Bill will be passed unanimously and with acclamation.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We will now take the Bill clause by clause.

The question is:

"That clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1, the Enacting formula and the Long Title were added to the Bill

Shri K. C. Reddy: Sir, I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

14.34 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TENTH REPORT

Shri Hem Raj (Kangra): Sir, I beg to move:

"That this House agrees with the Tenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th November, 1962."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Tenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th November, 1962."

The motion was adopted.

Mr. Deputy-Speaker: Now, non-official Bills to be introduced. Shri Shree Narayan Das—not here. Shri Diwan Chand Sharma—not here.

13.35 hrs.

CENTRAL SILK BOARD (AMENDMENT) BILL*.

(Amendment of sections 4 and 6) by Shri Sham Lal Saraf

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, I beg to move for leave to introduce a Bill further to amend the Central Silk Board Act, 1948.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Central Silk Board Act, 1948."

The motion was adopted.

Shri Sham Lal Saraf: Sir, I introduce the Bill.

12.35½ hrs.

LENGTH OF CINEMATOGRAPH FILMS (CEILING) BILL*
by Shri Rameshwar Tantia

Shri Rameshwar Tantia (Sikar): Sir, beg to move for leave to introduce a Bill to provide for the fixation of ceiling on the length of cinematograph films produced in the country.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16th November, 1962.