

[Mr. Deputy Chairman in the Chair]

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ORDINANCE, 1980.

II. THE MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL, 1980.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Sir, I beg to move the following Resolution :—

“That this House disapproves the Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 (No. 13 of 1980) promulgated by the President on the 13th October, 1980.”

श्रीमन्, सरकार द्वारा मारुति कम्पनी के लिए जाने के विधेयक का विरोध करने के लिए मैं यह प्रस्ताव लाया हूँ। सर्वप्रथम मैं आपके माध्यम से निवेदन करना चाहूंगा, मेरे सामने ट्रेजरी बेंच के लोग बैठे हैं उनसे हाथ जोड़ कर एक विनती करना चाहता हूँ वह यह कि यह एक बड़ा महत्वपूर्ण बिल है। इसमें श्री संजय गांधी का नाम आ सकता है। मैं उनकी आत्मा के या उनके असम्मान में कोई शब्द नहीं कहूंगा और कहना भी नहीं चाहता लेकिन यदि विवेचन करते समय उनका नाम आए तो शान्ति से सुनें, शोर न मचाएं। इतनी मेरी विनती है। श्रीमन्, आज बड़े दुख के साथ हम लोग मारुति के विषय में बहस कर रहे हैं क्योंकि मुझे ऐसा लगता है कि मारुति का विषय ऐसा है जो जन्म से, कर्म से, अन्त से और पुनर्जन्म से, पाप से भरा है, भ्रष्ट चार से भरा है, भाईभतीजावाद से भरा है...

श्री जे० के० जैन (मध्य प्रदेश) : श्रीमन्, मेरा प्वाइंट आफ आर्डर है।

श्री जगदीश प्रसाद माथुर : देखिए मैंने पहले ही कह दिया था...

श्री जे० के० जैन : जे० पी० माथुर साहब ने कहा कि मारुति का मामला ऐसा है जिसमें स्वर्गीय संजय गांधी का नाम आएगा तो मारुति का बिल जो डिसकस किया जा रहा है और जैसे कि सभी लोग जानते हैं कि इसका राष्ट्रीयकरण किया गया है तो मैं माननीय सदस्य से निवेदन करूंगा कि उसकी जो रेलेंस है, मारुति की फैक्टरी के बारे में बातें करें न कि यह बातें कि उसका जन्म पाप से हुआ, पुण्य से हुआ अगर इस तरह की** करेंगे तो हर्गिज इस तरह की** कहने नहीं दी जाएगी... (Interruptions)
उपसभापति महोदय, मैं आपको इतना ही कहना चाहता हूँ... (Interruptions)

MR. DEPUTY CHAIRMAN: This is no point of order.

SHRI HARKISHAN SINGH SURJEET (Punjab): Will you allow the word**

MR. DEPUTY CHAIRMAN: I will look into it. If it is unparliamentary, it will be expunged.

श्री बुक्कम देव नारायण यादव (बिहार) : उनको तो हाई ब्लड प्रेशर है। (Interruptions)

श्री कलराज मिश्र (उत्तर प्रदेश) : इनको पता होना चाहिए कि प्वाइंट आफ आर्डर किस को कहते हैं... (Interruptions)

श्री जगदीश प्रसाद माथुर : श्रीमन्, मेरा जैन साहब से विनम्र निवेदन यह है कि जरा शान्ति से बैठें, और अगर मेरी बात सुनने को तैयार नहीं है तो लाबी

**Expunged as ordered by the Chair.

[श्री जगदीश प्रसाद माथुर]

में बैठ जाये । मैं बाद में उनके कदमों में सब बातें अर्ज कर दूंगा । वरना वे शांति से बैठें, मैं उनकी इज्जत करना चाहता हूँ और कहूँगा भी. . .

(Interruptions)

श्री जे० के० जैन : लेकिन आप बेइज्जत बातें मत कीजिए. . .

(Interruptions)

श्री जगदीश प्रसाद माथुर : मैंने पहले भी कहा था क्योंकि संजय गांधी उसके डाइरेक्टर थे और साथ ही कम्पनियों के मालिक थे इसलिए उनका नाम इसमें अनिवार्य रूप से आयेगा । इसलिए मैंने कहा कि मैं उनके असम्मान में कुछ नहीं कहूँगा लेकिन विवेचना करते समय उनका नाम आना अनिवार्य है इसलिए आप शांति और धैर्य से सुनिबे । मैं अपनी बात को दोहराता हूँ । मैं बड़े भारी हृदय से कहना चाहता हूँ कि मारुति का जन्म पाप से हुआ है, भ्रष्टाचार से हुआ, नियम के विरुद्ध हुआ और खानदान परवरी के लिए हुआ. . . .

(Interruptions)

श्री जे० के० जैन : उपसभापति महोदय, यह देखिए इस तरह की** बिल्कुल यहां नहीं होने दी जायेगी, आप इनको क्यों इजाजत दे रहे हैं । ये बिल्कुल आबजेवशनेबुल हैं ये जानकर ऐसी बातें कर रहे हैं, इनको रोकिए । क्या ये मारुति बिल के ऊपर बहस कर रहे हैं । ये खानदान के ऊपर बातें कर रहे हैं । देखिए अगर इस तरह की** करेंगे तो मैं इस हाऊस की प्रोसीडिंग्स को चलने नहीं दूंगा । क्या बात है खानदान की बात करने की. . .

(Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Jain, please sit down. If you are

going to interrupt a speaker like that. I tell you that this House will not be able to complete its business and you will have to sit for longer hours (Interruptions) Mr. Gupta, you are a senior Member and not a young man like Mr. Jain. Mr. Jain when your turn comes, you can use the strongest language that you like.

श्री पीलू मोदी (गजरात) : केसरी जी क्या कर रहे हैं ?

MR. DEPUTY CHAIRMAN: Alright if you don't have patience. . .

श्री जे० के० जैन : लेकिन यह मेरा प्रोटेस्ट है कि इस तरह की बात नहीं होनी चाहिए ।

MR. DEPUTY CHAIRMAN: It is not proper to get up everytime. I request Mr. Jain to be careful. If you go on stopping and interrupting a Member every time, I am sorry, the proceedings will prolong and your statement will not be recorded. I am sorry to say like that. If you have to say anything, you use the strongest words when your turn comes. I have no objection. But allow a Member to speak. If you don't want, I will request the hon. Minister. . . (Interruptions). If he does not invite criticism, if he does not relish criticism, let him withdraw the Bill. Now you please take your seat. If you don't want a discussion, then tell me like that. Everytime he makes a statement, you get up. It is not proper. You note down the points and you can reply in the strongest words that you can use. And you have a right. But you cannot disturb him from making a statement of criticism.

श्री गुरुदेव गुप्त (मध्य प्रदेश) : मेरा व्यवस्था का प्रश्न है । पूरे खानदान की बात करना यह कहाँ तक ठीक है इसमें कोई तथ्य नहीं है ।

श्री उपसभापति : यह व्यवस्था का प्रश्न नहीं है ।

श्री कलराज मिश्र : उपसभापति महोदय, मैं व्यवस्था का प्रश्न उठाना चाहता हूँ ।

MR. DEPUTY CHAIRMAN: There is no point of order.

श्री जगदीश प्रसाद माथुर : श्रीमन्, मेरा निवेदन यह है कि उन्होंने कहा है मैंने** शब्द का इस्तेमाल किया है । मैं समझता हूँ कि** शब्द अगर अनपार्लियामेंटरी हो तो इसको निकाल दिया जायगा ।

श्री उपसभापति : इसको एक्सपन्ज कर दिया जायगा । I will look into that. I have already said that.

डा० रफीक जकारिया (महाराष्ट्र) : माथुर साहब आप अपना जवाब मत दीजिए ।

श्री जगदीश प्रसाद माथुर : किवला आप तो देखलन्दाजी मत कीजिए ।

मैं बड़े दुख के साथ फिर कहत हूँ और जब तक जैन साहब शोर मचाते रहेंगे, कहता रहूंगा, मारुति का जन्म खानदानी भ्रष्टाचार से हुआ ।

श्री उपसभापति : अब आगे चलिए ।

श्री जगदीश प्रसाद माथुर : जन्म ऐसा हुआ, कम्पनी चलती ऐसे रही, समाप्त भी ऐसे हुई और पुनर्जीवन भी इसी भ्रष्टाचार के आधार पर हो रहा है । कौन नहीं जानता कि किस तरह से उसकी जमीन ली गयी जिसका आज तक बेनामा नहीं हुआ है, कौन नहीं जानता कि सोनिया गांधी जी देश की नागरिक नहीं थीं, उनको शेयर लेने का अधिकार नहीं था, वे डाइरेक्टर नहीं बन सकीं

**Expunged as ordered by the Chair.

थी, उनको डाइरेक्टर बनाया गया, कैसे बनाया गया ? कौन नहीं जानता कि लाइसेंस की चार शर्तें थीं । पहले विदेश से कोई चीज नहीं आयेगी, कोई किसी प्रकार से विदेश से सहयोग नहीं होगा आदि आदि । इन सब बातों को तोड़ा गया, कौन नहीं जानता कि कम्पनी के प्रारम्भ होने से पहले कभी डीलर्स से पैसा नहीं लिया जाता । पैसा पेशगी लिया गया । कौन नहीं जानता कि शेयर-होल्डर्स के लिए क्या-क्या अधिकार होवे हैं? उनको अधिकार नहीं दिए गए । इसलिए मैं कहना चाहता हूँ कि हर कायदे कानून को बलाए ताक पर रख कर हर ईमानदारी को दूर फेंक कर, हर भ्रष्टाचार के तरीके को अपनाकर और सरकार के हर अधिकार और दबाव को अपनाकर मारुति का जन्म हुआ । ऐसी मारुति—आखिरकार मां रोती रह गई ।

श्रीमती हमिदा हबीबुल्लाह (उत्तर प्रदेश) : यह सब बनावटी कहानियां बता रहे हैं ।

श्री जगदीश प्रसाद माथुर : आपको सब कानून बता दूँगे बेगम साहिबा तशरीफ लाइये मेरे घर किसी दिन . . . (Interruptions)

श्री उपसभापति : आप उनको चाय पर कभी बुलाएँ, तो जरूर आएंगी ।

श्री जगदीश प्रसाद माथुर : साहब, चाय पर वाह वाह, आप हमारे घर आएँ जहे किस्मत, कौन कहता है कि न आएँ : आप एक बार राजी हो, हम चाय पर बुलायेंगे ।

डा० रफीक जकारिया : माथुर साहब, बड़ी खतरनाक दावत है यह ।

श्री जगदीश प्रसाद माथुर : अगर बेगम साहिबा राजी हों तो मैं खतरा लेने पर राजी हूँ ।

[श्री जगदीश प्रसाद माथुर]

यह पाप का घड़ा आखिर फूटा। क्या गलती हुई भगवान से। दुर्भाग्य से कांग्रेस (आई) के और अपने खानदान के श्री संजय गांधी एक एक्सीडेंट में गुजर गये। अच्छा नहीं हुआ, बुरा हुआ, कोई जवान नहीं मरना चाहिए। अब मैं पूछना चाहता हूँ कि यदि गांधी.. (Interruptions)

संसदीय कार्य विभाग में राज्य मंत्री (श्री सोता राम केसरी) : माथुर साहब मैं आपसे इतना ही निवेदन करूंगा कि वाद-विवाद या बहस को जरा मर्यादित रख कर करें।

श्री जगदीश प्रसाद माथुर : मैं केवल जो निवेदन के लिए आवश्यक है, उतना ही कहूंगा। मैं संजय गांधी के अपमान में एक शब्द नहीं कहूंगा, यह मैं पहले ही कह चुका हूँ। उनका देहांत हो गया है अब प्रश्न यह कि... (Interruption)

श्री पीलू मोदी : इसमें तो सरकार की बेईमानी है।

श्री जगदीश प्रसाद माथुर : सरकार की बेईमानी है, प्राइम मिनिस्टर की बेईमानी है, होम मिनिस्टर की बेईमानी है, फाइनेंस मिनिस्टर की बेईमानी है (Interruption)

श्री पीलू मोदी : इसमें उतना भी हिस्सा है (Interruption)

श्री जगदीश प्रसाद माथुर : अब जब इन्होंने प्रवोक कर दिया तो क्या करूँ। देखिए किस तरह से मामले को छपाया गया। यहां 25 जुलाई, 1972 को मि० संजय गांधी, मैनेजिंग डाइरेक्टर मारुति लिखते हैं—

To the Controller of Capital Issues,
Government of India, Ministry of
Finance.

"The Financial Scheme of the Company has been submitted to different financial institutions and it has been in principle accepted by the financial institutions."

This is his application dated 25th July.

एक माननीय सदस्य : यह तो कटिंग है।

श्री जगदीश प्रसाद माथुर : लेकिन जवाब दिया जाता है 28 नवम्बर, 1972 को। चार-पांच महीने बाद सवाल पूछा जाता है। उस समय के फाइनेंस मिनिस्टर से श्री सुन्दरमणि पटेल ने पूछा था। वे क्या कहते हैं—

"Whether the Minister of Finance will be pleased to state whether the Government's attention has been drawn to a report appearing in the Motherland of 28th July that Shri Sanjay Gandhi's Maruti Ltd. needs a loan from public financial institutions to the tune of Rs. 200 crores for his small car project." जवाब है—The Government have seen the report. फिर पूछते हैं — "If so, what are the names of the financial Institutions." तो जवाब है कि—

None of the all-India long-term public financial institutions has so far received any application for financial assistance from M/s Maruti Ltd. What is this?

चार महीने पहले एप्लीकेशन जाता है और वे कहते हैं कि मैंने फाइनेशियल इंस्टीट्यूशंस को एप्लीकेशन दे दी है। सिद्धान्ततः उन्होंने मंजूर कर ली है। मगर फाइनेंस मिनिस्टर कहते हैं कि कोई ऐसी एप्लीकेशन नहीं आई है। ऐसा क्यों किया गया है? क्योंकि मामले को छिपाना था, क्योंकि चोरी करनी थी। आपसे मैं कहना नहीं चाहता था, पर आपने जब मुझे कहने पर मजबूर कर दिया... (Interruptions) लेकिन दुर्भाग्य से

जसा कि मैंने कहा... (Interruptions)...
दुर्भाग्य से संजय गांधी जी का देहांत हो
गया। मैं सरकार से पूछना चाहता हूँ
आशा है मंत्री जी जवाब देंगे—यदि
श्री संजय गांधी का देहांत न हुआ होता,
तो क्या मारुति को वे नेशनलाइज
करते?

श्री पी० एन० सुकुल (उत्तर प्रदेश) :
यह कौन बतायेंगे?

श्री जगदीश प्रसाद माथुर : फाइनेंस
मिनिस्टर बतेंगे... (Interruptions)...
मैं फाइनेंस मिनिस्टर से पूछ रहा हूँ,
आपसे नहीं पूछ रहा हूँ। मैं फाइनेंस
मिनिस्टर से या इण्डस्ट्री मिनिस्टर से
पूछना चाहूंगा कि यदि संजय गांधी जी
का देहांत न होता, तो क्या मारुति को
नेशनलाइज करते? यदि उनका जवाब
होता कि करते, तो मैं पूछना चाहूंगा कि
किस दिन कैबिनेट में यह विचार किया
गया था जिससे पता चले कि उनके जाने
से पहले ही इसको नेशनलाइज किया
जाना था। इसका स्पष्ट अर्थ यह है कि
... (Interruptions) ...

श्री ज० के० जैन : उनको ध्यान नहीं
है। तुम्हारी सरकार ने भी नोटिंग की
हुई है कि नेशनलाइज किया जाना
चाहिये।

श्री जगदीश प्रसाद माथुर : हां। लेकिन,
किया नहीं क्या आपने? दिल पर हाथ
तो रखिए।

श्री ज० के० जैन : तुम लोगों ने वहां
ही इस पर क्यों नहीं ध्यान दिया? बुज-
दिल थे... (Interruptions) ...

श्री जगदीश प्रसाद माथुर : श्रीमन्,
यह चोरबाजारी की गई, मारुति को
नेशनलाइज किया गया।

श्री उपसभापति : इस पर आईए।

श्री जगदीश प्रसाद माथुर : नेशनलाइज
किया गया। आपने बिल में लिखा है कि
यह जनता के हित में है। कौन-सा जनता
का हित है, साहब। हां, एक खानदान
ही जनता है जिसको लाभ हो सकता है
किसी और को नहीं हो सकता। जनता
के हित में कैसे किया गया, मैं पूछना

...

श्री पी० मोदी : जनता है बीबी-बच्चे।

SHRI JAGDISH PRASAD
MATHUR : They are part of
the people.

मैं पूछना चाहता हूँ क्या आपको राष्ट्रीय-
करण के सिद्धान्तों का पता है? आप ही की
कांग्रेस वर्किंग कमेटी का प्रस्ताव है कि कार का
प्रोजेक्ट पब्लिक सेक्टर में होना चाहिये।
2 साल बाद आप संजय गांधी के नाम
हैं। जो प्रधान मंत्री के लड़के हैं बदल देते
पर, उनको लाइसेंस देते हैं यानी मूल नीति
बदली आपने। क्या राष्ट्रीयकरण के
पहले के सिद्धान्तों को लागू किया। मैं
पूछना चाहता हूँ, क्या जो कम्पनी ला के
अंदर प्राविजनस है नेशनलाइजेशन के
क्या पहले उनको आपने लागू किया?
दूसरा सवाल आपसे पूछना चाहता हूँ कि
जब वाइडिंग-अप की कार्यवाही चल रही
हो तो क्या आपने पहले कभी नेशनलाइज
किया है? मैं जानता हूँ ला मिनिस्टर
और इण्डस्ट्री मिनिस्टर कह देंगे हमने
किया है। उदाहरण दे देंगे, दा उदाहरण
उनके पास हैं। एक उदाहरण अलकांक
कम्पनी का है। मैं पूछना चाहता हूँ कि
क्या उस समय भी ऐसे ही हालात जैसे कि
मारुति के राष्ट्रीयकरण के समय थे।
आपका उत्तर होगा कि यदि मारुति को
उसी दिन न लेंते तो दिल्ली आटोमोबाइल
वाले उसे अदालत के द्वारा लें लेंते।

[श्री जगदीश प्रसाद माथुर]

मुझे मालूम है, दिल्ली आटोमोबाइल्स ने लिक्विडेशन के समय खरीदने की अप्लीकेशन दे दी थी। यदि नेशनलाइज न करते तो दिल्ली आटोमोबाइल उसे कोर्ट के माध्यम से ले सकती थी। बात सच है। लेकिन हुआ, अब मुझे कहना पड़ रहा है कि दिल्ली आटोमोबाइल कौन है। वह प्रसिद्ध सागरसूरी ही हैं जिनके साथ हमारे नेता और नेताओं ने इमरजेंसी के दौरान कौन-कौन से गुलछरें नहीं उड़ाये? सब जानते हैं कि कौन-कौनसी बिल्डिंगें नहीं खड़ी कीं? आखिरकार, यह बेवफाई उनके साथ क्यों? जो दोस्त थे उनसे दुश्मनी करने वाला यह कौन-सा तरीका है? यदि कोई आदमी किसी कंपनी को कायदे से लेना चाहे, उसे गवर्नमेंट नेशनलाइज कर ले, क्या यही आपकी 'जन-हित' की परिभाषा है? यदि जन-हिता की परिभाषा है कि यदि कोई किसी चीज का अधिकारी हो और आप उसे न लेने दें और खुद ले लें, तो आपकी यह परिभाषा आपको मुबारक है। मैं कांग्रेस के लोगों से कहना चाहता हूँ : भाई, हिम्मत के साथ सच बोलें। "जी बहुत चाहता है सच बोलें, क्या करें, हौसला नहीं होता।" यही मुश्किल है आपकी मैं जानता हूँ... (Interruptions) हिम्मत से कहिए—मैं फिर कहता हूँ।

"जी बहुत चाहता है सच बोलें, क्या करें हौसला नहीं होता।" कुछ तो मजबूरियां होंगी, यों कोई बेवफाई नहीं होती... (Interruptions)... मैं अपनी मजबूरियां जानता हूँ। मैंने कहा, कुछ तो मजबूरियां होंगी, यों कोई बेवफाई नहीं होता। आप क्यों बेवफाई कर रहे हैं? वह इसलिए कर रहे हैं कि आपने एक खानदान की जायदाद और हुकूमत चलाने का ठेका लिया है।

मंत्री महोदय कह देंगे कि हमने मारुति को उस कारण से लिया, क्योंकि

उसमें हमको फायदा है। ठीक है, हो सकता है। लेकिन मैं पूछना चाहूंगा कि क्या यह बनिए की दुकान है? सरकारी काम फायदे के लिए नहीं, जन-हित के लिए किया जाना चाहिए। और फिर फायदा कैसा? वह तो उनके आंकड़े खुद बोल जाएंगे। अभी श्री अटल बिहारी वाजपेयी को लोक सभा में उत्तर मिला आपने बताया है 68.62 लाख, यानी लगभग 6 करोड़ 86 लाख रुपये के उसके असेट्स हैं। ठीक बात है, होंगे, मान लिया। मैं दूसरी बात कहना चाहता हूँ। एक जवाब है 31 मार्च 1976 का इसमें एसेट्स की बात बतायी गई है कि 8 करोड़ 87 लाख थे। घट कर 1977 में वे 6 करोड़ 84 लाख रह गये। मैं पूछता हूँ कि यह 2 करोड़ क्या हो गये? जमीन खा गई? जी नहीं, जमीन वही है। बिल्डिंग खा गयी? जी नहीं, बिल्डिंग वही है। कहा गये? कहीं तो गये होंगे। यह कंपनी की बैलेंस शीट के आधार पर लोक सभा में जवाब दिया गया था। मैं बताता हूँ कि 2 करोड़ कहां गये जब लिक्विडेशन की कार्यवाही चलने लगी तो बीच में लोगों ने माल उड़ा दिया। किसने उड़ाया? डायरेक्टर्स ने। आप इजाजत दें तो मैं माल की पूरी लिस्ट पढ़ सकता हूँ—निकासी के चालान है, माल का नाम है, लेने वाली कंपनी का नाम है। संजय गांधी और दिल्ली आटोमोबाइल्स आदि के लोगों ने मारुति का सामान उड़ाया एक-आध मैं नमूने के लिए नाम बताना चाहता हूँ—मेसर्स संजय आटोमोबाइल्स... (Interruptions)... चालान नम्बर हैं, सब है...

SHRI SIBTE RAZI (Uttar Pradesh) : Sir, I am on a point of order. (Interruptions) Sir, my point of order should be disposed of first. Sir, he has quoted some remarks which are defamatory and which have been

made with ulterior motives. Sir, he has no right to quote such things which form part of the proceedings of the Court and on which the Court has not taken any decision. Sir, these are sheer allegations and such allegations should not be made in this House. These are meant to defame some person, defame some personality, who is not a Member of this House and who is no more alive in this world. (*Interruptions*)

MR. DEPUTY CHAIRMAN:
Mr. Mathur, are you reading from Court papers? (*Interruptions*).

श्री जगदीश रसाद माथुर: मैं प्रोसीडिंग्स नहीं पढ़ रहा हूँ, जो अखबार में खबरें छपी थीं, उनको बना रहा हूँ।

THE MINISTER OF STATE
IN THE DEPARTMENTS OF SCIENCE AND TECHNOLOGY AND ELECTRONICS (SHRI C. P. N. SINGH) : Sir, I am on a point of order. The hon. Member has said that Rs. 2 crores have disappeared. He is merely imagining and talking... (*Interruptions*). Let me speak. Why should I not be allowed to speak? (*Interruptions*). This is merely his conjecture as to what has happened to these Rs. 2 crores. Now, this is a defamation and an insinuation. (*Interruptions*). He is asking 'where is the Rs. 2 crores?' and he is saying that this has been taken away by so and so. This is a newspaper report. (*Interruptions*). This is not a finding of the Court. This is merely an insinuation by the hon. Member (*Interruptions*). Of course, you cannot say that the money went here or there. (*Interruptions*). It is an insinuation. This is an insinuation or an allegation. This is not a finding of the Court. This cannot be read in this House. Hence, Sir, I would request you. If there is anything like that, it should be expunged. (*Interruptions*).

SHRI PILOO MODY: Sir, What is the member from the other

House doing? Why is he intervening in our debate? First of all, he is a Minister. He is not connected with the subject.

SHRI J. K. JAIN: He is a Minister. You should know that. (*Interruptions*).

SHRI PILOO MODY: By the same standard, Mr. Jain should be allowed to shout as much as he likes. (*Interruptions*).

SHRI C. P. N. SINGH: I am not shouting. Sir, I am merely trying to bring to your notice. If some Members of this House go beyond the rules, somebody has to bring it to your notice.

SHRI PILOO MODY : You are not concerned. Neither is Mr. Kesri concerned. Nor are the treasury benches concerned. Mr. Jain can point out. We do not mind. (*Interruptions*).

SHRI BHUPESH GUPTA :
(West Bengal) : Sir, this is very wrong. I am not concerned with the dispute which is going on as to what should or should not be said. The
12 NOON hon. Minister has made a remark which has shocked us a little. Certainly the hon. Minister, when he comes here in the course of discharging some duties in relation to this House, can have his say. He can even raise a point of order. We concede it.

SHRI PILOO MODY : I do not concede it.

SHRI BHUPESH GUPTA :
You may not concede. But we have done it in the past out of generosity. Raising a point of privilege is peculiar to the Member of the House itself. Sir, my raising a point of privilege or a point of order emanates from the fact that I am a Member of this House ; no other circumstances permit me to do so. That is why we raise points of order. Sometimes you allow the

[Shri Bhupesh Gupta]

Minister dealing with a particular Bill, or concerned with the subject to raise a point of order. Even that is not proper.

MR. DEPUTY CHAIRMAN : Ministers can participate in the proceedings.

SHRI BHUPESH GUPTA : He has no *Locus standi*. Being a Minister he can be present in the House ; otherwise he is a stranger here.

MR. DEPUTY CHAIRMAN : He can participate in the proceedings. I have made it clear several times. It is a procedural matter. He can participate. There is a constitutional provision that he can participate in the proceedings and on that basis he can raise a point of order.

श्री धर्मवीर (उत्तर प्रदेश) : मेरा प्वाइंट आफ आर्डर है। मैं आप से जानना चाहता हूँ कि माननीय सदस्य जगदीश प्रसाद माथुर ने जो कुछ कहा है और वे जिन खबरों को और अखबार के टुकड़ों को यहां पढ़ रहे हैं

(Interruptions).

MR. DEPUTY CHAIRMAN : I can't hear all of you.

श्री धर्मवीर : मेरा प्वाइंट आफ आर्डर यह है कि जो कागजात माथुर साहब पढ़ रहे हैं उन को जब तक आप देख न लें और उन से सेटिस्फाई न हो जायं और उन को यहां पढ़ने की इजाजत न दें तब तक उन को कोई पेपर यहां नहीं पढ़ना चाहिए।

श्री उपसभापति : हो गया प्वाइंट आफ आर्डर आप का। इस की अब जरूरत नहीं है।

श्री धर्मवीर : जब तक आप उस से सेटिस्फाई न हो जायं तब तक किसी पेपर को यहां नहीं पढ़ा जा सकता।

(Interruptions) मैं चाहता हूँ कि यहां ऐसे पत्रों को पढ़ने की इजाजत न दी जाये जिन के बारे में आप संतुष्ट नहीं हैं। मैं निश्चित रूप से इस पर आप की रुलिंग चाहता हूँ।

श्री उपसभापति : आप बैठिये।
(Interruptions)

श्री धर्मवीर : मैं नहीं बैठूंगा। आप उन कागजात को ले लें और जब आप उन से संतुष्ट हो जायें तो उन को पढ़ने की इजाजत दें।

श्री उपसभापति : ठीक है। आप बैठिये।

श्री बुद्ध प्रिय मौर्य (आंध्र प्रदेश) : उपसभापति जी, निश्चित रूप से यह अपनी जगह पर सही है कि भूपेश दा इस सदन में बहुत पुराने सदस्य हैं, लेकिन इस का अर्थ यह कभी नहीं निकलता...

श्री जगदीश प्रसाद माथुर : यह नयी बात नहीं है कि वह बहुत पुराने सदस्य है।

श्री उपसभापति : आप टोका-टोकी मत कीजिए नहीं तो समय बर्बाद होगा। आप लोग शान्त रहें।

श्री बुद्ध प्रिय मौर्य : कौंसिल आफ मिनिस्टर्स, जैसा कि आप और अन्य माननीय सदस्य जानते हैं, की कलेक्टिव रेस्पॉसिबिलिटी होती है। जहां उन की इंडिविजुअल रेस्पॉसिबिलिटी होती है वहीं उन की कलेक्टिव रेस्पॉसिबिलिटी भी होती है The Council of Minister shall be collectively responsible.

श्रीमन्, दूसरा मेरा निवेदन इसी संबंध में यह है कि माननीय मंत्री को इस सदन की कार्यवाही में भाग लेने का

पूरा अधिकार है चाहे वह सदन के सदस्य हों या न हों। इन दोनों परिस्थितियों के होते हुए माननीय सदस्य का यह कहना और यह एतराज करना कि माननीय मंत्री को यहां प्रिविलेज ईश्यू नहीं उठाना चाहिए...

श्री उपसभापति : उन्होंने प्रिविलेज ईश्यू नहीं उठाया है, प्वाइंट आफ आर्डर रोज़ किया है।

श्री बुद्ध प्रिय मौर्य : प्वाइंट आफ आर्डर उठाने का, इविन प्रिविलेज भी नहीं उठाना चाहिए, कोई भी ईश्यू उठाने का अधिकार नहीं है क्योंकि यह सदन के सदस्य नहीं है, सही नहीं है। इसलिए माननीय भूपेश दा का यह कहना सही नहीं है, यही मेरा निवेदन है।

SHRI SYED SHAHABUDDIN (Bihar) : Sir, my very brief submission is this. Apart from the Prime Minister, the Leader of the House and the Minister concerned, nobody else can participate in the debate if he is a Member of the other House.

MR. DEPUTY CHAIRMAN : You are advancing a novel argument. Have you got any authority in support of your statement ?

SHRI SYED SHAHABUDDIN : Let me make my submission.

MR. DEPUTY CHAIRMAN : Mr. Shahabuddin, you are a very learned man and you are raising this frivolous issue.

श्री संवाद शहाबुद्दीन : हुजूर एक जुमला तो सुन लीजिए। मेरी दरखास्त यह है कि उस प्वाइंट आफ आर्डर में जो रमार्कस और आब्जर्वेशन सी० पी० एन० सह ने किये हैं वह ऐक्पंज किये जायें, वह रेकार्ड से हटा दिये जायें।

SHRI RAMAKRISHNA HEGDE (Karnataka) : My point is this. An hon. Member has raised a point saying that the extract from a newspaper cannot be read out here. To say the least, he is not aware of the practices and conventions of this House. (Interruptions). The other day, let alone the newspaper reports, a private letter purported to have been written by somebody was fully read in the other House. So, a Member is absolutely in his right to read out any paper, any document or any letter. Therefore, there is no basis for this point.

SHRI PILOO MODY : Even that you cannot say.

श्री कलराज मिश्र : श्रीमन्, मेरा व्यवस्था का प्रश्न है और वह यह है कि...

(Interruptions)

श्री उपसभापति : एक व्यवस्था के प्रश्न पर आप दूसरा व्यवस्था का प्रश्न नहीं उठा सकते। जरा नियमों का तो ख्याल रखिये। आप बैठ जाइये।... (Interruptions) एक व्यवस्था का प्रश्न उठाया गया है, उसी दौरान दूसरा व्यवस्था का प्रश्न नहीं उठाया जा सकता। इस पर कुछ कहना हो तो कह लीजिए।

श्री कलराज मिश्र : मैं उसी पर कह रहा हूं। मेरा यह कहना है कि मंत्री महोदय जो दूसरे सदन के सदस्य हैं और जिस प्रकार चर्चा चल रही है... (Interruptions)

श्री उपसभापति : यह बहुत ही अज्ञानता का परिचय दे रहे हैं, यह मुझ कहना पड़ता है; ऐसी बातों पर मत बहस करिये जिनमें गुंजायश न हो। (Interruptions) Please take your seats.

[श्री उपसभापति]

I have quoted earlier, a few days back, article 8 of the Constitution. It is very clear. Please go through it again. It does not bar a Minister from raising any point of order at any type of proceedings. You go through the article. Mr Mody, this cannot help you. You cannot overrule article 88.

SHRI PILOO MODY : I am surprised that you should interpret to rule in that way.

MR. DEPUTY CHAIRMAN : If a man like you is not ready to accept what is written there, I am sorry.

SHRI PILOO MODY : This flows out of commonsense. All rules and even the Constitution flow out of commonsense. And it is also commonsense that one who is not a Member cannot participate except when his duties call upon him to do so.

MR. DEPUTY CHAIRMAN : This cannot be imported into that article. In that article commonsense won't work. (*Interruptions*).

SHRI ERA SEZHIYAN (Tamil Nadu) : How can you rule like that ? (*Interruptions*)

MR. DEPUTY CHAIRMAN : This is not my ruling. (*Interruptions*) Please hear me. You have spoken. All right, you can speak again. Article 88 is there. How can you overrule article 88 ?

SHRI BHUPESH GUPTA : You have said something. Suppose the Prime Minister sends 30 Ministers from Lok Sabha to come here and speak and raise point of order.

MR. DEPUTY CHAIRMAN : I would like to know what is the explanation to article 88.

SHRI BHUPESH GUPTA : It is not that.

MR. DEPUTY CHAIRMAN : It is there.

SHRI BHUPESH GUPTA : My contention is, it relates to a Member and the Minister concerned.

MR. DEPUTY CHAIRMAN : Article 88 is there. It does not speak what you are saying.

SHRI ERA SEZHIYAN : My point is accepting the constitutional position that a Member of the other House who is a Minister has got a right to come here and say these things, suppose he says in this House or makes a statement in this House, he attracts the privileges of this House. Is he fully amenable to the privileges and Rules of Procedure of this House ? I want a ruling on this. Sir, who is he to speak ?

SHRI J. K. JAIN : You are wasting the time of the House. (*Interruptions*).

MR. DEPUTY CHAIRMAN : He has got a louder voice. What can I do ? (*Interruptions*)

SHRI C. P. N. SINGH : That has no bearing on what is happening now. A point of order, Sir.

MR. DEPUTY CHAIRMAN : Your point of order has turned the whole House into disorder.

SHRI ERA SEZHIYAN : A Minister cannot have it both ways. Suppose he is a Member of the other House and there is a privilege matter against him, then he cannot take the plea that since he is a Member of the other House the privilege matter should be referred to the other House. That is what I want to make clear. Once he makes statement here...

MR. DEPUTY CHAIRMAN : Your query is hypothetical and that does not invite any ruling from me. There is no breach of privilege ; no question of privilege has been raised;

he is not taking any protection of that House. All this is hypothetical.

SHRI P. RAMAMURTI
(Tamil Nadu) : Sir,...

SHRI ERA SEZHIYAN: It is not hypothetical. This is regarding a statement made by Shri C.P.N. Singh. I raised a point of privilege. I understand it has gone to the other House.

MR DEPUTY CHAIRMAN : You have raised a point. The Committee will consider it. I cannot give a ruling on behalf of the Committee.

SHRI P. RAMAMURTI : Sir, I am not questioning your interpretation of the Constitution or the ruling on this question. (*Interruptions*).

MR. DEPUTY CHAIRMAN : Please take your seat. He is speaking. Yes, everyone can be called. They are here to hear you.

SHRI P. RAMAMURTI : The hon. Minister must know that insinuations are quite common and that insinuations are made by this side as well as from that side. There is nothing wrong as far as the parliamentary proceedings are concerned. Insinuations are made, inferences are made and people are asked to clarify. For example, the statement made about Mrs. Margaret Alva was an insinuation, but it was allowed. If that insinuation is wrong, then they have got other remedies. There is no point of order in raising the question that you cannot make insinuations. Let him answer the insinuation. Secondly, Sir, I would like to point out that it has always been the practice in this House as well as in the other House to bring to the notice of the house the reports appearing in the newspapers : sometimes they are actually read; sometimes they are not. There is nothing wrong about it. They themselves sitting on this

side, when the Janata Government was there, brought the Blitz—the whole charge was based on what was written in the Blitz—and reading from the Blitz reports they wanted a commission of inquiry. This is their own practice. So, seeing that, they must not throw stones on others while living in glass houses. Let them learn the practice of this House. Unfortunately, many of them are new to this House.

SHRI P. N. SUKUL : Sir, I want to make one point. Our Minister did not make a statement. His was a point of order. In this very House in the last fortnight this ruling was given, that a Minister is allowed to raise a point of order, and still an old Member like Mr. Bhupesh Gupta is telling... (*Interruptions*)

श्री हुक्म देव नारायण यादव : उपसभापति जी, मेरा व्यवस्था का प्रश्न है।

श्री उपसभापति : एक व्यवस्था का प्रश्न तो चल रहा है और दूसरा आपका।

श्री हुक्म देव नारायण यादव : इसी के संबंध में है। संचालन नियमावली में स्पष्ट उपबंध है कि सदन का कोई भी सदस्य पूरी जिम्मेदारी के साथ किसी बात को कह सकता है। उनको रोक नहीं जा सकता। अगर रोकते हैं तो अवैधानिक कार्य करते हैं। फिर संविधान में उपबंध है कि सदस्यों को बोलने की आजादी है। अगर हमारी इस आजादी को भी रोकना चाहते हैं तो आपने राष्ट्रीय सुरक्षा अधिनियम पास करा लिया है उसमें हमें गिरफ्तार करके जेल में बंद कर दीजिए और पूरी आजादी के साथ जैसा चाहें इसे पास कर सकते हैं। इनको रोक कौन रहा है।

SHRI NARASINGHA PRASAD NANDA (Orissa) : Sir, Mr. Era Sezhiyan has raised a very vital

[Shri Narasingha Prasad Nanda]

question, but you are not listening to him. We have article 88 of the Constitution under which it is stated that a Minister can participate in the proceedings of the House. That provision is clear. I am not on that. But the point made by Mr. Era Sezhiyan is that when a Minister chooses to participate in the proceedings of the House and while participating in the proceedings of this House there arises a question of privilege, the Minister taking advantage of being a Member of the other House cannot take that position that he is a Member of the other House and, therefore, the question of privilege should be referred to that House and that it should not be decided by the Committee of privileges of this House. This is a basic and fundamental question. Why do you not react to it? (Interruptions).

MR. DEPUTY CHAIRMAN: All right. Mr. Rameshwar Singh. You do not allow me to say anything. What can I do?

श्री रामेश्वर सिंह (उत्तर प्रदेश) : श्रीमन् उपसभापति महोदय, आप भी सदन की कार्यवाही देख रहे हैं और मैं भी यही देख रहा हूँ। मेरा व्यवस्था का प्रश्न यह है कि...

(Interruptions)

श्री उपसभापति : यह व्यवस्था का प्रश्न अभी खत्म नहीं हुआ है।

श्री रामेश्वर सिंह : आपने मंत्री महोदय को अपनी बात कहने की इजाजत दी है। मैं यह जानना चाहता हूँ कि क्या आपने मंत्री महोदय को हाउस के अन्दर इस प्रकार से अपने लोगों को सिखाने और जो विरोधी दल के लोग अपनी सही राय दे रहे हैं उनको रोकने की

इजाजत दी है ताकि इस तरह से हाउस में हंगामा कराया जाय ? क्या आपने उनको यह छूट दी है ?

श्री उपसभापति : ऐसी किसी को कोई छूट नहीं है।

श्री रामेश्वर सिंह : यही कारण है कि हाउस में अव्यवस्था पैदा होती है। सत्ता पक्ष के लोग नहीं चाहते हैं कि प्रधान मंत्री के पुत्र... (Interruptions).

श्री उपसभापति : आप दूसरे विषय पर जा रहे हैं।

श्री रामेश्वर सिंह : इस सरकार ने मारुति कम्पनी को अपने हाथ में लिया है। ये लोग नहीं चाहते हैं कि उस पर बहस हो... (Interruptions)

श्री उपसभापति : यह कोई व्यवस्था का प्रश्न नहीं है।

श्री रामेश्वर सिंह : मैं जितनी बात कह रहा हूँ, आप उसको सुनना नहीं चाहते हैं। सारे लोग इस विषय पर बोले हैं। इसीलिए मेरा कहना है कि आपको हमारी शकल से नफरत क्यों है ? आप हम से नफरत क्यों करते हैं ?

श्री उपसभापति : मुझे आपकी शकल से नफरत नहीं है। मुझे आप से नफरत नहीं हो सकती है। मैं तो आप से मोहब्बत करता हूँ।

श्री रामेश्वर सिंह : श्रीमन्, मेरा कहना यह है कि हाउस में हम लोगों को अपनी बात नहीं कहने दी जाती है अगर सरकार हमारी बात सुनना नहीं चाहती है तो हम लोगों को जेलों में बन्द कर दे। सब लोगों को मीसा में

जेल में डाल दे और फिर इस हाउस की जैसे कार्यवाही चलानी हो, वैसे चला ले... (Interruptions)

श्री बी० सत्यनारायण रेड्डी (आंध्र प्रदेश) : श्रीमन्, मैं समझता हूँ कि आपको श्री रामेश्वर सिंह की शकल से नफरत नहीं है, बल्कि मोहब्बत है क्योंकि मैं उनसे पहले से हाथ उठा रहा था लेकिन आपने मुझे न बुला कर, पहले उनको बोलने की इजाजत दी और उनको सुन लिया।

श्री उपसभापति : मैं पहले ही कह चुका हूँ कि मुझे शकल से नफरत नहीं है।

श्री बी० सत्यनारायण रेड्डी : उपसभापति महोदय, मेरा कहना यह है कि मुझे मंत्री महोदय के इस विषय पर बोलने पर कोई आपत्ति नहीं है। आपत्ति मुझे इस बात की है कि जब श्री माथुर बोल रहे थे और अपने सुझाव दे रहे थे तो उनको ऐसा करने का पूरा अधिकार है। लेकिन मंत्री महोदय बीच में छामछवाह यहां आए और उन्होंने इस वहस के अन्दर अपना दखल दिया और इस तरह से हाउस का आधा घंटा खत्म हो गया। मैं समझता हूँ कि यह सारी कार्यवाही रोकने की जिम्मेदारी मंत्री महोदय पर है। मंत्री महोदय अगर इस बारे में कुछ कहना चाहते हैं या जवाब देना चाहते हैं तो वे बाद में अपना जवाब दे सकते थे। लेकिन बीच में इस तरह से उठकर उन्होंने रूल्स का उल्लंघन क्यों किया है? इसकी सारी जिम्मेदारी मंत्री महोदय पर है।

MR. DEPUTY CHAIRMAN:
I would like to say about Mr. Era Sazhiyan's point and Mr. Nanda's

point. He has already made this point in this House. (Interruptions) Please hear, Mr. Jha, Please take your seat. (Interruptions) All right.

श्री शिव चन्द्र झा (विहार) : श्रीमन्, आपको याद होगा कि आपने यह कहा है कि अगर कोई सदस्य इस हाउस का मेम्बर नहीं है, लेकिन वह मिनिस्टर है तो वह अपने पाइन्ट को आपके सामने रख सकता है या किसी पाइन्ट को सदन में उठा सकता है। मेरा सिर्फ यही कहना है कि मंत्री महोदय को अगर कोई बात कहनी है, अपना कोई आन्वर्षेशन करना है या कुछ कहना है तो वे इस विषय पर चर्चा खत्म हो जाने के बाद अपनी बात कह सकते हैं और उस पर अगर कोई क्लेरिफिकेशन देना है तो बाद में दे सकते हैं। दूसरे सदन का सदस्य होते हुए भी और एक जिम्मेदार आदमी होते हुए भी उनको वही काम नहीं करना चाहिए जो दूसरे सदस्य जो सरकार में नहीं हैं करते हैं। उनका काम उससे भिन्न होना चाहिए जो कि उन्होंने निभाया नहीं। इसलिए उपसभापति महोदय, मंत्री महोदय को...

श्री उपसभापति : बस हो गया। आप बैठ जाइये।

श्री शिव चन्द्र झा : खबरदार कर दें...

श्री उपसभापति : ठीक है आपकी बात खत्म हो गई। अब आप बैठ जाइये।

श्री शिव चन्द्र झा : कि वे अपना व्यवहार इस तरह का...

श्री उपसभापति : हो गया अब समाप्त कीजिये।

श्री शिव चन्द्र झा : न रखें।

MR. DEPUTY CHAIRMAN :
All right. So far as Shri Era Sezhiyan's point is concerned, perhaps they are aware and the House is aware that he has already raised a privilege issue like that, as he mentioned just now. The Chairman has almost taken, I think, some decision, or he will announce his decision if he has taken it. And regarding the other point, I would say, in the present context, at this moment today it is just a hypothetical question. I am not expected to give a ruling on a hypothetical question. So far as the Minister is concerned, article 88 is there. The Minister can raise it. My only ...

SHRI BHUPESH GUPTA :
My only request to you is, let the debate be not like the Maruti car that did not move. Let the debate move on.

MR. DEPUTY CHAIRMAN :
But it seems that House does not want to move on. I would only request Mr. Mathur; please do not make unnecessary remarks that provoke protests from the other side. It is better... (Interruptions)

SHRI PILOO MODY : It is Mr. Jain who provides the broken transmissions... (Interruptions).

MR. DEPUTY CHAIRMAN :
Mr. Mathur, confine yourself to the subject matter and don't go to extraneous matters. That is my only request... (Interruptions).

श्री जे० के० जैन : कीचड़ और झूठ आपके मुंह में भर दिया जायेगा। आपके लिये यह कहना पड़ेगा।

श्री कलराज मिश्र : यदि ये इस तरह बोलेंगे तो हम भी खड़े हो जायेंगे। (Interruptions)

DR. BHAI MAHAVIR (Madhya Pradesh) : Will he prove to be a bull in the china shop all the time ? (Interruptions).

श्री जगदीश प्रसाद माथुर : श्रीमान्, कीचड़ की बात कही गई है। दिककत की बात यह है कि जब आप कीचड़ में खड़े हैं और आप अपने पैरो से स्वयं कीचड़ उछाल रहे हैं, हजूर ने मासुति जैसी कम्पनी बनाते और न कीचड़ उछालता।

मैं मंत्री जी से कहूँ कि ...

श्री उपसभापति : आप विषय पर आइए।

श्री जगदीश प्रसाद माथुर : वही कह रहा हूँ। आप खामखाह दखल दे रहे हैं। यह मैं जानता हूँ कि आपको मेरी शकल से नफरत नहीं है चाहे मुहब्बत न हो। मैंने जो आंकड़े दिये हैं ये सब दुसरे सदन के अन्दर दिये हुए जवाब हैं। एक है 1976 का और दूसरा है 1977 का। ये आंकड़े मैंने रखे हैं 8 करोड़ और 6 करोड़...

श्री सैय्यद सिबते रज़ी : श्रीमान्, मेरा प्वाइंट आफ़ आर्डर है।

उस सदन के जवाबात क्या इस सदन के सभा पटल पर रखे जा सकते हैं? माननीय सदस्य दूसरे सदन के जवाबात यहां पर नहीं रख सकते... (Interruptions) यह क्या-बात आप कर रहे हैं।

श्री जगदीश प्रसाद माथुर : देखिये, यह मेरा अधिकार है। सामान्य पद्धति है कि उस ही सत्र में उस सदन की बात यहां नहीं कह सकते। लेकिन 1976 और 1977 की जो जवाब हैं उन्हें रखने का मुझे हक है, मुझे अधिकार है, असैट्स में यह दो करोड़ रुपये की कमी उस सदन में दिए गए जवाब से निकलती है। जमीन कम नहीं हुई, कोई

दीवारें गिरी नहीं, तो आखिरकार यह असेट, जो उनकी बेंच-सीट में है, कम क्यों है ? यह इसलिये कि कुछ मशीनें वहां से हटा दी गई, यह मेरा सीधा साधा कहना है ।

दूसरे मैंने कहा कि किन लोगों ने हटाया । सब जानते हैं कि इस प्रकार की चीज केवल कम्पनी के अधिकारी कर सकते हैं, दूसरा आदमी नहीं कर सकता । उस समय संजय गांधी जी डाइरेक्टर थे ... (Interruptions)

श्री हरी सिंह नलवा (हरियाणा) : मेरा प्वाइंट आफ आर्डर है ।

श्री उपसभापति : उनका प्वाइंट आफ आर्डर सुन लीजिये । ... (Interruptions)

श्री हरि सिंह नलवा : आपने गवर्ण के पहले कहा था कि संजय गांधी जी की शान के विरुद्ध कोई शब्द नहीं निकालेंगे । लेकिन ये सीधा आरोप लगा रहे हैं संजय गांधी जी पर कि संजय गांधी जी उसकी 2 करोड़ रुपये की असेट चुरा ले गये, यह उन्होंने बोला । तो मेरी आपसे प्रार्थना है कि जो शब्द इन्होंने इस तरह के बोले, हाउस के अन्दर जो***बोला, उसको एक्सपंज कर दिया जाय, प्रोसीडिंग्स में से, और इनको आज के लिये हाउस से निकाल दिया जाय । मेरा यह आपसे निवेदन है ।

श्री जगदीश प्रसाद माथुर : मैंने यह नहीं कहा... (Interruptions).

श्री जे० के० जैन :.. (Interruptions)
इनको सदन से निकाल दिया जाय ।

SHRI PILOO MODY : Defective transmission. (Interruptions).

श्री जगदीश प्रसाद माथुर : भगवान ने गंजे को नाखुन नहीं दिए... (Interruptions). यह उपराष्ट्रपति बन जाते तो शायद मुझे निकाल ही देते ... (Interruptions).

श्री जे० के० जैन : नाखुन की जरूरत नहीं है, हमारा पंजा है.. (Interruptions).

श्री जगदीश प्रसाद माथुर : अजी, मैं गंजे की बात कर रहा हूं, पंजे की नहीं... (Interruptions).

श्री जे० के० जैन : तभी तो इसी पंजे ने तुम्हारी मिट्टी खराब कर दी (Interruptions) क्या बात करते हैं... (Interruptions).

श्री जगदीश प्रसाद माथुर : यह जो दो करोड़ के आंकड़े बताए हैं, जैन साहब होशोहवास में सुन लें कि इस प्रकार से माल को निकलवा देना कम्पनी के अधिकारियों द्वारा ही सम्भव है।... (Interruptions)

श्री एन० के० पी० साल्वे (महाराष्ट्र) : यह एलीगेशन है... (Interruptions)

SHRI SYED SIBTE RAZI:
He has no support for his allegation.

SHRI JAGDISH PRASAD.
MATHUR : It is not an allegation.
It is a conclusion.

श्री सैयद सिबते रजी : आपके चेहरे के पीछे क्या छिपा है यह हमको विदित है (Interruptions)

श्री एन० के० पी० साल्वे : मैं बहुत ही अदब से निवेदन कर रहा हूँ । बेलेंस शीट का आप जिक्र कर रहे हैं और मैं यह उम्मीद करता हूँ कि बेलेंस-शीट को पढ़ना आप जानते हैं...
(Interruptions).

श्री जगदीश प्रसाद माथुर : जो क्वेश्चंस है और उनके जो जवाब 1976-77 में दिए गए उनमें पहले असेट बताए हैं 8 करोड़ के और दूसरे में बताए हैं 6 करोड़ के, मैं यह बता रहा हूँ (Interruptions)

SHRI P. RAMAMURTI : A senior Member like Mr. Salve should at least know when somebody is speaking and when he is making a statement, it is not necessary for him immediately to get up every now and then and contradict him. He can contradict all the points when he gets his turn, when he gets his opportunity. Unless the speaker yields, he cannot go on contradicting him at every stage. Is this the way of conducting a debate? Let him note down the points and later on when he gets his turn, let him contradict the points effectively.

SHRI BHUPESH GUPTA : We can avoid political overtones. We are discussing a proposition of nationalisation. Let it be discussed. Let it be discussed on merits. You can also say whatever you like and you should be heard. Why bring in the past? Somebody asks. It is because of the background some of the things come. But I would request you, let us discuss the act of nationalisation, its implications, what it means in national interests or otherwise.

SHRI N. K. P. SALVE : That is right. So far as his reference to the balance sheet is concerned, I have got the balance sheet; the assets I have declined...

DR. BHAI MAHAVIR : A point has been raised by my friend, Mr. Jagdish Mathur, and Mr.

Salve is trying to answer a certain argument. Now, they will have plenty of time to answer all the arguments which are being put forward from this side; they should not raise points of order to answer every argument. There appears to be no point of order. He is referring to the balance sheet of Maruti. This is what I could gather from his statement. Now where is the point of order in this?

MR. DEPUTY CHAIRMAN : From what I gather, he wanted some information from Mr. Mathur and Mr. Mathur yielded to him. He wanted to know from which statement he was saying it...

DR. BHAI MAHAVIR : He has himself stated that he is reading from the answers given on the floor of the House.

MR. DEPUTY CHAIRMAN : I know. Now, Mr. Mathur, please continue.

SHRI RAMANAND YADAV : (Bihar) : Mr. Salve wanted to know something from Mr. Mathur and Mr. Mathur agreed to listen. Why should others object to it?

श्री जगदीश प्रसाद माथुर : श्रीमन्, मैं समझता हूँ कि मंलि-मंडल ने साल्वे साहब को इन्कम टैक्स के वकील की तरह यहां पर अप्वाइंट कर के रखा है । अगर इन्कम टैक्स वकील की तरह एप्वाइंट कर रखा हो जो जवाब देंगे ।

MR. DEPUTY CHAIRMAN : In his own right we can say all these things.

चलिए अब आगे चलिए । बैठिये आप कहने दीजिए । मैं माथुर जी से प्रार्थना करूंगा... (Interruptions) आप अनावश्यक रूप से इधर उधर बहुत जा रहे हैं । माथुर जी मैंने आपसे अनुरोध किया कि जो बिल है उसी पर कहिए और बहुत इधर उधर जायेंगे तो उससे कोई लाभ नहीं होगा ।

SHRI RAMAKRISHNA HEGDE: I want to raise a privilege issue.

MR. DEPUTY CHAIRMAN: Just after him.

श्री सोताराम केसरी : मैंने निवेदन किया था माथुर साहब से कि आर्थिक व्यवस्था पर, मारुति पर मर्यादा के साथ जो बोलें वह हम वेलकम करेंगे। भूषण दादा ने भी यही कहा मगर उनसे मेरा कहना है ये जो हमारे डिप्टी लीडर है साल्वे साहब उनके संबंध में उनका रिमार्क मैं समझता हूं कि उनके पीछे कोई औचित्य नहीं है। इस तरह से वाद-विवाद, मेरा निवेदन है . . . (*Interruptions*)

श्री जगदीश प्रसाद माथुर : अगर आपको दुःख है तो मैं वापस ले लेता हूं, अगर आपको अनुचित लगा हो तो मैं वापस ले लेता हूं। मैंने कोई मजाक नहीं किया है आपको अनुचित लगे तो वापस ले लेता हूं। मुझे कोई आपत्ति नहीं है। मैं साल्वे साहब की इज्जत करता हूं आपकी भी इज्जत करता हूं अगर उनको बुरा लगा हो तो वापस ले लेता हूं इसमें क्या बात है।

श्री उपसभापति : माथुर जी कृपा करके जो विधेयक है इस पर आइये।

श्री जगदीश प्रसाद माथुर : मैं प्वाइंट ही बतला रहा हूं, मैं कह रहा हूं कि जब दो करोड़ के असेट्स कम हो गये।

श्री उपसभापति : वह तो हो गया, आपने कह दिया, आगे चलिए।

श्री जगदीश प्रसाद माथुर : अभी असेट्स तो कम होने दीजिए।

श्री उपसभापति : उसको गवर्नमेंट ने टेकओवर कर लिया है। अब उस पर आइये (*Interruptions*)

श्री कलराज मिश्र : देखिए, श्रीमन् किस प्रकार से इन्टरप्ट कर रहे हैं, हम लोगों को भाषण करने में . . . व कम से कम सुन तो लें . . . (*Interruptions*)

श्री जगदीश प्रसाद माथुर : अगर सरकारी आंकड़े जो संसद में सवाल के जवाब में दिये गये हैं गलत हैं तो मैं मुजरिम नहीं हूं सरकार मुजरिम है अगर सही हैं तो भी मैं मुजरिम नहीं हूं आपकी सरकार मुजरिम है।

श्री उपसभापति : आप बिल पर आइये।

श्री जगदीश प्रसाद माथुर : अभी आता हूं, इनसे जरा कहिये शांति रख लें तो मैं जल्दी-जल्दी फटाफट समाप्त कर देता हूं। आप यह कहेंगे कि हमने कम्पनी इसलिये ली कि हम फायदे में हैं। मैं उन लोगों में नहीं हूं जो यह कहेंगे कि आपने बेकार ले लिया है और उसमें कोई मुनाफा नहीं था। मैं आपकी बात मानता हूं? क्यों? मशीनरी इज जंक। वह तो सही है। लेकिन टोटल असेट्स ज्यादा है। कैसे? जमीन जो कौड़ियों के भाव खरीदी गयी आज उसकी लाखों की कीमत है, लाखों और करोड़ों की . . . (*Interruptions*) करोड़ों की कीमत है। आज जो बिल्डिंग बनी है—वह सामान्य आदमी की बिल्डिंग नहीं थी। वह प्रधान मंत्री जी के लड़के और उनके मित्रों के द्वारा बनायी गयी थी। सब मकान वाले क्या करते हैं? दिखाते लाख का खर्च करते हैं तो लाख, दो लाख ब्लैक का करते हैं। मैं मानता हूं कि उन्होंने बिल्डिंग के जो आंकड़े दिये हैं वे कम हैं। क्यों? क्योंकि उसमें ब्लैक का पैसा लगा ही होगा। जरूर लगा होगा, करोड़ों लगा होगा . . . (*Interruptions*)

Machinery is junk, No doubt about it. But assets are much

[श्री जगदीश प्रसाद माथूर]

more than what you have evaluated. इसलिये इसके असली असेट्स जो हैं वे जितने दिखाये गये हैं उससे कहीं ज्यादा हैं। इससे यह बात जाहिर हो जाती है कि सरकार की नीयत क्या थी। सरकार की नीयत थी कि उनके पुराने दोस्त, श्री सूरि सागर एवम् मोहन मीकिन कम्पनी वाले उसे न लें और करोड़ों की यह सम्पत्ति सरकार ले ले। वह ले ली। लेकिन इसमें दूसरा झंझट है। झंझट यह है कि आपने करोड़ों की सम्पत्ति ले ली लेकिन साथ ही आपने धोखा किया शेयर होल्डर्स के साथ। आप उनको पैसा नहीं दे रहे हैं। अगर करोड़ों की सम्पत्ति ली है तो आप उनको पैसा क्यों नहीं दे रहे हैं। फिर आपने धोखा किया डीलर्स के साथ। आपने उनसे जो लाखों रुपया लिया था अब आप उनको पूरा देना नहीं चाहते हैं। उनको क्यों नहीं देना चाहते। जिन डीलर्स ने कम्पनी बनने के पहले पैसा दिया आज उनको कह दिया पूरा पैसा नहीं दंगे। इस लायबिलिटी को कहीं दिखाया है। यह लोग अदायगी के चौथे पांचवे नम्बर पर हैं। क्यों नहीं दे रहे हैं? ईमानदारी साफ है कि आज सरकार को और सरकारी खानदान को पैसा चाहिये इसलिए . . .

SHRI SYED SIBTE RAZI :

This is again a baseless allegation. What you say is not supported by facts.

श्री जगदीश प्रसाद माथूर : मैं पूछना चाहता हूँ श्रीमन्, ये बतायें, सच्ची तौर से बतायें, आज सरकार 77 के आंकड़े न दे आज 80 के आंकड़े चाहिये कि कीमत कितनी है? आपका कितना वहां पैसा है, आपने कितना लिया है—आई वांट दिस। फिर कन्ट्रैक्ट्स हुए हैं, कितने साथ ?

माहिती लि० बना, साथ ही माहिती व्हीकल्स बना, माहिती टैक्नीकल सर्विस बना, इनके साथ कन्ट्रैक्ट्स किये गये। माहिती ने किया कन्ट्रैक्ट माहिती हैवी व्हीकल्स से, माहिती हैवी व्हीकल्स ने कन्ट्रैक्ट किया सोनिया गांधी, संजय गांधी से। इसी प्रकार माहिती ने किया टैक्नीकल सर्विस असिसटेंस से, फिर टैक्निकल असिसटेंस से किया सोनिया गांधी और संजय गांधी आदि से, और कौन थे मालिक टैक्नीकल असिसटेंस के? मैं नमूना देता हूँ—मुझे फिर कुछ लोग कहेंगे कि संजय जी क्यों कहते हो। मैं फिर भी जी कहता हूँ। उस समय संजय गांधी जी के केवल सौ रुपये के दस शेयर थे और मनी काल्डफार कितना था? पांच लाख। यह पांच लाख भी कहां से आये। माहिती कम्पनी को नाम मात्र की टैक्नीकल सर्विस देने के नाम से इस कम्पनी ने पांच लाख रुपये प्रारंभ में ही वसूल कर लिये थे। और बाद में संजय गांधी को 1500 शेयर दे दिये गये। जाल क्या है . . . (Interruptions)

श्री उपसभापति : वह तो पीछे हो गया। अब बिल में क्या है, आप उस पर आइये। यह तो बातें हैं। . . . (Interruptions)

श्री जगदीश प्रसाद माथूर : नहीं, बातें नहीं हैं, आप मुझको रोक रहे हैं।

श्री उपसभापति : मैं तो यह कह रहा हूँ कि जिन बातों से लाभ नहीं होगा। अब जो विषय है . . . (Interruptions) क्या हुआ, उससे लाभ नहीं है, बातों से लाभ नहीं होगा। जो विषय है, उस पर आ जाइये . . . (Interruptions)

श्री जगदीश प्रसाद माथूर : माहिती का कन्ट्रैक्ट माहिती टैक्नीकल से आगे माहिती टैक्नीकल ने कन्ट्रैक्ट किया संजय गांधी से। . . . (Interruptions)

SHRI C. P. N. SINGH : Sir, on point of order. (*Interruptions*)

SHRIMATI RAJINDER KAUR (Punjab) : Sir, how can he raise a point of order when he is not a Member of this House ? (*Interruptions*), Sir, he is a Minister and he is a Member of the other House, How can he raise a point of order ? (*Interruptions*)

SHRI C. P. N. SINGH : He has yielded, Why do you worry ? (*Interruptions*). The honourable Member who was speaking has yielded. You please sit down. Mr. Deputy Chairman. I want just one clarification.

SHRI JAGDISH PRASAD MATHUR : I am not yielding ? (*Interruptions*)

SHRI C. P. N. SINGH : You are not yielding ?

SHRI JAGDISH PRASAD MATHUR : I am not yielding.

MR. DEPUTY CHAIRMAN : He has not yielded.

SHRI C. P. N. SINGH : Sir, on a point of order, (*Interruptions*) Sir, the honourable Member, Mr. Pilloo Mody...

SHRI B. D. KHOBRADE (Maharashtra) : Sir, the honourable Minister is raising a point of order. (*Interruptions*) Sir, the honourable Minister is raising on a point of order. Are there no Members from the Congress (I) to raise a point of order ? Why should a Minister raise a point of order ? Is it not disgraceful that a Minister should raise a point of order ? (*Interruptions*)

श्री पीलू मोदी : कोई अकल वाले है ही नहीं ...
(*Interruptions*)

SHRI MANUBHAI PATEL (Gujarat) : Sir, he is not a member of this honourable House and he is a

Member of the other House. He is a Minister also. By virtue of being a Minister, Sir, he cannot get the right to raise a point of order. Let any other honourable Member raise a point of order. But a Minister cannot be inducted into this House from the other House to raise a point of order. (*Interruptions*)

SHRI BHUPESH GUPTA : Sir, I suggest that a new portfolio be created, that is, the Minister for Points of Order.

MR. DEPUTY CHAIRMAN : All right.

SHRI BHUPESH GUPTA : You create a new portfolio like that and all will be settled and he can be the Minister for Points of Order. (*Interruptions*)

SHRI PILOO MODY : He is the Minister for the protection of Maruti.

SHRI C. P. N. SINGH : Sir, it is not a question of protection of Maruti, But it is a question of the rules of procedure in this House. (*Interruptions*) Now, Sir, the honourable Members, Mr. Bhupesh Gupta and Mr. Pilloo Mody, have been in this House and they are very experienced. They supposedly know all the rules and regulations. What the honourable Member does suggest is that there should be a Minister for . . .

SHRI ERA SEZHIYAN : Sir, what is the point of order in this ?

MR. DEPUTY CHAIRMAN : Mr. Singh, you don't go by what they say. (*Interruptions*)

SHRI C. P. N. SINGH : Sir, I merely wanted to say that during the 28 months of the rule of the Janata Party, with all the Commissions of Inquiry, including the one against Maruti, they have come out with nothing. (*Interruptions*)

SHRI ERA SEZHIYAN : Sir, what is the point of order in this?

DR. M. M. S. SIDDHU (Uttar Pradesh) : What is the point of order in this? *(Interruptions)*

SHRI C. P. N. SINGH : He is only wasting the time of the House by raising this issue. *(Interruptions)* What did they do? *(Interruptions)* Why did they arrest Mrs. Indira Gandhi? *(Interruptions)*

श्री कलराज मिश्र : मान्यवर, मेरा व्यस्तता का प्रश्न है... *(Interruptions)*

SHRI MANUBHAI PATEL : Sir, every Member is here only to contribute to the proceedings of this House and it is not wasting the time of the House. *(Interruptions)* On the contrary, it is a useful thing. It is utterly wrong to say that it is wasting the time of the House. It is an unnecessary interruption by the Minister. You please expunge this interruption by a responsible Minister like him. *(Interruptions)*

DR. M. M. S. SIDDHU : Sir, I am on a point of order. Has the Minister any right to interrupt a speaker under the pretext of raising a point of order which is no point of order at all? This is not a point of order. *(Interruptions)* That is the main question. He is not a Member of this House. *(Interruptions)*

SHRI PILOO MODY : He is an immature Member from the Lower House who has come to raise these points over here. *(Interruptions)*

DR. M. M. S. SIDDHU : Sit, down. *(Interruptions)*

SHRI J. K. JAIN : You sit down *(Interruptions)*

AN HON. MEMBER : We want your ruling. *(Interruptions)*

SHRI PILOO MODY : You have been asked to give your ruling on the Minister's point of order. *(Interruptions)*

SHRI B. D. KHOBRAGADE : What do you want to say? *(Interruptions)*

SHRI MANUBHAI PATEL : It means you are not giving a ruling whether it was a point of order or not. You are upholding the point of order. It is a point of disorder, *(Interruptions)*

SHRI PILOO MODY : In case it was not a point of order, then I would ask you another question: Who is wasting the time of the House? *(Interruptions)*

SHRI C. P. N. SINGH : It is he who does not concern himself with the debate. *(Interruptions)*

SHRI PILOO MODY : Sir, he has abrogated to himself your functions also. Now there are three crimes committed by him. Don't you think that the Leader of the House over here should recommend that he goes back to his own House? *(Interruptions)*

DR. M. M. S. SIDDHU : Under Rule 258 a point of order could be raised. The hon. Minister on that side is not corresponding to Rule 258. It is filibuster. *(Interruptions)* If the Minister, who belongs to the other house is going to misuse the privileges of this House....

(Interruptions)

SHRI PILOO MODY : Shame, shame... *(Interruptions)*

SHRI P. RAMAMURTI : I want to know whether they want an orderly debate or not? When he said that he was not yielding, he wanted to interrupt him by saying that he wanted to give him something. When he said that he was not yielding then he changed his position by raising a point of order and said the

same thing in the interruption. Is this the way to behave for any responsible member of the ruling party, a Minister? Does he want an orderly debate? Let them say so. (*Interruptions*)

SHRI J. K. JAIN : Sit down. (*Interruptions*)

SHRI P. RAMAMURTI : I am not asking you to sit down. Sir, I am not addressing him. I am addressing you. (*Interruptions*)

SHRI C. P. N. SINGH : You sit down (*Interruptions*),

SHRI P. RAMAMURTI : My appeal to you is to see that at least the Ministers behave properly in this House—at least the Ministers. We have got other people who misbehave. At least the Ministers should not behave in this manner. Let them prepare. Let them answer. They will get ample opportunity to answer. Let them not go on interrupting people every minute and mar the debate, otherwise we will see that the Bill is not passed. (*Interruptions*)

डा० रुद्र प्रताप सिंह (उत्तर प्रदेश) : माननीय उपसभापति जी ...

श्री उपसभापति : पौइन्ट आफ आर्डर अपना संक्षेप में कह दीजिये, दलील छोड़ दीजिये।

डा० रुद्र प्रताप सिंह : मान्यवर, इस सदन की कार्यवाही सुचारु रूप से चले इस के लिये यह आवश्यक है माननीय सदस्य उत्तेजनात्मक भाषा का प्रयोग न करें।

डा० भाई महावीर : आवश्यक यह है कि आप लोग शान्त रहे।

डा० रुद्र प्रताप सिंह : माननीय सदस्यों से मेरी प्रार्थना है कि वे जिस पद पर आसीन हैं ... (*Interruptions*)

श्री उपसभापति : पटेल जी सुनिय किसी की बात। (*Interruptions*)

श्री रामेश्वर सिंह : उन को मंत्री जी से कहना चाहिये, हम से क्यों कहते हैं। (*Interruptions*)

श्री पल्लू मोदी : अपने मिनिस्टर से प्रार्थना करो, पीछे वाले से प्रार्थना करो।

डा० रुद्र प्रताप सिंह : सदन की कार्यवाही सुचारु रूप से चले इस के लिए आवश्यक है कि माननीय सदस्य उत्तेजनात्मक भाषा का प्रयोग न करें। श्रीमन्, आप को हम लोगों के हित की रक्षा करनी है। इस के साथ ही मेरा यह भी निवेदन है कि यहां पर माननीय सदस्य को अपनी बात को कहने का पूरा अधिकार है, मगर काल्पनिक आरोप लगाने का उनको कोई अधिकार प्राप्त नहीं है।

श्री उपसभापति : कोई पौइन्ट आफ आर्डर नहीं है। बात आप ने कह दी माननीय सदस्य ने सुन ली। मैं समझत हूं कि वे आप की बात का ध्यान रखेंगे

डा० रुद्र प्रताप सिंह : अन्तिम बात जो मैं कहना चाहता हूं। (*Interruptions*) वह यह है कि चिर स्मरणीय स्व० संजय गांधी भारत की कोटि कोटि जनता के नेता थे। यहां उन के चरित्र हनन का प्रयत्न किया जा रहा है। (*Interruptions*) हम सदन की सदस्यता त्याग सकते हैं, मगर संजय गांधी का अपमान बर्दाश्त नहीं कर सकते।

SHRI J. K. JAIN : Shame, shame.

श्री मनु भाई पटेल : आप हमें उपदेश देते थे कि उत्तेजित हो कर भाषण मत करना और आखिर में आप बहुत उत्तेजित हो गये मिस्टर जैन तो और भी उत्तेजित हो गये।

MR. DEPUTY CHAIRMAN : I have not allowed you. How can you speak? I have already said that I have allowed three persons. Mr. Salve.

SHRI N. K. P. SALVE : We do not want to interrupt Mr. Mathur. We want the debate to be meaningful and we want it to go at some pace so that we are able to finish the debate in time. Accepting that the debate should be a little more meaningful, what the Minister wanted to say in his own language....

(Interruptions)

SHRI MANUBHAI PATEL : This is unfair. Why should he defend him? They are not able to face the arguments and the facts and figures and that is why they are interrupting. They do not want to see that the House functions smoothly. (Interruptions) One who has moved a Resolution should not be interrupted. He should be allowed to express his opinion freely. He is quoting facts and figures. Why are you so impatient?

SHRI N. K. P. SALVE : He should be able to express his opinion freely and fearlessly. Absolutely there is no doubt about it. This reference to Maruti Technical Services Limited and Maruti Heavy Vehicles Limited ... (Interruptions) My submission is that (Interruptions) Article 26 (Interruptions)

SHRI PILOO MODY : What is this? I can also wave the papers like this.

श्री रामानन्द यादव (बिहार) : उपसभापति जी, मेरा एक मवनिशन है। नो प्वाइंट आफ आर्डर। (Interruptions) मैं यह अर्ज करना चाहता हूँ कि जो प्वाइंट रेज किया गया था माननीय मंत्री जी द्वारा उस पर आप को अपना जजमेंट देना था। उसी के संबंध में मैं कुछ बात कह देना चाहता हूँ।

श्री मनु भाई पटेल : जजमेंट दे दिया है।

श्री रामानन्द यादव : नहीं दिया है। मनुभाई पटेल जी, बड़े दुःख की बात है कि आप कहते हैं कि सदस्यगण सदन का समय बर्बाद करते हैं लेकिन आप ने थोड़े से समय में सदन का जितना समय बर्बाद किया है शायद उतना और किसी ने नहीं किया।

श्री मनु भाई पटेल : नहीं, नहीं किया है। यदि कोई कहेगा कि हम देरी करते हैं और देर तक बैठते हैं तो उस का कसूर आप पर होगा, रूलिंग पार्टी पर होगा। अगर आप को समय पर यह काम खत्म करना है तो मेहरबानी कर के आप इंटरवीन मत कीजिये।

श्री रामानन्द यादव : फर्स्ट प्वाइंट मुझे यह कहना है कि इसी हाउस में स्टीफन साहब ने प्वाइंट आफ आर्डर रेज किया था जिस पर चेयर ने अपनी रूलिंग दे दी है कि दूसरे सदन के सदस्य भी प्वाइंट आफ आर्डर यहां रेज कर सकते हैं।

SHRI PILOO MODY : Do you want a second ruling ?

श्री रामानन्द यादव : हो गया है। हमारे मित्र पीलू मोदी साहब जोश में सारी बातें कहते हैं।

श्री पीलू मोदी : मैं जोश में कोई बात नहीं कहता।

श्री रामानन्द यादव : वह जोश में सारी बातें कहते हैं और सारा हाउस लाफ कर जाता है। लेकिन प्रोसीडिंग निकाल कर देख लिया जाये उन्होंने कहा है मंत्री जी के लिये कि वे बाहर से आये हुए इंटर्रेंडर है।

SHRI PILOO MODY : Yes,
yes, an intruder.

* SHRI J. K. JAIN : You cannot
use that word. He is a Minister.
You are an intruder.

श्री रामानन्द यादव : तो मैं जानना
चाहता हूँ कि यह शब्द जो उन्होंने इस्तेमाल
किया है क्या यह उचित है? आप उस
को प्रोसिडिंग्स से निकाल दें। आप
हाउस के कस्टोडियन हैं। हर मेम्बर की
इज्जत और प्रतिष्ठा आप के हाथ में
है...

* श्री उपसभापति : अगर किसी के
खिलाफ कोई बात होगी तो उस को नहीं
रखा जायेगा।

श्री रामानन्द यादव : जो शब्द उन्होंने
व्यवहार किया है वह निकाल दिया जाना
चाहिये। पीलू मोदी जैसे प्रवीण सदस्य के
लिये इस प्रकार की भाषा का प्रयोग करना
उचित नहीं है।

* तीसरा प्वाइंट मेरा यह है कि
अभी हमारे राम मूर्ति जी यहां से चले
गये। हम लोगों की उन के प्रति बड़ी श्रद्धा
है और खास कर मैं उन को बहुत पसंद
करता हूँ, लेकिन आज जब वह सुबह
बोले तो उन्होंने हमारे मंत्री जी को कहा
कि ही शुड बिहेव प्रापलीं। एज इफ ही
इज ए सर्वेंट। गलत कहां (Interrptions)
मैं आप को कहूँ कि पीलू मोदी साहब को
बिहेव करना नहीं आता—Will you like
it in a good gesture?

* श्री पीलू मोदी : आप कह रहे हैं।
पहले नहीं कहा तो अब कह लीजिये।

श्री रामानन्द यादव : नहीं ऐसी बात
नहीं है। मैं आप को नहीं कह रहा हूँ।
लेकिन उन्होंने ऐसा कहा...

श्री उपसभापति : अब समाप्त करिये।
(Interrptions)

श्री जे० के० जैन : उन पर तो कोई
असर ही नहीं होता।

श्री रामानन्द यादव : माननीय सदस्य
ने जो हिमालय की चोटी से सरमन किया
वह राम मूर्ति जी जैसे सदस्य के लिये शोभा
नहीं देता। कोई भी मंत्री चाहे जैसा
हो वह मामान्य आदमी है और कोई भी
सदस्य सम्माननीय सदस्य है। (Interruptions)

SHRI KALRAJ MISHRA :
Point of order.

MR. DEPUTY CHAIRMAN :
Everybody is on a point of order.
Nobody is interested in the debate.
What can I do?

SHRI KALRAJ MISHRA :
Point of order.

श्री उपसभापति : माथुर साहब का
जवाब मत दीजिये। आपके मुझाब ख
गये ठीक हैं। अब आप बैठ जाइय।
.... (Interruptions)

श्री रामानन्द यादव : श्रीमन्, अगर
सदन का समय बरबाद हो तो यह ठीक
नहीं है। हमको बिल के ग्राब्जेक्ट पर
ध्यान देना चाहिये। मैं चाहता हूँ कि खुद
आप लोग भी कोआपरेट करें तो अच्छा
होगा लेकिन आप कोआपरेट नहीं करते।
आप स्वयं बरबाद करते हैं मनुभाई और
हम लोगों को एलिंगेशन लगाते हैं।
(Interruptions)

श्री कलराज मिश्र : श्रीमन्, मेरा
व्यवस्था का प्रश्न यह है कि अभी तक जो
डिबेट चलती रही है उसमें शान्तिपूर्वक
लोगों ने भाग लिया, वे सुनते रहे हैं।
सभी लोग उसमें समान तौर पर भाग लेते
रहे हैं। लेकिन जब यह मारुति लिमिटेड
की डिबेट चली है और इसमें जिस तरीके से
दूसरे सदन से संबंधित सदस्य किन्तु

[श्री कलराज मिश्र]

मंत्री ने जो व्यवहार किया है यह वास्तविक तौर पर जो सदन की मर्यादा है उस का उन्होंने हनन किया है। उसको देखने के बाद ऐसा लगता है कि आपने एक बार रूलिंग दी कि मिनिस्टर प्वायंट आफ आर्डर रोज कर सकते हैं लेकिन जब दुबारा सम्माननीय माथुर साहब ने बयान शुरू किया और तथ्यात्मक आधार पर कुछ कहा तो मंत्री महोदय के खड़े होकर इंटरप्ट करने और उसके साथ साथ भाषण करने से जो स्वरूप निर्माण हुआ है यह मैं ऐसा महसूस करता हूं कि जानबूझकर कोशिश करना है माथुरजी को न बोलने देने की। इस सम्बन्ध में आप की रूलिंग चाहिये।

श्री उपसभापति : रूलिंग की आवश्यकता नहीं है। मैं माथुर जी में अनुमोद करूंगा कि कृपया विधेयक की सीमाओं तक अपना भाषण दें। इधर उधर की बातें करेंगे तो सदन में यह सब चलता रहेगा।

श्री जगजीश प्रसाद माथुर : श्रीमन मैं कांटेक्ट की बात कर रहा था। मारुति लिमिटेड और मारुति हैवी विहिकल्स ने ठेका किया तो उसके डाइरेक्टर संजय गांधी ने किया तो उन समझौतों के आधार पर, मैं साल्वे साहब से प्रार्थना करूंगा। Mr. Salve should not try to salvage the Government now. Let me complete my thing. इस कंट्रैक्ट से दो परसेंट या कुछ पैसा मारुति टेक्निकल सर्विस या मारुति हैवी विहिकल्स को जायेगा तो उसमें से पैसा मिलेगा संजय गांधी को जो डाइरेक्टर थे। साल्वे साहब ने मेरे सामने यह विल रखा है। वह तो वकील है, मैं तो वकालत नहीं करता हूं लेकिन थोड़ी बहुत अक्ल

रखता हूं। जिस धारा का उन्होंने हवाला दिया, उसके प्रावियों को पढ़ लीजिये :

“Provided that the Central Government or such Government company shall not omit to ratify the contract and shall not make any alterations or modifications in a contract, unless it is satisfied that such contract is unduly onerous or has been entered in bad faith or is detrimental to the interests of the Central Government or such Government company.”

इसका अभिप्राय क्या है? दवाब इस बात पर है कि कांटेक्ट को रेटिफाई करना ही पड़ेगा अनलैस गवर्नमेंट यह प्रूवन करे कि ओनरस है या बैंड फेथ में किया गया है। मैं पूछूंगा आपने बैंड फेथ में कांटेक्ट क्यों किया? अगर आप ओनरस मानते हैं तो भी आप मुजरिम हैं। इधर से भी आप मुजरिम हैं उधर से भी मुजरिम है, दोनों तरह से मुजरिम है। अगर वास्तव में आपके इरादे अच्छे हैं तो मैं सरकार से प्रधान मंत्री महोदया से सविनय कहना चाहता हूं कि वह यह डिक्लियर करा दें कि यह दो कम्पनियां मारुति कम्पनी को पैसे की हर जिम्मेदारी से बरी करती है। संजय गांधी तो रहे नहीं लेकिन कानूनी स्थिति यह है कि ये प्राइवेट लिमिटेड कम्पनियां हैं। संजय गांधी के बाद उनकी पत्नी वारिस होंगी।

1 p.m.

अगर वह पैसे की जिम्मेदारी से मारुति कम्पनी को मुक्त करने को तैयार है तो श्रीमती गांधी के खानदान की ईमानदारी पर विश्वास कर लूंगा। और अगर मुक्त करने को तैयार नहीं है तो मेरा यह निष्कर्ष निकालना कि यह पैसा कमाने के लिये किया गया है, गलत नहीं होगा। इसलिये जब मंत्री महोदय खड़े होंगे जवाब देने के लिये तो मैं केवल इतनी बात से संतुष्ट नहीं हूंगा कि हमने इसका इसलिये राष्ट्रीयकरण कर लिया है इससे फायदा था। मैं कब कहता हूं कि फायदा नहीं है।

फायदा है मशीन से फायदा नहीं तो जमीन से फायदा है, बिल्डिंग से फायदा है करोड़ों रुपये का। अपने शेयर होल्डर्स को और उसके साथ डीलर्स को करोड़ों रुपये का नुकसान क्यों है? That is my charge against you आज अगर आप ईमानदार हैं तो कांटेक्ट को एनल कर दिया जाये। जिसकी तरफ यानी दफा 26 की तरफ साल्वे साहब ने ध्यान दिलाया है। Let Mr. Salve move an amendment. प्रोविजन खत्म किया जाना चाहिये। साल्वे साहब अगर आप ईमानदार हैं तो आपका यह अमेन्डमेंट होगा। Let the Government declare it as invalid.

श्री उपसभापति : ठीक है। समाप्त करिये।

श्री जगदीश प्रसाद माथुर : श्रीमन्, जैसा मैंने प्रारम्भ में कहा कि यह एक भ्रष्टाचार का, राजनीतिज्ञ अधिकार के और सत्ता के उपभोग के दुरुपयोग का स्मारक बन गया है। इसलिये मैं आपसे कहना चाहता हूँ कि हिम्मत के साथ, मर्दानगी के साथ खड़े हो जाये और कह दे कि हम यह नहीं होने देंगे। जो मित्र उधर बैठे हैं उनसे भी कहूंगा कि क्या आप भ्रष्टाचार का ऐसा स्मारक हिन्दुस्तान की तवालीख के अंदर बनाना चाहेंगे जिससे आने वाली संतान यह समझे कि यह सरकार भ्रष्टाचार की, कानूनी भ्रष्टाचार की, एक खानदानी भ्रष्टाचार की और ऐसे खानदान की जिसमें पंडित मोती लाल नेहरू, जवाहर लाल नेहरू ...

श्री उपसभापति : हो गया। बैठ जाइये।

श्री जगदीश प्रसाद माथुर : आप को क्यों बुरा लग रहा है।

श्री उपसभापति : बुरा नहीं लग रहा है। आप समाप्त करिये।

श्री जगदीश प्रसाद माथुर : हिन्दुस्तान की तवालीख में मोती लाल नेहरू, जवाहर लाल नेहरू हम लोगों के इतिहास में प्रेरणा देने वाले हैं (Interruption)...

श्री उपसभापति : ठीक है, ठीक है।

श्री जगदीश प्रसाद माथुर : प्रेरणा देने वाले मोतीलाल नेहरू और जवाहर लाल नेहरू ने जो कुछ किया था उसे इन्दिरा गांधी जी ने मिटा दिया। (Interruptions),

श्री हरि सिंह नलवा : मेरा प्वाइंट आफ आर्डर है।

MR. DEPUTY CHAIRMAN : Please don't interrupt

SHRI HARI SINGH NALWA : Give me one minute.

MR. DEPUTY CHAIRMAN : No, I cannot allow. We have had sufficient points of order today. What Mr. Nalwa says will not go on record.

(Shri Hari Singh Nalwa continued to speak)

श्री उपसभापति : नलवा साहब आप कृपा करके बैठ जाइये। आप का कुछ भी नहीं लिखा जा रहा है। कोई प्वाइंट आफ आर्डर रोज नहीं कर सकते।

(Shri Hari Singh Nalwa continued to speak)

श्री उपसभापति : आप कृपा करके बैठ जाइये। इनको समाप्त करने दीजिये। (Interruptions)

(Shri Hari Singh Nalwa continued to speak)

MR. DEPUTY CHAIRMAN : May I request the hon. Members? Whatever they wanted to say, the

[Mr. Deputy Chairman]

have said. Nothing has gone on record किसी की कोई बात नहीं लिखी गई है। आपने बहुत कह दिया है और मुन लिया है। अब आप श्री माथुर को समाप्त रने दीजिये।

श्री जगदीश प्रसाद माथुर : हुजूर
प्टी चेयरमैन साहब, श्री हरि सिंह
लवा ने अभी जो कुछ कहा है, उस
पर मुझे यही कहना है कि जो बात
की खुदा की कसम लाजवाब है?...
(Interruptions)... पंजाब में एक श्री
हरिसिंह नलवा भी थे (Interruptions)

श्री उपसभापति : माथुर जी, हमें
आपके दो वाक्यों का इंतजार है। अब आप
अपनी बात समाप्त करिये।

श्री जगदीश प्रसाद माथुर : श्रीमन्
मैं इन से यही कहना चाहता हूं कि क्यों
आप श्री हरिसिंह नलवा का नाम क्यों
बदनाम करते हो। मैं अपने मित्रों से
जितने यहां पर बैठे हैं और विरोध : जो
उधर बैठे हैं, उनसे प्रार्थना करना चाहता
हूं कि उन्हें अपनी आत्मा को देखना
चाहिये। आप सभी भाई यहां पर बैठे
हैं... (Interruptions) भाईयों में बहिनें भी
शामिल हैं। आपको अपनी कामेंस को
कुरेदना चाहिये। मैं चाहता हूं कि आप
लोग इस मासुति के झमेले से निकले
और कहें कि यह भ्रष्टाचार का स्मारक है,
हम हिन्दुस्तान को तब रीख में इसको नहीं
बनने दगे। इसको रद्द करेंगे।
इसलिये मेरी यह अपील है कि आप लोग
इस मेरे प्रस्ताव को स्वीकार करें और
बिल को रद्द कर दें।

श्री गुड्डि गुप्त : इन लोगों ने
बैंकों के राष्ट्रीयकरण का भी विरोध
किया था।

श्री हुक्मदेव नारायण यादव : श्रीमन्,
हमने जो पाइन्ट आफ ऑर्डर उठाया था,
उसका उत्तर नहीं आया है...
(Interruptions),

[The Vice Chairman (Dr. Rafiq Zakaria) in the Chair]

THE MINISTER OF STATE
IN THE MINISTRY OF INDUS-
TRY (SHRI CHARANJIT CHA-
NANA) : Sir, I beg to move :

“That the Bill to provide for the
acquisition and transfer of the under-
takings of Maruti Limited with a
view to securing the utilisation of the
available infrastructure, to moder-
nise the automobile industry, to
effect a more economical utilisation
of scarce fuel and to ensure
higher production of motor vehi-
cles which are essential to the needs
of the economy of the country
and for matters connected therewith
or incidental thereto, as passed by
the Lok Sabha, be taken into con-
sideration.”

SHRI PILOO MODY : Sir, you
will now see in what gentlemanly
fashion the Opposition listens to the
hon. Minister.

SHRI CHARANJIT CHA-
NANA : Sir, the House should not be
disappointed at all at the comments
made by the hon. Member, Shri
Mathur. One appreciates the
conditioning of the outlook of the
hon. Member when we heard what
he has said. For example, he
includes ‘bhai’ in ‘behen’. You know
the background. I will not go into
that at all.

श्री जगदीश प्रसाद माथुर : कानून
में यह कहा लिखा है कि ‘ही’ में ‘शी’
भी शामिल है?

THE VICE-CHAIRMAN (DR.
RAFIQ ZAKARIA) : Please do not
interrupt him, Mr. Mathur.

**SHRI CHARANJIT CHA-
NANA :** Sir, the hon. Members
of this House know the outlook of
the RSS. (Interruptions).

**THE VICE-CHAIRMAN (DR.
RAFIQ ZAKARIA) :** Please do not
interrupt him. Mr. Mathur. Let
him have his say. Then, you can
say what you want to say.

**SHRI CHARANJIT CHA-
NANA :** Sir, the conditioning of the
outlook is by a few other things also.
They are negative allegations and
I would not like to retaliate. I
would mention only one instance in
regard to what the hon. Member
has said. In Hindi, they say,

ये कहते हैं कि इस संस्था का जन्म पाप
में हुआ। किस संस्था का जन्म पाप में
हुआ है, यह इनको ही नजर आता है।
इस विषय पर ये मारुति की बात करते
हैं। हम इस तरह की बातों का उत्तर
देते नहीं हैं। आप हम से यह एक्सपेक्ट
न करें कि हम आपको यह बतायें कि आप
दिल्ली की किस गली से निकले हैं और
किस प्रकार से बने हैं। तो यह बात
समझी नहीं जायगी हम शोर नहीं मचायेंगे
जैसा कि आप शोर मचाते हैं। हम सिर्फ
एक बात करेंगे। मैं कोट नहीं करूंगा
लिटरेचर से, साहित्य से, जिसमें कहा
गया है कि राजनतिक दल जिसको कभी
बिलांग करते थे, उसका जन्म भी पाप में
हुआ। मैं यह बात नहीं कहूंगा उसके लिट-
रेचर को भी कोट मैं नहीं करूंगा। मैं
उसको कहूँ कि राष्ट्रपिता की हत्या में
उनका जन्म हुआ, यह अच्छी बात लगती
नहीं है। परन्तु इन बातों में अगर आप
कोई प्वाइन्ट रैज करेंगे तो हर प्वाइन्ट
(Interruptions)

★ डा० भाई महावीर : मर्यादा रखने
के लिये कहेंगे या सब को छूट होगी कि
जो भी वे कहना चाहते हैं वह कहे।
मैं पूछना चाहता हूँ कि अभी जो टिप्पणी
अमपने की वह कोई नई नहीं है। आज

तक बहुत बार कही गई है, अदालतों
के फैसलों के बावजूद कही गई है।
लेकिन इसका इस विषय के साथ क्या
संबंध है, यह आप नेयर से फैसला कर
दें, हम मुनने के लिये तयार हैं।

**SHRI CHARANJIT CHA-
NANA :** Mr. Vice-Chairman, the
hon'ble Member is absolutely right
that we should not remind them at
all. But unfortunately many a
time they provoke the necessity
for such reminders. But this is the
end of it. I am coming to the Bill
proper and I would only request
the House to appreciate hon'ble
Bhupesh Da's comment that when
we are looking at things like the
nationalisation of particular indus-
tries, we should have an outlook,
which should not be outmoded, which
should not be passing through poli-
tical straits but it should be a national
outlook.

On the 13th October, 1980, the
President was pleased to promul-
gate the Maruti Limited (Acquisi-
tion and Transfer of Undertakings)
Ordinance. The acquisition of the
undertaking of the Maruti Limited
was effected with a view to securing
the utilisation of the available infra-
structure, to modernise the auto-
mobile industry, to effect a more
economical utilisation of scarce fuel
and to ensure higher production of
motor vehicles which are essential to
the needs of the economy of the
country and for matters connected
therewith or incidental thereto.

As the hon. Members are aware,
there have been problems in the
matter of adequate supply of auto-
mobiles—both commercial vehicles
as well as passenger cars. The steps
taken so far in this direction by the
manufacturers have not proved
adequate and the supplies have been
lagging behind the demand.

Hon'ble Members are also aware
that unlike many other sectors of

[Shri Charanjit Chanana]

industry, there has been little improvement in the car industry in the country in the last few decades. Presently the consumer demand is being met virtually by the units, one of whom recently faced a severe strike. They are yet to reach the level of production of the last few years.

The question regarding manufacture of passenger cars in the public sector had engaged the attention of the Government earlier also. Looking to the state of the automobile industry in the country, including the passenger cars industry, Government have felt that the setting up of a public sector unit under the Central Government for manufacture of automobiles and connected items would be in public and national interest. The reposed unit would give the benefit of mass production techniques and the induction of the latest technology, including higher fuel economy. Since the infrastructure of the Maruti Limited has been lying unutilised for quite some time, the Government decided to acquire the undertaking of the said company which could form the nucleus of the new industrial activity. The proposed industrial unit, apart from encouraging the growth of ancillaries, would provide substantial employment opportunities, both directly as well as indirectly, and would lead to greater economic prosperity. Sir, the Maruti Limited (Acquisition and Transfer of Undertakings) Bill, 1980, has been considered and passed by the Lok Sabha. The President has been pleased to recommend its consideration by the Rajya Sabha under article 117(3) of the Constitution. I now move that the said Bill, as passed by the Lok Sabha, be taken up for consideration by this House.

SHRI ERA SEZHIYAN : Sir, I have given a notice for raising a point of order on the consideration of the Bill by this House.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Please be brief.

SHRI ERA SEZHIYAN : I will be very brief.

SHRI PILOO MODY : Did you tell the Minister to be brief ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : He was brief.

SHRI ERA SEZHIYAN : This Bill is for consideration and passing. A Bill is a composite whole containing not only the clauses but also the Statement of Objects and Reasons, President's recommendation, Financial Memorandum, Memorandum regarding delegated legislation. All these things form necessary part of the Bill when taken for consideration. Here I am concerned about the Financial Memorandum. Sir, I am to inform you and the House that the Financial Memorandum is incomplete. If the Financial Memorandum is incomplete, then further consideration cannot be obtained unless the full particulars of the Financial Memorandum are given to us. Para 3 of the Financial Memorandum says :

"Sub-clause (1) of clause 8 of the Bill provides for payment of simple interest at the rate of four per cent. per annum in respect of the amount payable under the clause, for the period commencing on the appointed day... It is estimated that the interest payment in terms of the provisions of the said sub-clause is likely to be of the order of Rs. 1,45,000 per month."

This calculation everybody knows. If you take four per cent of Rs. 4.34 crores and divide it by 12, it comes to 1.45 lakhs. That is not giving any information.

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA) : I am trying to get a copy of the Financial Memorandum because it is not here.

SHRI PILOO MODY : You do not need it. You just listen. His arguments are very clear.

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Mody, will you please allow me to conduct the business of the House ? I, in my wisdom, have passed instructions.

SHRI R. R. MORARKA (Rajasthan) : No, according to rules.

SHRI PILOO MODY Not according to your wisdom. It would be a disaster otherwise.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : In my wisdom it will always be according to the rules. In your wisdom it will be against the rules.

SHRI PILOO MODY : Very good. Self-certificates are accepted.

SHRI ERA SEZHIYAN : Sir, I think the Financial Memorandum should be very clear. Meanwhile, before that comes, I will inform you this one. Shakhdar says : "A Bill involving expenditure from the Consolidated Fund of India is required to be accompanied by a Financial Memorandum which outlines the objectives and the expenditure likely to be involved."

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Minister. I would like somebody on the other side to.... (Interruptions) I thought somebody should be prepared to....

SHRI RAMAKRISHNA HEGDE : I am afraid, Sir, you have to go there. There is nobody who is capable of....

SHRI PILOO MODY : Not only you but your wisdom also will have to go there. Don't leave it behind.

DR. BHAI MAHAVIR : And the hon. Minister also seems to have been fed up with all that was going on.

SHRI ERA SEZHIYAN : It says, if it involves an expenditure from the Consolidated Fund of India, it shall be accompanied by a Financial Memorandum. So, without a Financial Memorandum we cannot deal with the Bill. Here they have given the Financial Memorandum but it is not complete. Again Shakhdar says :—

"If a Financial Memorandum relating to a Government Bill is found to be incomplete, the Minister concerned is asked to furnish all the details."

Therefore, Sir, I say it is incomplete. He was saying that at the rate of 4 per cent this sum of Rs. 4.34 crores comes to Rs. 1.5 lakhs for a month. Even a student of the fourth class who is good at Arithmetics will come to this figures. He is not giving any information. On the question of payment, in the Supplementary Demands for Grants that has been circulated to this House, if you take out pages 41-42, you will find there they have said : Under the Maruti Limited Acquisition Order promulgated on the 13th October the Government have taken over the assets etc.... on the amount that is likely to be deposited, Rs. 4.34 crores, by the Government with the Commissioner of Payments, the simple interest at 4 per cent per month for the period from the 13th October, 1980 to the date on which payment is made, the amount of the interest to be paid to the Commissioner of Payments will be about Rs. 8 lakhs, which will form part of the value of the assets to be transferred to the new company. A sum of Rs. 8 lakhs they are putting here, but in the Financial Memorandum they have not mentioned anything. They simply say Rs. 1.45 lakhs, whereas they have a supplementary demand of Rs. 8 lakhs, which means the facts have been suppressed and it is misleading and incomplete.

SHRI PILOO MODY : And, therefore, they should withdraw it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Mody, will you spare us a running commentary ?

SHRI PILOO MODY : It is not possible. (*Interruptions*)

SHRI ERA SEZHIYAN : Mr. Vice-Chairman, this is the first. There has been an under-estimation or a non-disclosure of the amount that is likely to be spent towards interest at 4 per cent which has been revealed in the Supplementary Demands for Grants. It has been put there at Rs. 8 lakhs. Therefore, this Financial Memorandum as well as the particulars given are incomplete. Then clause 4 here says... Have you got the Financial Memorandum ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : No, I am trying to get it.

SHRI ERA SEZHIYAN : It is not a good state of affairs. The bill is being considered.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am getting it. You don't worry.

SHRI R. R. MORARKA : How will you follow it ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I will follow it because I am keeping my ears open.

SHRI ERA SEZHIYAN : The Financial Memorandum says : Clause 15 of the Bill provides for the appointment of the Commissioner of Payments by the Central Government with adequate staff to assist him for the purpose of disbursing the amount payable to the company. Service and allowances to the Commissioner of Payments and his staff and the expenditure on office will be defrayed out of the Consolidated Fund. The estimated expenditure on this account is likely to be of the order of Rs. 10,000 per month. They have put it here.

SHRI PILOO MODY : It was much better when he did not have it in his hands.

SHRI ERA SEZHIYAN : Para 4 of this says that the estimated expenditure on this account is likely to be of the order of Rs. 10,000 per month. Sir, no amount could have been spent earlier. If it is going to be spent out of the Consolidated Fund, only after the amount has been sanctioned by this House and the other House could it be taken out of the Consolidated Fund. Only three months are now left. At the most, Rs. 30,000 can be spent at this rate ; but it is incomplete in the Supplementary Demands. At page 42 they say : "For meeting the salaries and other expenses of the Commissioners of Payments, during the year, a sum of Rs. 1.1 lakhs is likely to be spent." Sir, only three months are left now and in the Supplementary Demands the amount requiring to be allocated for the year is Rs. 1.1 lakhs whereas we are giving Rs. 10,000 per month. At the most, it will be Rs. 30,000. Again an under-statement. It is incomplete. It goes against the note that has been put up by the Finance Ministry itself. They say Rs. 1.1 lakhs will be required for meeting the salaries and other expenses of the Commissioner of Payments during this year---during this year means during the financial year up to March next. You are calculating it at Rs. 10,000 per month. That means, it is an under-statement, incomplete and goes against the very provision that you are making there. That is No. 2.

Then, in para 5 it says : "Funds will have to be provided for the incorporation of a public sector company of the Central Government in which the assets of the company could vest and which would be entrusted for the manufacture of passenger cars, commercial....." This would necessitate an expenditure of about Rs. 1,17,000 during the current financial year 1980-81.

Sir, this is the estimate they have put. But, Sir, full information has not been given. It looks as though funds will be provided for the incorporation of public sector company. Nothing is said here. If you come to the supplementary demands, again page 42, it says :

“Action is being taken for the formation of a new company in which the assets of Maruti would be vested. The advance of Rs. 90,000 obtained on the 27th October, 1980 for the incorporation of a new company.”

That means the amount has already been advanced but the fact has not been mentioned. Rs. 90,000 has already been advanced for the creation of a new company as early as the 27th October, 1980. I would like to know when they have already spent Rs. 90,000 for the creation of a new company, why that fact has not been brought out in the Financial Memorandum. I would like to know, who were the signatories, when was the Memorandum and the Articles of Association of the said company were presented to the Registrar of Companies for incorporation of the company. On the 27th itself they have drawn Rs. 90,000. If they have taken action, we should know.

Last but not the least—three points I have made—is my fourth point. Para 2 says :

“Clause 7 of the Bill provides for the payment, in cash and in the manner specified in Chapter VI of the Bill, an amount of Rs. 434,00,000 (Rupees four hundred and thirty four lakhs only) for vesting in the Central Government...”

Full details of this amount are required to be given by the Government. How has it been arrived at, we do not know, when the LIC was nationalised full details were given in the Financial Memorandum that so much amount was required. Full calculations were ven. I would like to know how

this amount of Rs. 434 lakhs was arrived at. The Minister should give the full details. Unless the Minister gives the full details, the consideration of the Bill cannot be proceeded with because when it comes for passing we require all the components of the Bill. As I pointed out, the Financial Memorandum is incomplete, unless the four points are fully satisfied, further consideration of the Bill cannot be proceeded with.

SHRI PILOO MODY : The bill and the Ordinance are as defective as the Maruti car.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Ma'ia-rashtra) : Mr. Vice-Chariman, Sir, the point of order really contains no point. The point which has been raised is that the Financial Memorandum is incomplete. Incomplete is a very relative term, and after having been provided for everything it may appear to a Member that it is incomplete, but it may not be so. And this is precisely what has happened, we are very familiar with this type of Financial Memorandum. Particularly in the context of the nationalisation Bills.

Taking the first point made by the hon. Member on the other side, Sir, it is in relation to sub-para 3 of the Financial Memorandum. It is usual, as you will find in any nationalisation Act, to provide for interest from an appointed date till you hand over the amount of compensation to the Commissioner to be appointed under the Act for determining certain claims under the Act. The appointed date has itself been defined under the definition clause which you will find, Sir, is given in section 2 :

“‘Appointed day’ means the 13th day of October, 1980;” Para 3 of the Financial Memorandum says :

“Sub-clause (1) of clause 8 of the Bill provides for payment of simple interest at the rate of four percent

[Shri Murlidhar Chandrakant Bhandare]

per annum in respect of the amount payable under clause, for the period commencing on the appointed day and ending with the date on which the payment of the such amounts is made by the Central Government to the Commissioner of payments."

And the appointment of the Commissioner is merely a procedural thing after the Bill has been enacted and it becomes a statute. So, I do not think that by any stretch of imagination one could say that there is any incompleteness in this which vitiates it to such an extent that the Bill cannot be proceeded with at all. I think that the point of order is not only hyper-technical but it is really without any substance.

Now let us come to paragraph 4 of the Financial Memorandum.

"Clause 15 of the Bill provides for the appointment of the Commissioner of payments by the Central Government with adequate staff to assist him for the purpose of disbursing the amounts payable to the Company. The salaries and allowances of the Commissioner of Payments and his staff and the expenditure on office and establishment will be defrayed out of the Consolidated Fund of India. The estimated expenditure on this account is likely to be of the order of Rs. 10,000 per month."

Now it is an essential provision, an essential part of the scheme in any nationalisation Bill that you have to appoint a Commissioner—this has been done under every nationalisation Act—for determining certain claims which arise as a consequence or out of the nationalisation measure. You will find that this provision is contained in Chapter VI of this Bill and Clause 15 deals with it. Usually a retired High Court judge or any other expert is appointed. He has to have staff because claims are filed and claims are entertained and adjudicated upon. Therefore, to say that it is incomplete

because it is only Rs. 10,000 is not correct. Because they have given it as Rs. 10,000 per month, it is very clear that in this financial year, which has now only three months left it could only be Rs. 30,000. . .

SHRI ERA SEZHIYAN : But they have given Rs. 1,70,000.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Maybe, but that does not make this Memorandum incomplete.

SHRI ERA SEZHIYAN : Two sets of figures are given by the same Government—Rs. 1,70,000 and then you say you are paying Rs. 10,000 per month.

SHRI N.K.P. SALVE : Are you on the quantum ? (*Interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Sir I am on a point of order. What the hon. Member seems to contend is that if it is incomplete it cannot be proceeded with. Now the whole question is whether it is incomplete. When you state the financial implications of a measure like this where you have to appoint a Commissioner of Payments and set an establishment of the Commissioner and say that the monthly expenditure will be Rs. 10,000 can anyone say that it is incomplete and so the Bill cannot be proceeded with?

SHRI R. R. MORARKA : Yes, yes, according to the Financial Memorandum the monthly expenditure must be more. (*Interruptions*)

THE VICE CHAIRMAN (DR. (RAFIQ ZAKARIA) : Now Mr. Bhandare. Please be brief.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : May I go to the next paragraph ? Paragraph 5 says :

"Funds will also have to be provided for the incorporation of a public sector company of the Central Gov

ment in which the assets of the Company would vest and which would be entrusted with the manufacture of passenger cars, commercial vehicles and other related ancillary items. This would necessitate an expenditure of about Rs. 1,70,000 during the current financial year."

Now, by Financial Memorandum what is needed to be done is to tell the House what the Financial implications are, not whether we have spent money earlier, as long as we have not spent more. What is suggested that an amount of Rs. 90,000 seems to have been spent for the incorporation of some company earlier and so on and so forth. But that is not the point at all. Can you say that by not mentioning Rs. 90,00 which had been spent on the 27th of October, 1980, this Memorandum suffers from any infirmity. That is the only point. I submit that this point also has no substance.

Lastly, so far as the amount of Rs. 4.34 crores is concerned, one has only to look at the Schedule to find out how this amount of Rs. 4.34 crores is to be allocated in the order of priorities laid down in the Bill itself. I can understand, I fully appreciate the valiant but futile attempts of the Opposition to carry on this debate endlessly, but I say that this point of order has been raised without any sense of responsibility.

SHRI NARASINGHA PRASAD NANDA : Sir, ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Are you going to add anything ? (*Interruptions*) I do not think we should proceed any further with this point of order because the practice is that when a Bill is introduced in the Lok Sabha or in the Rajya Sabha ...

SHRI NARASINGHA PRASAD NANDA : Kindly allow me.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Please. I cannot allow any further discussion on it because I find ...

SHRI NARASINGHA PRASAD NANDA : You will not allow me to say anything ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : No, after this, if you like I will ...

AN HON. MEMBER : Are you giving a ruling ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am giving a ruling yes, which is entirely on a different point.

SHRI RAMAKRISHNA HEGDE : Please hear us ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am sorry after I have given my ruling on the point raised by Mr. Sezhiyan, if you want to say something, I will hear then...

SHRI RAMAKRISHNA HEGDE : Then I may have to challenge the ruling.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : You don't have to challenge the ruling because the points that Mr. Sezhiyan has raised. ...

SHRI NARASINGHA PRASAD NANDA : This is very strange. You don't even listen to us and you give your ruling...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Nanda, I will not tolerate this....

SHRI NARASINGHA PRASAD NANDA : Sitting in the Chair you should not take this attitude, you are partisan, you are partial you should not steamroll the opposition like this.... (*Interruptions*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Nanda....

SHRI NARASINGHA PRASAD NANDA : In protest I am walking out, you don't hear us even....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Yes, you can walk out.

SHRIMATI PURABI MUKHOPADHYAY : No, your posture is derogatory to the dignity of the Chair.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Nanda, you should have had the patience to listen to what I was saying before showing this kind of anger.

[At this stage Shri Narasingha Prasad Nanda left the Chamber.]

The practice is that when a Bill is introduced in either of the Houses, it is at the time of introduction of the Bill that financial memorandum and other documents are presented, and when that House passes that Bill and when it comes to the other House, these financial memorandum and other documents do not form part of the Bill. Therefore, this Bill has been sent to us from the Lok Sabha and it has come without the financial memorandum and without other documents. Now, the points that Mr. Sezhiyan raised may be very relevant. I do not go into that question. Maybe that some of these points should have been gone into. But the proper forum for doing so was in the Lok Sabha where the Bill was introduced....

SHRIMATI PURABI MUKHOPADHYAY (West Bengal) : There is no such rule.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Because, financial memorandum and other documents are not a part of the Bill as has been sent by the Lok Sabha to the Rajya Sabha. Now, the points that Mr. Sezhiyan raised, he can certainly raise them in his speech. It will be for the Minister to reply to those points. But as the financial memorandum does not form part of the Bill as has been sent to the Rajya Sabha, I am afraid I cannot allow this point of order.

SHRIMATI PURABI MUKHOPADHYAY : It is derogatory to the dignity of the Chair.

SHRI KRISHNA CHANDRA PANT (Uttar Pradesh) : May I point out the implications of your ruling with all respect ? There is one portion of every Bill or most of the Bills relating to delegation of powers. Now that also does not come to this House when the Bill is introduced in the other House and is considered and passed by it. Does it mean that this House will not be in a position to examine all aspects of delegation of powers in respect of the working of a Bill ?

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra) : The Committee on Subordinate Legislation is there.

SHRI KRISHNA CHANDRA PANT : Yes, there is a Committee on Subordinate Legislation. Therefore it does not form part of the Bill that is circulated. The implication probably is that because when the Bill is introduced in the Lok Sabha it is circulated to every Member. The documents are not complete unless those other papers are also circulated with the Bill, and you cannot deal with the Bill in its totality, as you well know unless you take into account all those papers. It cannot be the intention of the rules to deny Members of this house access to those papers for a Bill which has been introduced in the other House; otherwise, they cannot really do justice to the Bill. In that respect, whether it is a financial memorandum, whether it is delegation of powers, I personally believe that we should be enabled to discuss a Bill, taking all those papers into account; otherwise, to that extent we limit the powers of this House to give due scrutiny to the Bills that come before us.

SHRI RAMAKRISHNA HEGDE :
Sir,.....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I will hear you just a moment. I agree with what

Mr. Pant has said I have not said this financial memorandum should not be discussed in the House. In fact, I said that some of the points Mr. Sezhiyan raised are relevant and the Minister could reply here. The point that Mr. Sezhiyan raised was that we should not proceed further with the Bill. He objected to the consideration of the Bill on the ground that the financial memorandum is incomplete.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : To that my answer was that as the financial memorandum does not form part of the Bill, the question of not proceeding with the Bill. Does not arise. I entirely agree with what Mr. Pant has said and certainly the Financial Memorandum and other documents which formed originally part of the Bill in the Lok Sabha should be taken into consideration. I am not objecting to it.

SHRI RAMAKRISHNA HEGDE: The second implication of your, if I may say so, premature ruling is ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It is my well-considered ruling.

SHRI RAMAKRISHNA HEGDE: that even in case a Bill suffers from certain legal and constitutional infirmities, this House has no right to raise that point.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am not saying that.

SHRI RAMAKRISHNA HEGDE: This is what you have said that every thing is decided in the Lok Sabha and the job of this House is only to approve it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Hegde, you did not listen to my ruling carefully. I said when a Bill is introduced in either of the House, it is at the time of the introduction of the

Bill in either of the Houses. If the Bill is introduced in the Rajya Sabha, then certainly at the time of its introduction in the Rajya Sabha, it must be accompanied by the necessary documents including the Financial Memorandum. In this case, what has happened is that this Bill was introduced in the Lok Sabha. There, the document formed part of the Bill. But as it has come to us without these documents, I am ruling that consideration of the Bill on that ground cannot be stopped. I am not saying that you cannot take that into consideration.

SHRI RAMAKRISHNA HEGDE: Supposing in the Financial Memorandum that accompanied the Bill in the Lok Sabha it is stated that the total financial implication was Re. 1/-

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Then you can challenge it here.

SHRI RAMAKRISHNA HEGDE: Therefore, we cannot proceed unless the correct picture in regard to financial implication is given to the House. It is the responsibility of this House to know what would be the financial implications.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am on a very narrow question. I am not saying that the points raised by Mr. Sezhiyan are not relevant. I am saying that there are perhaps some of the inconsistencies that he has pointed out. It is for the Minister to satisfy him on that ground. The point raised by him was that on account of these infirmities as he has alleged in the Financial Memorandum as presented to the Lok Sabha it is incomplete and it also suffers from many other defects and for this reason the consideration of the Bill should not be allowed. I said that question does not arise.

SHRI ERA SEZHIYAN: I want to submit two points....

SHRI MURLIDHAR CHANDRAKANT BHANDARE: It must end somewhere.

SHRI ERA SEZHIYAN: My first point is on what you have said that the Bill accompanied by the Financial Memorandum can be challenged at the time of introduction in either of the Houses and after one House has passed it, the other House cannot question it.....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Therefore, your party there should have been very vigilant.

SHRI RAMAKRISHNA HEGDE : Suppose no other Party is there in the Lok Sabha. That might happen.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : The Financial Memorandum does not form part of the Bill as it has come to us. That is the practice. It is not the question only of the Lok Sabha. The practice is that only at the time of introduction of the Bill these documents accompany the Bill. Once it is passed in that House, that is the end of it. The points that have been raised can certainly be raised and Mr. Sezhiyan can ask the Minister to satisfy him, to clarify these points and clear his doubts. That right I am not denying.

SHRI ERA SEZHIYAN : Your point is that the Bill and the Financial Memorandum can be challenged at the time of introduction. I am quoting Kaul and Shakhder, page 452. It says :

"During a discussion on the motion for reference of the Essential Commodities (Amendment) Bill to a Select Committee, a point of order was raised that the financial memorandum appended to the Bill was incomplete as it did not give an estimate of the recurring and non-recurring expenditures involved. The point of order was upheld by the Chair and further consideration of the Bill was postponed with a view to enabling the Government to furnish a revised memorandum giv-

ing particulars regarding the recurring and non-recurring expenditures involved. The revised memorandum furnished by the Government was circulated to the Members separately and a letter conveying the fresh recommendation of the President for the consideration of the Bill was also attached."

Sir, it is not at the stage of introduction. When a Bill is taken up for consideration and there is a demand for the reference of the Bill to Select Committee, the introduction stage is past. Here I would like to point out that introduction can be only in one House whereas consideration has to be in both the Houses. So, at the stage of consideration of the Essential Commodities (Amendment) Bill, a point of order was raised and it was up held and further consideration of the Bill was not taken up and only after the financial memorandum was made available it was considered. Therefore, if you say, as you have said, that it is at the stage of introduction only, then it does not hold good because, at the time of consideration, this has been done. Can I take it that it is as passed by the other House, just the Bill with its clauses and not the other things ? That means that you are only having a nude body of the Bill, without the statement of objects and reasons, without the financial memorandum and without the memorandum on delegated legislation. Am I to take it that this House is to consider only what is passed on, just the bare clauses passed by them and not the other things ? Do they not form part of the Bill for consideration ? Then, Sir, it is a very serious thing. But, in future, I will raise this issue and we will insist that all these things should be appended to the Bill as passed by the Lok Sabha. If you are going to insist on it, then it is a very serious one and this House is being debarred from discussing whatever is contained in the complete form because only by circulation we get it. When the Bill is to be introduced in the other House we get it

through circulation and it is not a document of the House. The document of the House is the one which is passed on by the other House. Now it means that it is not relevant in this House. These are the two points for consideration now, Sir.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I do not think that my ruling is inconsistent with the ruling that has been given in the Lok Sabha, as mentioned by you, because, what I have said is this : I am on the narrow question whether the consideration of the Bill should go on or not. Here the point that you have made is that I have said that these documents including the financial memorandum are presented to the House, in which the Bill is introduced, at the time of introduction. I have not said that, because of that, the consideration of the financial memorandum or other documents stops at the time of introduction. That is not the point that I have made. All that I have said is that as far as we are concerned, the Bill as it has been presented to us is not accompanied by the financial memorandum and other documents. That has been the practice so far. If you say that you have to raise a point that it is not proper, that is entirely a different question. Certainly you can raise it and you can say that every Bill which is to come from one House to the other should also be accompanied by the financial memorandum and the other documents. That is a matter which certainly you can debate and on which a separate ruling, if necessary, can be given. But, at the moment, the position is that the Bill as it has come before, us from the other House does not contain these documents and, therefore, on the technical point that you have raised as to whether we can go ahead with the Bill or not, I am afraid, my position is that we can go on.

PROF. SOURENDRA BHATTACHARJEE (West Bengal) : Mr. Vice-Chairman, Sir, just one

point for clarification. Perhaps you may enlighten us. The point raised by Mr. Sezhiyan is that the consideration of the Bill is dependent on the fulfilment of certain other conditions and without those things, the House cannot properly consider the Bill. Now, what happened in the other House is no business of this House. Certain parties might have defaulted there. But when this House considers the Bill, such considerations have to be fulfilled, as for example, the complete financial Memorandum must accompany the Bill, because we doubt that the Bill cannot be considered. Mr. Sezhiyan's point has been that as the Financial Memorandum which is necessary for the consideration of the Bill is incomplete—he cited the ruling also—therefore the minister should be asked to give a complete Financial Memorandum, only on receipt of which the Bill can be considered. I am afraid, Mr. Vice-Chairman, you have not explained how it is outside the scope of this House.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I have explained that this has been the practice all along. I have told Mr. Sezhiyan that if he wants he can raise it later on certainly. As far as this Bill is concerned, we have to consider it as it has come from the Lok Sabha. Yes, Mr. Minister, you go on.

SHRI KRISHNA CHANDRA PANT : May I say something, Sir ? We abide by your ruling. The only point is that certain inconsistencies have been pointed out. We have also to vote on the Supplementary Demands. We are going to vote on this Bill. By implication, we will vote on different figures in both documents. But I would request you to ask the Minister to clarify these points, so that these inconsistencies will be dealt with.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Yes, he can reply it now or later on.

SHRI SUNDAR SINGH BHANDARI (Uttar Pradesh): if the material is available, he can reply now.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am leaving it to the Minister. If he is ready with the reply, he can reply now. (*Interruptions*)

SHRI CHARANJIT CHANANA: I shall reply to each and every point raised by each and every hon. Member later. (*Interruptions*)

PROF. RAMLAL PARIKH (Gujarat): Since this matter has come up whether the Bill can be proceeded with, you have given a ruling. That is all right. The most important point is that if the Minister, on examination of the points raised by Mr. Sezhiyan and others, finds that there is a lacuna which is to be removed technically, he should clarify, in the sense that he would answer as to what the lacuna is and whether it is necessary to remove the lacuna or inadequacy at this stage..... (*Interruptions*)

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA): This is hypothetical. Let us hear the Minister, and if it is found thereafter that it is not consistent or anything, then we can certainly look into that question.

PROF. RAMLAL PARIKH: But he must give a pointed answer to this.

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA): I think we should stop it now. Yes Mr. Minister. (*Interruptions*)

SHRI CHARANJIT CHANANA: I have already moved the motion.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): There is one amendment by Shri Shiva Chandra Jha which is for reference of the Bill to a Select Committee of the Rajya Sabha. The hon. Member may move his amendment at this stage.

SHRI SHIVA CHANDRA JHA: Sir, I beg to move:

"That the Bill to provide for the acquisition and transfer of the undertakings of Maruti Limited with a view to securing the utilisation of the available infrastructure, to modernise the automobile industry, to effect a more economical utilisation of scarce fuel and to ensure higher production of motor vehicles which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely:

1. Shri V.B. Raju.
2. Shri Biswa Goswami.
3. Shri Harekrushna Mallick.
4. Dr. Bhai Mahavir.
5. Shri Rameshwar Singh.
6. Shri Hukmdeo Narayan Yadav.
7. Shri Kalyan Roy.
8. Shri G. C. Bhattacharya.
9. Prof. Sourendra Bhattacharjee.
10. Shri Shiva Chandra Jha.

with instructions to report by the first week of the next session of the Rajya Sabha."

The questions were proposed.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, the Statutory Resolution, the motion for consideration of the Bill and the amendment are open for discussion.

SHRI SHRIDHAR WASUDEO DHABE: Sir, we are considering today; the Maruti Limited (Acquisition and Transfer of Undertakings) Bill, 1980. What we are required to consider is whether such an undertaking was required to be taken over under the law, whether it was in the interest of nationalisation policy of the Government and whether th

action taken by the Government is *malafide* looking into the background of this concern, looking into the interests involved in the matter and looking into the findings given by the Gupta Commission, I would say that this Bill lacks *bona fides* and it was not at all necessary to bring this Bill before this House. Sir, the ordinance was issued on 13th October, 1980, for no reason whatsoever. It is a clear abuse of the power of ordinance to issue such an ordinance for nationalisation of Maruti Ltd. on 13-10-80. The ordinance itself says that this is an automobile industry. The ordinance says:

“Whereas Maruti Limited has been engaged in the manufacture, production, . . . namely automobiles.”

Therefore, it is an automobile industry admitted by the Minister in the ordinance itself, that it is covered by the First Schedule of Industries Development and Regulation Act., A complete machinery is provided under the Industries Development and Regulation Act 1951 which has not been resorted to. No reasons have been given as to why the direct nationalisation was necessary on 13-10-1980. I will invite the attention of this House to the various provisions of the Act. It is stated in the ordinance that it was necessary to nationalise it because “wherein an order has been passed for the winding up of the company and proceedings for liquidation are pending in the High Court of Punjab and Haryana.” The only reason given by the Minister is because winding up order was passed and the liquidation order was passed by the High Court of Punjab and Haryana, there was urgent necessity to bring forward this legislation. He himself admits that this is an automobile industry in the First Schedule of the the Industries Development and Regulation Act. Sir, in the First Schedule of the Industries Development Act, 1951, this industry is specifically covered at Item (7) of the First Schedule, *i. e.* Transportation, Item 5, Automobile, motor-car, Buses, truck, etc.

2 P.M.

Therefore, Sir, the policy of this Government has been that under the Industrial Policy Resolution that whenever such a difficulty comes in, the resort was taken to the Industries (Development and Regulation) Act. And a large number of undertakings have been taken over, about 106 sick textile mills have been taken over. And Section 15A of the Act specifically provides that: “Where a company, owning an industrial undertaking is being wound up by or under the supervision of the High Court, and the business of such company is not, being continued, the Central Government may, if it is of opinion that it is necessary, in the interests of the general public and, in particular, in the interests of production, supply or distribution of articles or class of articles relatable to the concerned scheduled industry to investigate into the possibility of running or re-starting the industrial undertaking....”

Sir, you are aware that so many industrial undertakings which were closed down have been taken over under this Act. Sir, when there were lacunae, this Act was amended by Section 15A. It was inserted by Act 72 of 1971 to clear the doubts. Even if the winding-up proceedings are going on, if the Government decides it has got powers under Section 15A directly to take over a closed undertaking, and the High Court has no powers. So, it is specifically provided here under Clause (2) which says: “(2) Where an application is made by the Cenntal Government under sub-section (1), the High Court shall. . . grant the permission prayed for.”

So, Sir, the ordinary remedy, the normal remedy that is available to the Govrnment has not been resorted to under this Act. So, I would like to know what are the special reasons for not resorting to this remedy under the Act? What are the special reasons for doing it this way? No undertaking would have

[Shri Shridhar Wasudeo Dhabe]

been taken over if it was not the Maruti Limited with which the illustrious son of the Prime Minister was involved and connected. If it was an ordinary undertaking with a sum of Rs. 5 crores, they would not have taken it over.

Sir, it is further provided under this Act under 18A and 18AA that even if the Liquidator is appointed, the Liquidator is bound to hand over to the Government all the assests, inventory of machinery that is to the authorised controller. And he has to take the possession from him. And Section 18A sub. clause (b) says: "If it has been closed for a period of not less than three months. . and such closure is prejudicial to the concerned scheduled industry and that the financial condition of the company owning the industrial undertaking and the condition of the plant and machinery of such undertaking are such that it is possible to restart the undertaking and such restarting is necessary in the interest of the general public, it may, by a notified order, authorise any person or boby of persons (hereafter referred to as the 'authorised person) to take over the management of the whole or any part of the industrial undertaking or to exercise in respect of the whole or any part of the undertaking such functions of control as may be specified in the order."

Sir, the reason why it was not taken over under this Act is very obvious because the Act says that the contracts of previous employers are not binding on the Government and they cease to have any effect. They will not be effective against the Gvoernment take over And that has been specifically provided under section, 18FA, clause (3). It says any contract, whatever may be the nature of that contract, is not binding on the Government. But Sir, the present Bill provides otherwise. Under clause 26, the proviso says : "Provided that the Central Government or such Government company shall not omit to ratify

a contract..." So, Sir, just the opposite has been provided here. And what for, Sir? Everybody knows why this concern is nationalised. I want to know from the Minister way this has been provided here ? The Maruti Heavy Vehicles Limited and the Maruti Technical Services are the two subsidiary concerns and who are connected with this. I do not want to name. The Gupta Commission has already stated all the facts and passed the strictures.

It is a company, a family affair. I would like to know from the Minister whether these two concerns are also going to be nationalised under the Maruti Ltd. or whether they will be required to pay 2 percent commission as provided in these contracts. Under clause 26 which I have shown from the nationalisation Bill, the Government has no powers and they arebound by this contract. Is it in the interests of the nationalisation of an industry ? Will you make such provisions and agreements with other industries or private concerns whose liabilities you will take over and whose contracts you will take over? Clause 26 itself shows that the action is *maia fide*. My submission is that if this was a nationalisation Act, it lacks *bona fides* for the simple reason that it is a well known concern, a concern connected with the illustrious son of the Prime Minister. Sir, you know already what penalty we have paid for such actions and for such decisions. When the Allahabad High Court judgment was given setting aside the election of the Prime Minister at that time, this House and the Law Minister at that time brought such a Bill for amending the Constitution and taking over the powers of the Supreme Court and said that the Allahabad High Court judgement to is not right, is illegal and is no judgement in the eye of the law and that it will have no effect and that in future Prime Minister's election petition will be decided by Members of Parliament. Sir, this became counter productive, We experienced it. the people reacted

against it and we had to pay a heavy penalty in 1976 elections. For God's sake do not do that now again, I have got regard and affection for the Prime Minister but her followers have misguided her or she should have considered hundred times the matter before bringing forward this Bill for the nationalisation of the Maruti, involving about Rs. 5 crores of liabilities and other things. They could have done it in any other way and the matter could have been settled. Therefore, my submission is that this Act lacks *bona fides*. Secondly, Sir, it does not appear to do justice. As you Sir, there is a saying that justice must not only be done, but it must also appear to be done. Where was the necessity of issuing an ordinance on the 13th October, 1980. They could have taken it over under section 18AA of the Industries (Development and Regulation) Act, 1951. They could have waited and introduced a Bill here in the regular way in Parliament. They could have also spelt out what was the national policy for taking over the assets of Rs. 5 crores. Sir, I could have understood and both of my friends Dr. Chanana and Shri Salve also know that if in India you wanted to nationalise the biggest public sector undertaking dealing in cars it could be the Premier Automobiles of Bombay which has got the infrastructure for manufacturing cars and such other vehicles. Some reference was made to a strike there. Yes, there was a strike there because workers were not paid.
(Time bell rings)

Sir I have got sufficient time for this on my side.

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA) : I am afraid, the time has been allotted. You have been given 18 minutes.

SHRI SHRIDHAR WASUDEO DHABE : Sir, I will speak within the time allotted to me.

Sir, my submission, therefore is that if nationalisation was the aim in public sector for having the car

manufacturing capacity, they should have nationalised an industry like the Premier Automobiles industry, which is a leading concern and which can certainly provide the infrastructure for such a big industry.

Sir, what is the history of this concern. There was an ambitious programme of as they were saying manufacturing 50,000 cars. But the Annual Report for the year 1975-76 says that even 20 cars were not manufactured. A large number of liabilities are there. No cars were manufactured. Even if assuming that 20 or 21 cars were manufactured, can it be a nucleus for a public sector industry. I could have understood if the whole automobile industry is nationalised all over the country and this Maruti had also been taken over, but that is not the position. When the report of 1975-76 of this concern shows that it could not manufacture or make a beginning, what is the relevance of nationalising such a concern and having a liability on the public? Sir, apart from the assets, it is a very controversial matter. Even the provisions which are meant for the welfare of the workers and others are not complete in the Bill. Provision for payment of gratuity and other service terminal benefits to the workers is not included in category 1 and the workers who are there will lose all the terminal benefits or the gratuity which they were entitled to. Therefore, the interests of the workers have not been taken into consideration and fully protected.

Now, what is the valuation report? There is no report of valuation. The Financial Memorandum says an amount of Rs. 434 lakhs will be paid. I shall read clause 7 which says:

"...in the manner specified in Chapter VI, an amount of rupees four hundred and thirtyfour lakhs."

Here I would like to know whether the two limited companies mentioned earlier will be entitled to get 2 per cent commission out of this

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amount. This is not the nationalisation of only the Maruti Ltd.

Further, it has been mentioned in the Financial Memorandum that :

“The new public sector company will have to be adequately funded to take up the activities proposed to be entrusted to it. It is difficult to make any accurate forecast of the funds to be given by the Government to the new company as the order of the investments required will depend upon the types of vehicles to be manufactured, the nature and extent of foreign collaboration obtained and phased manufacturing programme, etc. On a rough estimate the total investment by Government during the plan period 1980-85 is expected to be around Rs. 100 crores. The expenditure from the Consolidated Fund of India will be incurred only after due appropriation by Parliament by Law.”

Therefore, this will be a part of public limited company for which we are going to spend Rs. 100 crores. There is nothing to show in the whole Memorandum whether this money will be able to run a public sector company on such a large scale. Therefore, Sir, the charge has been made that it has nothing to do with the public sector policy; it has nothing to do with the nationalisation policy; it has nothing to do with the welfare of the workers; it has nothing to do with what the people feel about it. It is only giving a bad name to the Prime Minister. I do not know whether the Prime Minister consulted the Cabinet when this Ordinance was issued. But certainly it smacks of something as to why this company is being nationalised in spite of the findings of Gupta Commission on this matter and in spite of the bad background of it. Where was the need to nationalise this company ?

I do not want to say about other provisions because we have given amendments.

Lastly, I would say that I have great expectations from the public sector which has got a great role to play in this country but I am sorry to say that these funds could be well-utilised in other sectors like power, coal and electricity which certainly require encouragement and investment. They are starving for funds; thermal stations and new installations are not coming up because of lack of resources. Instead of making a proper utilisation of funds, they are absolutely misusing the public funds, when such a concern is being taken over. It is for the Government to decide whether they should waste public funds or they should make proper use of public funds. The public will judge them by their performance. Sir, we saw what did they do yesterday. Even the Heavens were weeping when this black law was passed at midnight. They will repent in future for bringing in another black Bill, another bad Bill, giving a bad name to the country, bad name to the Government and to those who have advised the Government to bring forward such a Bill. The provisions of this Bill are partial, arbitrary and they have no relevance to the general policy of nationalisation. What will happen ? It is not a question of some sentiments being involved in this. If it is a question of sentiments, they should have set up a monument for the political personality concerned. But, here what are the reasons given by them in the Statement of Objects and Reasons. They say here that this is in furtherance of the policy of nationalisation. But, Sir, nobody will be deceived by this announcement by the hon. Minister. The hon. Minister knows it that the nationalisation of the Maruti company has nothing to do with the general policy of nationalisation. This is only a whimsical decision and, therefore, Sir, I oppose this Bill and I would request the hon

Minister to withdraw it in the interest of the country. At least, the fair name of nationalisation should not be marred by saying that this has been done in furtherance of general policy of nationalisation. He can say it is for the Party interests. Certainly, he is going to do it. He has the right to do anything. Party in power can nationalise anything they want. But to coat it with a colour and say that this is for nationalisation, in my opinion, in my humble opinion, is a misnomer and, hence, Sir, I oppose this Bill vehemently.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : Mr. Salve, You have got 20 minutes. I think, you will conclude within that time.

SHRI N.K.P. SALVE : Sir, I will try to conclude within that time, may be a few minutes this side or that side. Sir, I crave your indulgence and I seek your permission to speak from this position because I have a very very bad throat.

SHRI P. RAMAMURTI : Don't further worsen your throat.

SHRI N.K.P. SALVE : I will not.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : You are eating into his time now.

SHRI N.K.P. SALVE : Sir, my time will commence from now. Sir, I have carefully followed the debate in the other House and I have also been listening to the debate in this House ; I have been listening carefully to what the Opposition Members had to say on this Bill. I, for one, am hardly surprised at the passion and fury which has been unleashed against this Bill by the Opposition. Whenever the name of Maruti has been mentioned—it is coming way back from the late sixties—there has invariably been a vitriolic attack on Mrs. Gandhi

and her family and her Government with vehemence and ferocity to a point of hysteria and this has been the regular feature whether there be a right cause or whether there be a wrong cause. The cause is irrelevant. As long as it relates to Maruti, there should be some sort of an attack coming. The reason is not far to seek. The crucial reason is this, Sir, I wish I had not been compelled into saying this which I wanted to avoid. But after listening to Mr. Mathur, I am compelled to mention this. The only reason is, they considered late Shri Sanjay Gandhi an anathema, the political opposition considered him an anathema. They considered him as their political enemy number one. They thought he was their deadliest enemy. That is why, they tried to paint him as the country's enemy number one, society's enemy number one and their political enemy number one. Sir, it is true, as somebody has said. I quote :

“Truly great heights are hazardous to and despised by weak heads.”

Those who have weak heads could not understand the personality of Shri Sanjay Gandhi properly. So far as Shri Sanjay Gandhi was concerned, he looked at the Opposition with the contempt that they deserved. And there was one more reason. He never cared for them; he could not tolerate any nonsense. Most of the Jana Sangh Members are not here. That is why I do not want to dilate on this issue any more any further.

One thing is clear about Maruti. Whatever we do, immediately there will be a scathing indictment as to why you have done it. If you do not do it, there will be another scathing indictment as to why you have not done it. The difficulty arises because of the name of Maruti as such. And, therefore, the truth remains that they have not been able to look at this Bill—even my friend. Mr. Dhabe—he has

[Shri N. K. P. Salve]

gone out—who is otherwise a very restrained and sober speaker—with any degree of objectivity. His speech, one could see, was saturated and dripping with bias and prejudice and the Opposition totally lacked any degree of objectivity. Therefore, their criticism of this Bill has been far from honest, fair or just.

With this background, I will come immediately to explaining “why this Ordinance?” With this little background, Mr. Dhabe will have no difficulty in understanding. The Delhi Automobiles (P) Ltd., had moved a petition under section 433 and 439 of the Companies Act. Mr. Dhabe is as much conversant with the Companies Act as I am. Thereafter an order was made by the Punjab and Haryana High Court under section 433(f) which contemplates that where it is just and equitable, a winding-up order of the company will be made. Such an order was passed by the Haryana and Punjab High Court on the 6th of March, 1978. Once such an order is made, the effect of the order of the High Court is absolutely clear. There are two lines which I want to quote from the famous treatise on the Company Law by Shri Dutta. I am referring to page 741. This is a commentary on section 443. Referring to the effect of the order, he says—and I quote :

“A winding up order, if made, ensures for the benefit of all the creditors and contributors. Petitioners costs will of course be a first charge on the estate and must be paid in full in priority to any costs of the liquidator. . . . The court at its discretion may validate the disposition of the property after commencement of the winding up.”

Any action taken there after under the IDR act would have to be taken with the concurrence of the court, or alternatively any action could

have been a subject matter of stay by the High Court since this was pending.

SHRI SHRIDHAR WASUDEO DHABE : If you make an application, the High Court has to give the permission.

SHRI N.K.P. SALVE : It is a matter of opinion, Mr. Dhabe. At any rate, since you say that IDR should have been invoked, what wrong has been done if instead nationalisation has been done? The ultimate objective is the same. After all what is the purpose of invoking the IDR? The idea is to ensure that the infrastructure that was being provided should not be broken up. That was the idea of the petitioner. And the petitioner would have been put at a very advantageous position after the winding up order of the court under section 433 (f). He would have got the top most priority and as a result of that, all the assets would have been broken up and the infrastructure of Maruti would have been completely demolished. As a result of that the entire purpose of invoking the IDR and the nationalisation would have been frustrated. So once a decision for nationalisation had been taken, there was absolutely no point in waiting even for a second because it could have been fraught with disaster. Therefore, I submit that the Ordinance was very much justified and it was taken well in time.

The second question that is sought to be raised is that a very lavish compensation is sought to be paid. Rs. 4.34 crores is the compensation decided in terms of section 7 of Chapter III of the proposed enactment. Now Mr. Mathur said, according to him the compensation is not very lavish because, though the plants and machinery are junk, the company possessed an extremely valuable land and buildings. The value of land and buildings, according to him, is fairly on the high

side and as a result of that Mr. Mathur's allegation is that you are not paying adequate compensation and why you are denying the demand of compensation to the shareholders. That is one allegation of Mr. Mathur. The allegation of the friends on the leftist side still is, why have you paid even Rs. 4.34 crores ? (*Interruptions*) Certain principles have been enunciated for the payment of compensation. Government of India has not paid it for the first time. Compensation is not the nomenclature. The correct nomenclature would be the amount because even compensation is a concept which involves some amount of *quid pro quo*.

SHRI RAMAKRISHNA HEGDE : Compensation has become a dirty word.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : No. Mr. Hegde, please.

SHRI RAMAKRISHNA HEGDE : He likes it.

SHRI PILOO MODY : Why are you disturbing the peace, Sir ?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) : I am not. As soon as you came in, I knew there was a threat to peace. (*Interruptions*) Now, instead of taking 20 minutes he will take 40 minutes. That is my worry.

(*Interruptions*)

SHRI NARASINGHA PRASAD NANDA : Mr. Salve, I thought you would give a satisfactory answer to the point raised by Mr. Dhabe on section 18 A.

SHRI N.K.P. SAVLE : Let me settle down. I am coming to compensation. I have now come to liabilities. Now I will come to assets. Give me a little time. Do

you want me to answer four Members at a time ? I am taking the point raised by Mr. Mathur. Mr. Mathur's grievance was that the compensation which has been determined or the amount which has been mentioned in clause 7 is extremely inadequate in view of the very high price which would be available for land and buildings. According to him, the value of the machinery would be nothing. Now there is another thought which says we are as it is paying a lavish compensation and the lavish compensation is because it is Maruti Limited, we are interested in satisfying the depositors and we are interested in satisfying those who will rank in priority in the Schedule—category 1, category 2, category 3 and category 4, creditors. The shareholders, if at all, come in category 5. In fact in each of the categories there are different categories of claimants and each claimant would be ranking equally : in technical jargon that is called *pari passu*. So far as Mr. Mathur is concerned, is right to an extent that actually 6.84 crore is the total assets. That has been the total value of the assets and he did not properly understand the answer in which he said, once the assets were shown as eight crores and then they had been shown as six crores. In fact, the total on the assets side was 80.87 crores. On 31-3-1976 the total was 87.87 crores but on the debit side there is a profit and loss account. When there is a debit balance, in the profit and loss account that also goes to the assets side and the expenditure which has been capitalised was 58 lakhs. Thus 2.18 lakhs, strictly speaking, represented either the capitalised expenditure or the losses on 31-3-1976. And a year earlier also, the net assets on 31-3-1976 were 6.69 and, by the same token, in the earlier year the net assets were 6.37. I am giving these figures from the balance sheet. You can verify them any-time. There is no politics whatsoever in this.

[Shri N.K.P. Salve]

The second question is about payments being made to shareholders. If you were to look at the balance sheet, you will find that the entire capital has been wiped out. When a company is incurring so many losses, where is the justification for the shareholders to be paid any compensation whatsoever? You were so vocal and so vehement about it, but have you known of any one company being paid compensation when its entire capital is wiped out by way of losses? And Government should pay compensation on account of land to the shareholders when under land ceiling even 40,000 square feet of land in Nagpur is being taken away by the Government? Therefore, in principle it would have been utterly erroneous, firstly to pay to the shareholders any compensation when, as a result of losses sustained by the company the entire capital had been wiped out. Secondly, when the entire benefit has accrued to the company or the Government on nationalisation, it is entirely on account of the higher value of the land which, I submit, is the property of the Government in any case. In reality, therefore, if one were to make a very conservative assessment and evaluation of the assets taken on the one side and the amount to be paid on the other, I would put it without the slightest hesitation of being controverted by any-one who understands balance sheets and evaluation of properties that 11 crores would be the realisable value of the assets and 4.34 crores is the amount that is to be paid under clause 7.

Therefore, both these sides of Shri Bhupesh Gupta or Shri Ramamurti on the one side and of Shri Mathur on the other, should realise that this amount which is being determined lays down for once salutary principles. I am one of those who ardently believe that these people who are divested of their property in public interest should be paid due compensation.

I am not for Government taking over people's property cheaply. What is just and fair should be paid to them. At the same time, in the process, it should not become a racket, a source of profiteering on the part of one whose property is being taken away. This way the principle has been laid down. The Law Minister is not here, I do not know what his contribution is. But the principles which have gone into this compensation are just and fair principles and I ardently hope that in the days to come whenever there is nationalisation and there is take-over of any property, it is these principles that will govern.

SHRI JAGDISH PRASAD MATHUR: Mr Salve, what do you mean by the principles? What are those principles. Can you enunciate them?

[The Vice-Chairman (Shri Dinesh Goswami) in the Chair.]

SHRI N. K. P. SALVE: Just now I have tried to explain to you. They have taken the value of the assets as filed in the statement of affairs before the High Court and they have taken that as the basis. They have taken out the losses which have been wiped out. There the creditors of categories 1 to 4 will all be satisfied. Only those who come under category 5 in the Schedule will not be paid; and they will not be paid because their capital has been wiped out by way of losses. In other words, those people who have advanced monies for running the business, the creditors, will be duly paid; and the rest of the benefits which accrue additionally on land and other things will not go un-earned.

**SHRI RAMAKRISHNA HE-
GDE:** Sir,....

SHRI N. K. P. SALVE: Sir, this will have to be left out of my time.

**SHRI RAMAKRISHNA HE-
GDE:** Just one question. I am not trying to stop you. Because you app-

ear to have studied the balance-sheet very thoroughly, in which you are very competent. I would like to know what exactly is the liability of the company towards (b) of category 1, revenues, taxes, etc.

SHRI CHARANJIT CHANANA :
I will reply to that.

SHRI N. K. P. SALVE : I think the Minister will be answering Mr. Hegde Categories (a) and (b) will rank *Pari passu*. He will be able to answer that. That is why I submit the compensation is very well determined. Having said this much on the basics, I will now come to the positive points of this nationalisation, which is beneficial and caters to the larger interests of the company and state why it is not giving any patronage or favour to some, as Mr. Dhabe has said. He is a responsible parliamentarian. I want him to bear with me that the car industry has been stagnant in the last two decades. In terms of technology, our passenger cars are not only outdated, out-moded but are also obsolete and two generations old. Today we can see in 1980 the cars which are running in the western world and in Japan are cars of 1990's and 2000. Still we are using the Ambassador cars which should be termed as ramshackles and tin plates of 1960's and 1950's and still we have to pay Rs. 65,000 or Rs. 75,000 for it. In that respect, I have a complaint against Mr. Chanana's Ministry that they have allowed the Premier Automobiles and the Ambassador people to exploit the consumers right, left and centre. This industry should have been nationalised long ago. And now at long last when they have taken the first step towards nationalisation. I do not understand Mr. Dhabe's comment. Why are you making a fuss of nationalisation? This is the first step. We would expect that some day this industry is given a new dimension and a new priority. I honestly feel that this highly capital-intensive industry should not at all be allowed to function in the private sector.

The investment will go anywhere in the realm of Rs. 200 crores, Rs. 300 crores. It is only for the Government now, and this technology...

SHRI SHRIDHAR WASUDEO DHABE : What I submitted was that if you want to nationalise, start with the Premier Automobiles and not Maruti.

SHRI N. K. P. SALVE : I really hope, if the Premier Automobiles do not improve and the Ambassador do not improve, the Minister knows what to do. Why are you paying large prices? The cars of the Premier Automobiles and the Hindustan Motors, show losses. We pay Rs. 60,000. Why is it? We still get tin pots. The only thing of the Ambassador that does not make noise is the horn. Why is it that we have such cars? It is natural because the ancillaries are in the hands of the relations of the managing directors in the management. All the profits are diverted towards ancillary part makers. They purchase them at fabulous prices. Virtually you and I. When we purchase the cars, have to shell out through our nose. Let an industry in the public sector under Dr. Chanana come up. Let Dr. Chanana bring about the maximum utilisation of the resources of the nation. Let the modern technology come about. And it is only when such...

SHRI BHUPESH GUPTA :
May I make a suggestion? This statement you are making is very inspiring, that this industry should be nationalised, the Premier Automobiles and the Hindustan Motors. We have been demanding that but it was stubbornly refused. May I request you to take some steps within your party as the Deputy Leader of the Congress Party, the ruling party, so that we can go ahead with nationalisation of those companies?

SHRI N. K. P. SALVE : Nationalisation for the sake of nationalisation is not my creed; that is his creed. If the Premier automobiles will

[Shri N. K. P. Salve]

improve, they will produce a better Fiat.

SHRI BHUPESH GUPTA :
Now you see.

SHRI N.K.P. SALVE : I will tell you. I will make it absolutely clear. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI) :
Mr. Salve you have got limited time. If you fall into the trap of the interruptions, you will be losing your time.

SHRI N. K. P. SALVE : My friends trapped me. I do not need enemies in this House. This is what I have to say. Juxtapose it, correlate it, critically examine it in the context of fuel economy that is needed. It has given completely new dimension to the priority that is required for the motor industry. Once upon a time the car industry was considered a low priority industry. But today, Sir, with the mounting problems created and with the kind of oil crisis, the oil shortage, the car industry is no longer a non-priority sector. It is very much a priority industry because I will tell you if the passenger cars are going to devour us and consume all the petrol which is imported, for which you are paying fabulous bills, crores of rupees, some day this country will go bankrupt. You have got to evolve modern technology. Modern technology is needed. The cars which you have manufactured in the country will drive you bankrupt, if you do not modernise your technology, if you do not upgrade your technology, and for that purpose these people will never, be able to do it. The Government must step in and modernise technology. The perennial shortage of cars...

SHRI BHUPESH GUPTA: How can people buy a car for Rs. 50,000 ?

SHRI N. K. P. SALVE : I do not for a moment say, Sir, that every villager, everyone, will be able to buy a car. It is from a different angle that I am looking at it. Nonetheless we cannot do without a car. If we feel that we cannot do without a car, we need to think how to economise in the use and utilisation of fuel. We cannot do without cars. So many things we can do without, but without cars we cannot do. It has a new dimension, as I said, because of the fuel problem. There is shortage of the Ambassador cars and the Fiat cars. The Ambassador cars, 17,500 in number, were made, and 15,500 Fiat cars were made and the Standard 44 cars were made. Even if they were four times this figure, there will be the shortage. Therefore, Sir, this was necessary.

The nationalisation problem is not something new. The Government was in the 1960s and the 1970's actually thinking of making cars in the public sector, and a proposal had been put at that time. Nearly Rs. 60 crores was earmarked by the Ministry. When Mr. Dinesh Singh was there, he approached the Cabinet with a proposal for collaboration with M/s. Renault Company of France for making cars in the public sector. So, this is not a matter which has come utterly new. The Government was seized of the matter. Therefore, it is not something which has come about as a result of patronage and favour.

There are other advantages coming.

SHRI BHUPESH GUPTA
Mr. Salve...

SHRI N. K. P. SALVE : Dada, I really wish I had as much time as you have. If he allows ten more minutes. I will deal with them.

There are other advantages. Large many ancillary industries will

come up of the industry comes up here.

Sir, there are three more aspects. Three hundred acres of valuable land is there. There is a substantial covered area, and there are the machines. Sir, unnecessarily too much is sought to be made of the "junk" by way of machines. Have they any idea as to what the book value of these machines is? The written-down value of those machines is a very very negligible amount. The written-down value of those machines is only Rs. 1,25,75,211 in a total of Rs. 8.87 crores. Therefore, do not unnecessarily go on blaming us saying that these machines are nothing. They are only worth Rs. 1 crore and odd. Therefore, there are machines. There is a substantial covered area. All that would have been lost if it had not been nationalised. It also provides excellent infrastructure. What about the employment potential? Five thousand to ten thousand persons will be employed. Apart from being capital intensive, it has tremendous potential for employment.

Sir, the proposed company will not only manufacture passenger cars, but it will also manufacture commercial vehicles. And in that context, one must understand that today Tatas and Leylands are manufacturing commercial vehicles which are one of the finest in the world. We are very proud of what they are doing. And here just see what Premier is doing and what Hindustan Motors is doing. For that I do blame Dr. Chanana's Ministry. They need to be looked into. Since he is undertaking this himself, I am sure he will take some interest in the matter.

Sir, then there are possibilities of exports. Have we not known developing countries which have made automobiles and have crossed the barrier from developing countries to developed countries. For example, in Latin America Volks-

wagon has gone; and Japan has gone in many countries with Nissan and Toyota. The automobiles industry is the kingpin of the economy in several developing countries and they have built up their economy. In our country, if we are really able to develop and build up this industry properly, it will have immense possibilities of exports. (*Time-bell rings*).

Sir, a word about clause 26 and I have done. Mr. Ramanurti said—he is not here—"We will support the Bill if you delete clause 26". Clause 26 is a very simple one, I will explain to Mr. Mathur. So far the continuation of the agreement with Maruti Technical Services is concerned, it is just not possible—the Minister has said about it on the floor of the other House—because foreign collaboration is inevitable. If this company is to be worth its salt, if the Government is going to do anything foreign collaboration is absolutely inevitable. And if there is going to be foreign collaboration, then the new company or the Government cannot even in its dream continue its collaboration agreement with Maruti Technical Services. Still a proviso is needed. There are agreements which the company must continue. For example, they have an agreement on land with the Haryana Government. If the proviso is not there, how do we ratify it? Mr. Mathur, you said you are not a lawyer but you have great common sense; the two are not necessarily in conflict with each other. Supposing there is an agreement on land, what do we do? How do we ratify the land agreement? There has to be a proviso and therefore...

SHRI NARASINGHA PRASAD NANDA : All right. What is the land agreement with the Haryana Government? Please read it.

(*Interruptions*).

SHRI N. K. P. SALVE : I am making a responsible statement. I am making the statement with

[Shri N. K. P. Salve]

all the responsibility at my command that this company or the Government, whoever is going to run this industry, will have nothing to do with Maruti Technical Services. That agreement cannot come into existence for the very simple reason that once there is going to be foreign collaboration with Maruti Technical Services just cannot exist. Therefore, I submit...

(Interruptions)

There is no remedy to anyone's suspicion. It is very well drafted ; it is very well conceived. I submit, Sir, that this measure is a landmark in bringing about better technology in the car industry of this country. I congratulate the Minister and I full heartedly support the Bill. Thank you, very much.

THE VICE-CHAIRMAN
(SHRI DINESH GOSWAMI) :
Dr. Shant Patel. You have got 10 minutes.

SHRI BHUPESH GUPTA :
You have got a Chairman of the Board of Directors. Mr. Salve is eminently qualified to be nominated as the Chairman of the Board of Directors of Maruti.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh) :
I support the proposal of Mr. Bhupesh Gupta.

THE VICE-CHAIRMAN
(SHRI DINESH GOSWAMI) :
But I don't think Parliament is going to nominate the Board of Directors.

SHRI NAGESHWAR PRASAD SHAHI : But we can suggest to the Government. The Law Minister is here.

THE VICE-CHAIRMAN
(SHRI DINESH GOSWAMI) :
Dr. Shant Patel. You have got 10 minutes at your disposal.

SHRI BHUPESH GUPTA :
Parliament does not nominate but

one single Parliamentary speech has produced a chairman of the board of directors.

DR. SHANTI G. PATEL
(Maharashtra) : Mr. Vice-Chairman, my leader has allotted fifteen minutes and I am going to be the main speaker. Please do not curtail my time. I am the only speaker and if time permits others will speak. . .

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI) : The only point is if you take fifteen minutes, then next speaker from your party will not be called.

DR. SHANTI G. PATEL : I shall take fifteen to twenty minutes. But I will be as brief as possible.

Sir, I rise to oppose the Bill that has been moved in this House. I do not believe that nationalisation has been the panacea. If I remember correctly, in Bombay there was a discussion where John Strachey—he was the leading theoretician of the British Labour Party and writer of a very important book “AVC of socialism”—said, nationalisation is not the panacea for the economic ills that we have in a country—whether it is this country or any other country.

It is from this angle that we have to look at this particular Bill. I would like to know why nationalisation of this Maruti company is being done, why this company is being acquired. The company's main job, main production has been motor cars. What is needed to be considered is priority. What priority is considered necessary in this country where we have over sixtyfive crores of people, half of whom are below the poverty line? It is in this context that we have to judge this particular Bill. This Government has enunciated its economic policies, and its policy resolution of even 1956 emphasises—I would repeat the word ‘emphasises’—development of key sectors of economy mainly basic industries, whether they are manufacturing industries or transportation industries. This is

where the emphasis has to be laid. In my humble opinion a car, even if a small passenger car, is a luxury item in this country. What we need is production of certain infrastructure so that our economy can pick up. That is why we need electricity, that is why we need more coal, that is why we need more steel. We know at present we are short of these particular items. You are all aware that merely these items are not going to be of use to us. We have to go still further. But why the luxury car? It has been pointed out by the previous speaker, because other companies are not producing to the required extent or they are not modernised; that is why we are going in for it. May I say for the information of the House—I would like my friends to contradict me—that Hindustan Motors and Premier Motors have been given letters of intent to modernise, to produce more cars, very recently, and they are going ahead and they are making all preparations? Was it necessary in this context to acquire this particular company and go in for the manufacture of more cars? Then again, the previous speaker said if we have to have small cars, we will go in for Nissan. I would do nothing but read an extract from one important car manufacturer and to whom reference has been made by Mr. Salve. He is concerned with Nissan. I read out from the "Business Standard" dated July 31.

"The world could have a glut of small cars within five years according to Mr. Masataka Okuma, Vice-President of Nissan, while speaking at the World Congress on the automotive industry here"—

This is in Detroit, that is a city in America.

"...For there will be increased production from traditional motor manufacturers, but also from Brazil, Korea and Taiwan as well as the Soviet Union, Poland and China."

I quote further a few lines.

"It is reported that in the next five years the American big three will invest an incredible \$80 billion to develop small cars and production facilities needed to produce them. One million units or more of a single model will be produced and sold all round the world... This is what frightens us..."

I am quoting only from the speech of the Vice-President of NISSAN. So to explain away things by saying that these cars will be sold in the export market is to cheat ones own self. I is not going to help this country where the investment should be in those sectors which can really help us in removing the poverty of our people.

Then it has been said that less fuel will be consumed by these cars which are going to be produced. In the present context of fuel crisis, are we going to give priority to motor cars which will use this scarce commodity for running them or for other benefits such as electric generation, public transport, etc.? The priority has to be judged in this particular context. If fuel is scarce, I think we should not go in for small cars. We should see that only minimum possible numbers are produced in our country. From the number of cars that they have been licensed to produce, this particular company and other are going to produce one and half lakhs of cars. There is no market for all these cars in our country. If we are going to run all these cars, the petrol consumption is going to be very heavy. Looked at from this angle also; it is uncalled for.

Much is talked about the infrastructure. What is the infrastructure? Mr. Salve spoke about this. The infrastructure consists of land, some buildings and machinery worth Rs. 1 crore. May I submit that if this Maruti Company is to be salvaged by Mr. Salve or somebody else or by the Government, then it will become necessary to invest any-

[Dr. Shanri G. Patel]

thing like Rs. 500 crores. I am making this statement with some sense of responsibility. I would also quote a leading magazine in support of what I have said. "Commerce" in its editorial of 25th October, 1980, says "Some experts have estimated that to develop Maruti into a plant for manufacturing automobiles, an investment of at least Rs. 250 crores/- at today's prices will be needed. These experts also draw our attention to the fact that the auto ancillary industry in the country will have to be upgraded and that this will cost another Rs. 200 crores. This is very obvious. I do not know whom we are cheating. They feel that as by just pressing an electric switch you get light, after this take over, this company will produce cars automatically. Looking from this particular aspect also, these cars are not going to help us and the country's main problems will remain unsolved.

I would also like to speak about heavy vehicles because much is sought to be made out of it by saying that we will be providing public transport and we will help in developing road transport, and all that sort of things. I have my own reservations regarding development of road transport. Road transport accounts for 60 per cent of our diesel consumption in the country and, therefore, what we need is development of water transport more than the road transport. That is a different issue. What I would like to say is that there are two companies that have been given permission to expand their production.

Again, Sir, I would like to be contradicted by the Minister if I am wrong in my facts. These two Companies are going to produce more than what is necessary. Mr. Salve paid tributes to TELCO, Ashok Leyland etc. Let us allow them, to expand their production and give us more so that we are able to meet the needs of this country.

But for that, it is not necessary to go and acquire this particular Company which has no infrastructure because its infrastructure is something which is junk, I am very happy that indirectly Mr. Salve admitted that the value is only one crore and the whole Company would need a very large salvage operation if it is to function properly and if it is to do some good.

Sir, this leads me to the question why this nationalisation at all and why this hurry and this hustle-bustle about the whole nationalisation issue. Sir, the Ordinance was issued—Everybody knows and it is not a secret and even the Cabinet Minister will bear me out—within four or five days the whole decision was taken. It is said that they have done this because there was some pending cases in the Punjab and Haryana High Court and somebody was going to grab it. I would like to ask the Government, even if somebody was to grab it, what the Government was going to lose or how it was going to suffer. When the Maruti Company, which has a background and which has a history, which is a matter of shame not only for the family of the Nehrus but also for this country, is to be grabbed, nobody need shed any tears and we should not shed any tears. Let it be grabbed. How are you going to lose or suffer? If you have any interest in the good of the workers, you could have gone and taken over the Premier Automobiles and I would have been the first to support it. Here the workers were suffering and they were on a long-drawn-out strike and the employer was not settling and was not giving the workers their dues. They should have said: "Yes; let us go and take this over." But they won't do that because their priorities are different. The purpose is not to be meet the public demand or to do public good. But the purpose is to

save somebody or not allow that person to take over this Company. That may be one reason or may be that the liquidator, if he would have become bold enough, and if he would have got the courage, would have prosecuted and filed certain prosecutions against the persons and officers who are concerned with this Company and he would have seen to it that they got sufficient punishment. May be the fear of this or may be the fear that the Delhi Automobiles would take charge of it would have made them take this step. But nowhere has it been shown that this nationalisation is going to do any public good. Merely using the word "public good" does not do any good because we know the history of this whole Company and here, Sir, I would only like to quote with your permission what the Gupta Commission had to say. It sums up beautifully in one sentence and I quote :

"The affairs of the Maruti concerns described in the previous chapters appear to have brought out the decline in the integrity in public life and sullied the purity of administration. Legal and other requirements were brushed aside and accepted norms of behaviour were forgotten on many occasions when the interests of the Maruti Company were involved."

I know what the answer would be from the opposite benches. They would say that before the Gupta Commission the accused did not appear and the persons who were concerned with this Company did not appear. But nobody debarred them, Sir, you are an eminent lawyer and you know that if you do not appear in a court and defend yourself and if some punishment is given, you have to accept it and you cannot say that because you were not present in the court you cannot be punished. Here was an opportunity for them to go and appear before the Commission and

even challenge their findings at that time. But nothing was done,

Sir, they want to have a fitting memorial to Mr. Sanjay Gandhi. I do not know ; it may be one of the motivations because it is very difficult to sort out the motivation behind this particular thing Mr. Sanjay Gandhi wanted small cars here. But what the Government proposes to do is to run after the various countries, Sir, the Minister is on record as having said : " We have asked several countries to give their reports, collaboration reports, for collaboration in equity and technology, so that they can develop this car in this country."

3 P. M.

So, I would like to say that if you really want to have a memorial for him, please have an indigenous car, otherwise his soul will not rest in peace. I think that it is in this context that we should try to judge this Bill and whether it would do any public good.

Lastly, I would only like to add that there is another aspect. They have said that they are going to produce lighter vehicles. For that also, I would like to say they have given very recently, in November 1980, permission to four companies, to the best of my information, where they are going to produce these lighter vehicles. That is why I feel that there is no reason whatsoever to have the nationalisation of the Maruti Company.

I personally believe that Rs. 500 crores are not going to suffice. We have other priorities. It requires more money; if you want to make it an economic and internationally competitive unit, you can imagine the amount of money that you require. This investment will go down the drain when persons are starving in this country, when they have no food and shelter.

[Dr. Shanti G. Patel]

Sir, while concluding I would like only to say that my friend, Mr. Salve—I am sorry he is not here—said that we are making vitriolic attacks. Certainly we make attacks. He gave the reason. He said later—and I hope I am quoting him correctly—that Sanjayji did not care for the Opposition. Sir, one who does not care for the Opposition only means that he is not a democrat. One who does not care for the Opposition wants to indulge in activities which are far from fair and proper and honest. May I say there are corrupt activities? *(Interruptions)* One who cares for the Opposition will say : Look here, I would like to listen to you. I may agree or may not agree but certainly I would like to listen to you. And that is why we make attacks. We do not make baseless attacks. The Gupta Commission has shown that if further proof was necessary. Their bringing this Bill has given further proof how the Government led by Shrimati Indira Gandhi has been behaving in this matter during the emergency period or during the prior period or the period now... *(Time bell rings)*

AN HON. MEMBER : Sir, it is his maiden speech. Please give him some more time.

DR. SHANTI G. PATEL : I do not want any concession from the Chair, whether it is maiden or not, I would be speaking off and on. *(Interruptions)* There does not seem to be any maiden just now, in the House. I do not know how my friend, Mr. Bhandare, got attracted. *(Interruptions)*.

Anyway, Sir, I would appeal to the Government that let them not make it a prestige issue, let them look to the good of the people, serve the poor people both in the cities and in the urban areas, and do something for them. Sir, we have more than 50 per cent of the people living below the poverty line. This is a joke on these people

when they say that they are going to produce two lakhs of these cars. Let us care for them. Let us try to serve them honestly, so that our country may advance and they may also bless this country.

Thank you very much, *(Interruptions)*

STATEMENT BY MINISTER

Decisions of the Government on the recommendations of the Tribunals for working Journalists and Non-Journalist News papers Employees

THE VICE CHAIRMAN (SHRI DINESH GOSWAMI) : Now the Minister of State in the Ministry of Labour has to make a statement, I know that this is a very long statement.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh) : The Minister should lay it on the Table of the House.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): We are now in the midst of a very important debate and I do not want the flow of the debate to be interrupted by this statement. Therefore, I permit it to be laid on the Table of the House. *(Interruptions)*

SHRI NARSINGH NARAIN PANDEY (Uttar Pradesh) : This is a very important matter.

SHRI MANUBHAI PATEL : *(Gujarat)*: We want to seek clarifications. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): After the completion of the Bill... *(Interruptions)* The right of Members under the Rules will always be available. I do not come in the way. But I permit this statement to be laid on the Table now.