

**THE CONSTITUTION (AMENDMENT) BILL, 1970** Insertion of new article 16A)

श्री श्यामलाल यादव (उत्तर प्रदेश): श्रीमन, मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाय ।

*The question was put and the motion was adopted.*

श्री श्यामलाल यादव : मैं विधेयक को पुरःस्थापित करता हूँ ।

**THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 1966—Continued.**

*(To amend section 15)*

SHRI A. D. MANI (Madhya Pradesh) : Sir, I will take only ten minutes. Mr. Deputy Chairman, I very cordially support the Bill which has been moved by my hon. friend Mr. Arora.

SHRI BANKA BEHARY DAS (Orissa) : Sir, just I am raising a point, because Mr. Arora is absent. It is not a case of a Minister taking notes for another Minister. He is absent. I think he has not authorised any person on his behalf. I do not know whether he has written to you that somebody will take up the case on his behalf.

SHRI A. D. MANI : We can consider it later.

SHRI LOKANATH MISRA (Orissa) : We cannot consider it later. The Bill has to lapse. It cannot wait for him because he has not taken your permission. It would have been all right if he had taken your permission for his absence. Without intimating you, he now wants a Bill to be introduced in his absence.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Not 'introduced', it is under discussion.

SHRI LOKANATH MISRA : He has a Bill already to be introduced in his name. Probably for that introduction, already so many copies would have been printed and published. And he does not introduce the Bill, he does not take your permission even for that. These printed copies cannot be put to use next year. It will have to be reprinted.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal) : With the permission of the Chair...

MR. DEPUTY CHAIRMAN : Let him finish first, please.

SHRI LOKANATH MISRA : Therefore, what I plead is this. This is a double offence. He has not introduced this Bill today for, which he puts the Secretariat to a lot of expenditure. And he is not here when this Bill is being discussed in the House. Therefore, we should not permit the discussion to continue. The Bill as it is should lapse.

SHRI KRISHAN KANT (Haryana) : Before going, he talked to me and said that I can move, under Rule 117, that the debate be adjourned. Sir, Rule 117 of the Rules of Procedure says—

“At any stage of a Bill which is under discussion in the Council a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.”

He asked me to move it. So, I would like to say that the Chairman may give his consent as he wanted me to move...

SHRI A. D. MANI : I think so, Sir.

SHRI KRISHAN KANT : ... that the debate on the Bill be adjourned.

SHRI LOKANATH MISRA : It cannot be a family affairs.

SHRI KRISHAN KANT : Any Member can move. You read Rule 117. Any Member of the House may move.

MR. DEPUTY CHAIRMAN : Mr. Misra, I could not understand your point of view. Is it that, as the Member who is in charge of the Bill is not present here, we cannot have the discussion on the Industries (Development and Regulation) Amendment Bill ?

श्री सुन्दर सिंह भंडारी : आज जिस बिल पर विचार चल रहा है उस पर विचार प्रारम्भ करने के लिए आपने श्री मणि से कहा है । श्री बांक बिहारी दास जी को यह आपत्ति थी कि यह कोई सरकारी विधेयक नहीं है कि एक मंत्री की जगह दूसरा मंत्री उसके स्थान पर उस जिम्मेदारी को स्वीकार करे । यह

एक निजी विधेय है प्राइवेट मेम्बर की तरफ से और जब तक वह मेम्बर स्वयं हाउस में उपस्थित नहीं है तब तक उस पर विचार करना निरर्थक होगा। इसीलिए उनका आब्जेक्शन था और मैं भी उनका समर्थन करता हूँ। वास्तव में श्री अर्जुन अरोड़ा आज यहाँ पर नहीं हैं तो फिर इस बिल पर विचार नहीं होना चाहिये। दूसरी बात श्री कृष्ण कान्त जी ने यह कही कि श्री अर्जुन अरोड़ा ने उनको यह कहा था कि वे रूल 117 के अन्तर्गत इस डिस्कशन को स्थगित रखने का प्रस्ताव रखें आपकी अनुमति से। अगर श्री अर्जुन अरोड़ा ने उनको ढाई बजे या एक दो मिनिट पहले यह समाचार दिया तब उनके लिए या लगभग असम्भव था कि इस तरह से सदन में मोशन लाने के पहले चेम्बर में आपका ध्यान इस बात की ओर ले आते और आपकी अनुमति से यह मोशन रखते। मैं समझता हूँ कि अगर वह मोशन भी लाना था तो उस मोशन को साधारण नियम के अनुसार आना चाहिये था और उसके बारे में अनुमति आ जानी चाहिये थी।

SHRI KRISHAN KANT : No, no. At any stage of the Bill.

श्री सुन्दर सिंह भंडारी : Any stage of discussion. मैं यह मानता हूँ, लेकिन अब एकदम, स्पर आफ दि मोमेन्ट में खड़े होकर इस तरह का मोशन रखना और उसके बारे में अनुमति देना उचित नहीं समझता हूँ।

SHRI KRISHAN KANT : Not on the spur of the moment.

श्री सुन्दर सिंह भंडारी : बिजनेस आफ दि हाउस में इसकी जवाबदेही उस सदस्य के ऊपर थी। सदस्य को अपनी जवाबदेही समझ कर इसके बारे में उचित कार्यवाही पहले से करनी चाहिए थी। अगर वह नहीं की है तो श्री बांक बिहारी जी की यह आपत्ति है कि इस पर इस समय विचार नहीं हो सकता और अगर इस पर इस समय विचार नहीं हो सकता

तो यह बिल लैप्स हो जायगा और दूसरे बिल पर हमको विचार आरंभ करना चाहिए।

श्री महावीर त्यागी (उत्तर प्रदेश) : आन ए पाइन्ट आफ आर्डर। यह बिल आलरेडी जैरे-गौर है, विचारार्थ है, इसलिए अब अर्जुन अरोड़ा का होना या न होना हाउस पर असर नहीं डालता। कोई मेम्बर बिल पेश करे, उस पर बहस हो रही है, थोड़ी देर के लिए मेम्बर बाहर चला जाय बिना इजाजत के, बहस होती रहे तो उसके बिल की बहस लैप्स नहीं होती है। हमारा फर्ज यह है कि या तो हम अपनी तरफ से खुद यह तय कर लें कि अर्जुन अरोड़ा के आने के वक्त दुबारा इस पर गौर करेंगे या जैसे गौर चल रहा है, गौर करते चले जायें, बिल को कामयाब करें, नाकामयाब करें लेकिन अर्जुन अरोड़ा नहीं हैं तो उनके न होने का हम पर कोई असर नहीं पड़ता।

संसद्-कार्य विभाग में राज्य मंत्री (श्री ओम् भेहता) : इन्होंने ठीक कहा है।

SHRIMATI PURABI MUKHOPADHYAY : Mr. Deputy Chairman, Mr. Arjun Arora has already moved this Non-official Bill as a Private Member's Bill. This has been discussed here once. Further discussion is going to take place today. It is immaterial whether the hon'ble Member is here or not. It is now the property of the House because the Bill has been circulated and has been discussed in part. Now it is the property of the House. Sir, you have every authority to allow the discussion to be continued even in the absence of the hon'ble Member.

श्री उपसभापति : कोई ऐसी प्रावधान नहीं है भंडारी जी, कि कोई मेम्बर एब्सेन्ट रहे तो उसके बिल पर कन्सीडरेशन नहीं होना चाहिए।

श्री सुन्दर सिंह भंडारी : बांक बिहारी जी की आपत्ति थी कि मूवर आफ दि बिल यहाँ पर उपस्थित नहीं हैं और यह कोई गवर्नमेंट बिजनेस नहीं है कि Any Member of the Cabinet shall be deemed as the mover or Member responsible for it. इसलिए यह हो सकता

[श्री सुन्दर सिंह भंडारी]

है कि उन की एब्सेन्स में इस पर विचार चालू रखा जाय उनका राइट आफ रिप्लाइ समाप्त हो जाय लेकिन इसको पोस्टपोन करने के पीछे कोई तर्क नहीं हो सकता।

MR. DEPUTY CHAIRMAN : Mr. Banka Behary Das, the position is very clear. It is not necessary for an hon'ble Member to be present. In his absence we can continue the consideration of the motion.

SHRI BANKA BEHARY DAS : It seems to me to be very hypothetical. When we come to the clause by clause consideration stage who will move the motion because he has neither authorised anybody nor is he present ? This is the hypothetical position that has arisen.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : He has authorised Mr. Krishan Kant.

SHRI BANKA BEHARY DAS : He has authorised to seek adjournment.

MR. DEPUTY CHAIRMAN : That question will arise at a later stage, at the third stage. So far as the clause by clause consideration stage is concerned . . .

SHRI BANKA BEHARY DAS : You mean this situation will arise just after 15 or 20 minutes.

SHRI LOKANATH MISRA : If the mover himself is not serious about his motion, the discussion would be purposeless. Why should we discuss it ? He is not serious about it.

SHRI KRISHAN KANT : Suppose he has some urgent thing to attend to ?

SHRI LOKANATH MISRA : What can be more urgent than the business of Parliament ?

SHRI KRISHAN KANT : Suppose he has some urgent family affairs.

SHRI LOKANATH MISRA : Heavens would not fall if it lapses.

SHRI MAHAVIR TYAGI : Sir, we are already overcrowded with business. We cannot wait.

MR. DEPUTY CHAIRMAN : Under the Rules of Procedure it is not necessary

that the Member should be present. Of course, when a Member introduces a Bill and he wants the consideration of the Bill, one naturally expects that the Member should be present in the House. The Members should give precedence to the business of the House over all other extraneous affairs. Perhaps there might be some difficulties, as Mr. Krishan Kant has pointed out, and Mr. Arjun Arora could not be present here. Even then the Rules do allow the continuation of the discussion. I think we can continue with the consideration of the Bill. Mr. Mani.

SHRI A. D. MANI : Mr. Deputy Chairman, Sir, I support this Bill which has been introduced by my hon. friend, Mr. Arora. The Statement of Objects and Reasons clearly states the objective of the Bill and I need not dwell on what the objective of the Bill is. Since reference has been made to the Industries (Development and Regulation) Act, 1951 and in particular to section 15 of it, I would, like to draw the attention of the House to that section. According to that section, "if there is a substantial fall in the volume of production in respect of any article in an industrial undertaking, or there has been, or is likely to be a marked deterioration in the quality of any article or class of articles relatable to that industry, or there has been or is likely to be a rise in the price of any article or class of articles manufactured in that industrial undertaking, or if it is necessary to take any such action as is provided in this Chapter for the purpose of conserving any resources of national importance, an enquiry can be undertaken by the Central Government in the scheduled industry." Sir, as section 15 clearly lays down, it is only in certain categories of cases that the Central Government can conduct an enquiry. Now, we have got the Monopolies Commission in existence. The question of pricing policy will come up before the Commission. When an enquiry is conducted into matters of this character which are of a non-controversial nature, but which affect the interests of the public, it is only fair that Parliament should be given the benefit of information or the reports which are submitted to the Government on the subject. I can quite understand that if the Government is undertaking any investigation of a semi-judicial character the end of which cannot be foreseen or the end of which might be in a court of law, the Government might take a position that it is not necessary for it to place the report on the Table of

Parliament. But in the case of an enquiry of the kind mentioned in the present Bill, there should be no objection on the Government to place the matter on the Table of Parliament.

Sir, it has been pointed out in the course of this debate that while the public sector undertakings come within the jurisdiction of the Committee on Public Undertakings, which is a parliamentary institution, the private sector is more or less spared of any scrutiny by any parliamentary committee. In the case of the private sector, there is no authoritative vigilance of the same kind which is now directed towards the public undertakings. But the private sector also gets a large number of advantages from the Government, particularly in respect of licences and credit from financial institutions. It is, therefore, fair that private undertakings also must voluntarily forgo their right to be sovereign in their undertakings and agree to inspection by a parliamentary body. Now it is not a parliamentary body which conducts investigations. Now, any person who is authorised to conduct investigations under section 15 of the Act, will be a person who is quite competent to conduct such investigations and has knowledge of the undertaking. Naturally when the report is placed on the Table of Parliament, the public will know why is in a particular case, there has been a marked deterioration in the quality of goods. This investigation becomes very important in the present time when there is a good deal of agitation going on about the state of the drug industry in the country. It has been stated that there has been a marked fall in the quality of drugs marketed by many firms in some parts of the country. I do not want to name them lest there should be some controversy about it. But it is well known that there are certain firms in parts of the country which are dealing in spurious drugs. In all such cases, investigations of this type would be of inestimable value. I, therefore, feel that Parliament should not be deprived of the opportunity of getting information on the subject. There is only one point that I would like to make here, and that is where such a report is submitted to Parliament, it is to be hoped that the Government also will submit any replies which are received from the concerned undertakings to this report. We do not want a one-sided case to be placed before Parliament when an inquiry is conducted into one of the scheduled industries. We want that the industry concerned should be given an opportunity of commenting

on the findings of the inquiry, and if it has any comments, those comments should be placed on the Table of the House. I think this is a very reasonable suggestion that has been made in this Bill and the Government should have no difficulty in accepting this, particularly in view of the fact that there is a demand now—it is a very justifiable demand—that the private sector also should be amenable to some form of public control and we cannot proceed on the basis of the *laissez-faire* philosophy of the 18th or the 19th century. I, therefore, feel that this Bill should receive the support of all sections of the House subject to the qualification that all matters relating to such reports including replies received from the parties affected by the reports should be placed on the Table of the House.

SHRI PRANAB KUMAR MUKHERJEE (West Bengal) : Mr. Deputy Chairman, I support this Bill. I fail to understand why the most important power of Parliament, that is, to conduct the entire economy of the country, should be denied to it. The amendment suggested by Mr. Arjun Arora is a very honest amendment; it is a very modest amendment. It does not speak of nationalisation of the mismanaged industries. It does not speak of confiscating the mismanaged industries into which an investigation is going on. It simply suggests that all the observations of the commission should be laid on the Table of the House. It is prerogative of Parliament, particularly of the Lower House, to go into the details of the entire economy of the country. And in a country like ours where we have taken pledge for planned economy, when we have pledged to bring social justice in every form, and when the public sector is attaining commanding heights in the economy of the country, I do not understand why this amendment should not be accepted by the Government. It is not known to all how the private sector is creating a myth in the economy of our country. Practically two-thirds of the industrial production nowadays is controlled by the private sector. And taking this opportunity the big monopoly houses are creating a myth everywhere; even consumer goods are not spared from their grip, and that is why they are increasing the prices, they are frustrating the interests of the working classes even in those things. Under the Industries (Development and Regulation) Act investigations can be conducted into certain allegations on getting complaints from various quarters. It is not understood clearly why the observations of the

[Shri Pranab Kumar Mukherjee.]

investigation commission should not be made known to the people through this Parliament which is transacting the business of the country, which has the sovereign power of the country. It appears to me that there is some sort of hindrance in the way of Parliament in discharging its public duty. On many occasions on the floor of this House various matters, various mistakes, of the private sector have been discussed. Only the other day we were told how the good barons are depriving the workers and how the Government is going to compensate them with Rs. 44 crores. Only the other day it was pointed out as to how on many occasions the tea planters and coffee planters are making the maximum use of their capital and how they are depriving the working class people. And if Parliament does not know what is happening in the private sector, I fail to understand how Parliament can function. Some suggestions have been made in this connection that there should be a committee of Parliament consisting of representatives of both the Houses to go into the affairs and the working of the private sector and it is highly necessary when we are pledged to bring socialism, when we are pledged to bring social justice, in our production and in our economy. When the working of the public sector is discussed, criticised and scrutinised by Parliament on this issue and that issue, why should the private sector be allowed to do whatever it likes to run business in its own way without being questioned and without there being any sort of scrutiny by the highest body of the country. Therefore, I support this Bill fully and I hope that the government will accept the amendments suggested by Shri Arjun Arora.

**THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE (SHRI M. R. KRISHNA) :** Mr. Deputy Chairman, I am thankful to Shri Arjun Arora for bringing this Bill and I am also thankful to all these Members who have taken part in the debate. In the course of the speeches, they have brought out lot of information, some of them relating to this Bill and many of them outside this Bill. But every one was showing keen interest in the working of the public sector industries and even those Members who are sometimes opposed to public sector industries seem to feel the need for treating both private sector and public sector industries on par. They do not want one

sector to be exposed while the other sector is protected, even though it might be indulging in various unhealthy practices. I was very happy to learn that at least after some years Members of Parliament have started thinking and talking about equal treatment to both these sectors. It is true that so far the working of the public sector industries is exposed in the sense that there is a parliamentary committee which goes into the working of these units and they bring out very useful information for the use of both the Houses of Parliament and for entire country so that they know the way in which public sector industries are functioning. It has to be realised that most of the public sector industries are quite new and they have taken up the lines which are not only new to them but new to the country itself. The public sector entered the core sector and sector which have to produce raw-materials and basic materials which have to go for other industries and they started industries which take a longer period before production and industries which require a lot of investment. At one time these public sector industries were almost in the hands of people who were almost ignorant of the working of those industries. Many a time civil servants had to be picked up and placed in charge of some of the very vital units and after lot of errors and mistakes they gained experience, tried to rectify those mistakes and tried to manage them efficiently. In some cases we had often to borrow the talents available with the private sector and quite often we had the assistance of even the foreigners to help us not only in setting up the industries, but also in desinging and also finding out markets for the products produced in some of the units. In short, most of the public sector industries have been started with an anxiety to see that we do not rely more foreign countries even for the basic materials and also to manage them with the available skill in this country without depending on foreigners. The late Prime Minister Shri Jawaharlal Nehru, has done a great-service to this country by making the Indians feel confident in running some of the basic industries which can be compared to the industries in the world today. To give that kind of confidence to the engineers, to the technicians, to the managers, etc. is something which is very important for a developing country. Today we are in a position to send our technicians not only in the public sector, but also in the private sector, to various other countries to help the developing countries with the technical skill which they have got. In many countries we have also under-

taken the responsibility of preparing the project reports and of starting industries and managing them in those countries to some extent.

SHRI AKBAR ALI KHAN : How many have gone ?

SHRI M. R. KRISHNA : Sir, I would like to give the figures a little later to the hon. Member. But I can safely say that in most of the Middle-East countries, Asian countries, in Ceylon, Malaysia, Singapore and in some of the African countries, many of our private industrialists have entered and are entering and it has been proved beyond doubt in those countries that the technical skill which the Indians possess is almost equal, if not superior, to that available in many other countries.

SHRI AKBAR ALI KHAN : So far as I know, one Birla has gone.

SHRI M. R. KRISHNA : There are other companies, engineering companies, which have gone into Malaysia and other places.

Sir, both the public sector industries and the private sector industries are vital to this country and we do not want any industry, whether it is in the private sector or public sector, to suffer and that is the reason why the Government is trying to give all the help to the private sector industries without starving them, either in the form of finance, raw materials or the markets. Lately, some people in this country have started saying that because of certain licensing policies and other things, the private sector industries are not allowed to grow and there are also some people who feel that, because we do not allow foreign collaboration and we do not generously allow the private industrialists to go and purchase technical know-how from the foreign countries at whatever price suits them, we are curbing the spirit of the private sector industries. These are not the real facts, Sir. The private sector industries are allowed to function and they are also allowed to get technical skill from outside in case the same is not available in this country. Even about the technical fees, etc., from the statistics available with the Ministry, even when there was no restriction imposed on the foreign technical skill being brought into this country, the technical fees and the other fees paid to the foreign companies were not more than what has prescribed under the law. Even when they were allowed to do whatever they liked at that time,

also that figure has not exceeded. After introducing various regulatory measures—it is not only the small or medium scale which is growing and increasing in number in this country—even the big houses, which at one time cried that Government policies are hampering the industrial growth, also are coming forward with a large number of applications. They have to expand, diversify and also get into backward areas. Therefore, in the course of discussions, if some hon. Members were to feel that certain measures of the Government were hindering or hampering the progress of industry, that is not correct. In the Government, we have only one policy; that is, we want the industries to thrive; we want the industries to be managed efficiently; we want the industries to take care of the labour welfare problems; we want the private sector industries to run those private sector industries as though they belong to the nation, and not to private owners. There was a time when the Directors or Managers of these private sector industries were doing something which was unknown even to the members of the staff engaged in that particular industry. But, today, fortunately the labour has become vigilant, and the labour unions have also started playing their part and therefore that way of managing these private industries cannot continue.

Sir, the private sector industries have been financed to a large extent by the public financial institutions. Mr. Arjun Arora, Mr. Krishan Kant and Mr. Mohan Dharra—all of them—have been only insisting on this important point that the private industries which have got the finances from the public financial institutions, should be subjected to certain examinations and their reports, etc., should be made available to the Parliament and to the nation. I do not think there is anything wrong in the members' demand that when the public financial institutions are financing these industries, and if these industries are not properly managed, it is the duty of the industry itself to come out openly to place all the records before the public. It should not any more be a concealed thing, which is entirely to be managed or looked after by private Directors. That thing has become a thing of the past. But while appreciating the view expressed by our hon. Members, I only want to point out one thing that with the anxiety of placing everything before the Parliament and the nation, we should not create a scare in the minds of people who are running the industry and also...

SHRI KRISHAN KANT : But scare in the minds of the public sector...

SHRI M. R. KRISHNA : Sir, I have to cover a large ground. Therefore, let not Mr. Krishan Kant at this stage ask questions. I am prepared to answer all his questions one by one.

Sir, I only want to say that the private sector industries which have taken advantage of the public financial institutions will on their part bring out information not only about the institutions which have financed them but also other participants in that industry. In case this is not done, well, there are various other methods by which we can compel them to bring out the facts before the House and the nation...

SHRI KRISHAN KANT : With two standards : one for the private sector and one for the private sector.

SHRI M. R. KRISHNA : I will explain that also in detail. I do not like to create a fear in the mind of the private sector institutions which are managed efficiently and in a healthy manner. It is true that the industries which are indulging in malpractices, which are not helpful to the labour, which is not prepared to produce products in a manner it should...

SHRI KRISHAN KANT : The argument is wrong. We are not asking the reports of well-managed companies. We are only asking about the reports on companies indulging in malpractices. That should be placed on the Table.

श्री आर० पी० खेतान (बिहार) : जो कमीशन बिठाया गया है उसके बारे में भी बताएं उसकी रिपोर्ट नहीं आ रही है।

SHRI A. D. MANI : The Minister is not stating the fact correctly. I quoted section 15 which does not deal with the malpractices. It deals with the pricing policy of the industry, with the deterioration in quality. Why should he speak about malpractice ? We are all concerned with the quality of the products as consumers. You are misleading the House.

SHRI M. R. KRISHNA : Mr. Mani is a very very sober man and so soon he should not conclude like this. I will not try to mislead the House. I am only

trying to explain certain things which are involved in this and finally I will come to the Bill itself. I am only trying to explain what are the various complications involved in it.

SHRI KRISHAN KANT : Let him satisfy the House that he is partial to the mismanaged private sector.

SHRI M. R. KRISHNA : I have said that all the industries, whether private or public are owned by the nation. Even those who might have started their industry on their own money, the labour is to contribute for the production. The community will have to depend on the products. Therefore the entire community has to benefit by that industry. I am going still further to plead with the House and also to accept the views of the Members that even if there is a party which has floated a concern on its own money or the money which has been subscribed by its own family members even that concern cannot escape by saying that the money was contributed by the person or family members because they have a duty towards the community. Without the assistance of the community that industry cannot last. Therefore even such industries—that is our anxiety—should not be crippled and they should not completely die. We would like to protect those industries. I want even those industries to flourish in a healthy manner and they should not produce something which is inferior. They should not try to sell something which could not be sold at a proper price. All these things really matter. Therefore it is the concern of the Government to see and it is not only the public sector or the private sector and it is not only the 20 or 30 monopoly houses that are concerned but almost everyone will have to function efficiently and produce things both to cater for internal demands and also for external market. I was only trying to appreciate the feelings expressed by the Members that there should be the same treatment both for the private sector and for the public sector. So, while agreeing with that, I was only explaining certain things which are also interlinked with this problem. In one sentence we can bring a Bill before this House that all the private sector industries, their working, everything should be gone into and there should be a separate committee which should go into these aspects and bring out a report every year for the Members of Parliament to study. It can be easily

done. But what are the implications ? Are we going in that direction ? This is not a communist country. This is a democratic country where you allow the public sector, the private sector, the small industries, the medium-scale industries, every industry in general, to thrive, and therefore you have this kind of thing that there was something called private sector industries. Now the public sector industries have come in and we know that a Parliamentary Committee goes into the public sector undertakings. But that is a very limited thing; there are only a very small number of public sector units which can be conveniently taken up by the Parliamentary Committee. Even in these Parliamentary Committees—because I have also had the good fortune of serving on most of these committees—for example in the case of the public Accounts Committee, it used to examine the units which were in the public sector. And later on, when the number of public sector units increased, only at that stage Parliament rightly felt that there should be a separate committee to go into the public undertakings. Now, if we say that all the private industries should also be examined by that committee, it is not feasible. But then, in their case an Act has come into existence. It came into existence in 1951 and now, from 1951 to this day, there has been a lot of experience gained. We have seen how the private sector industries have been functioning, and we have also seen some of the reports brought out by the Commissions which have gone into the working of the private sector industries. And those reports have revealed some information which is very damaging, which is really very unhealthy. And because of that, those industries have been taken over by the Government. Even today there is nothing that prevents the Government from taking over any industry privately owned if their functioning is against the public interests. Under the same Industrial (Development and Regulation) Act we can advise certain industries which are not functioning properly. And after that, if an industry does not rectify its mistakes, if it does not change its attitude, if it continues to function in a manner which is harmful, Government can take it over. This happened in the case of the textile industry. Most of the legislations, which have come in order to regulate these things, have come in because of the textile or sugar mills. Now we have seen how some of these units have been functioning, how they have faltered, how they have misused the funds, how they sold their products. These things have

become very glaring, and there is nothing which can be said against the members who wanted the reports on examination of the private undertakings to be placed in this House. We very much appreciate it because...

SHRI KRISHAN KANT : Then accept them.

SHRI M. R. KRISHNA : ...they know from the available information and also from the information which may be flowing in the country and to the Members of Parliament, that all is not well with the private sector industries. But at the same time I do not like to stop the growth of the private sector industries. We should not give the impression to this country as well as to the countries outside that in this country nothing is allowed to grow, nothing is allowed to develop. You will have to accept the private sector and you will have to live with it. Even though we would like to expand or start consumer industries, yet we do not like to jump everywhere. We would like to pick up certain consumer goods industries where the private sector is not functioning well. If the private sector is functioning very well, and if it has understood the mood of the country and the nation, then there will be very little chance for us to get in everywhere. It is because the private sector industries are not functioning healthily, we would like to take up those things even though we may not be in a position to run them or manage them ourselves because, when some of the things like hotels were started by the Government, there were many Members who did not like it. They said why should the Government run hotels ? Why should the Government come into the sphere of the private sector ? This kind of arguments was advanced but, later on, even those members have realised and they have come to know that these things have really come into existence. We wanted the private sector also to understand that they cannot mismanage things. They cannot have monopoly in certain sectors and they cannot dictate terms to everybody. Even about the items which have been taken up for production by the Defence Ministry at one time the Members used to be very sore and they did not like the Defence Ministry to use its capacity or the labour in producing some of those things. There used to be a lot of criticism against it and this morning this House was discussing about AVRO. The history of AVRO is known to almost every Member. In this country as well as in foreign



[Shri M. R. Krishna]

countries they thought that AVRO is a plane which cannot be touched and the same thing was said even about Gnats also. They said that Gnat is a plane which cannot be used. There are many things which used to be said here as well as outside the country by foreigners who said that it is obsolete, that the Britishers had never touched it and how can the Indian Air Force use this kind of thing? This kind of argument was advanced both here in Parliament as well as outside but the attitude of the Government was to see that everything, even if it is produced in an inferior manner, should be produced within the country and we wanted our technicians and our people to be trained. Today in the whole world it has been established, to a small extent perhaps, that the engineering goods produced in this country is something, if not superior, at least equal to the products manufactured in other countries. Therefore Members should not forget that at one time we were not very happy about the things produced in the public sector in the country and every time we used to say that only things produced in foreign countries could be used. Later on this kind of thing used to be said about the private sector that whatever is produced in the private sector is supposed to be the best and produced more economically. When Members argued that whatever is being done in the private sector should be made available to Parliament in order to allow Parliament to have a very impartial view of these things there was nothing wrong. All that I am pleading with the Members is that while trying to do this kind of thing we have to be a little careful. If a defaulting company which has been asked under the Act to rectify its defects refuses to rectify them and continues to perform in the same manner and if the Government decides that it has to be taken over, that it should not be allowed to function in that manner, then we will have to come before Parliament with all the information about that company. If a company has faltered, if a company is mismanaged, if a company has misused its assets, after completing certain formalities—under section 15 of the Act we will have to give notice to the company and we will have to pinpoint the defects which have been found in the management—we have to ask the company to rectify the defects and if the company does not do so, it will be for the Government to come before Parliament and inform Parliament about that company and place all the information the Government has with them.

Therefore the Government is one with Member and we would like to place all the information regarding the defaulting company before Parliament. It may not be a full report; it may be a summary report but we would not hesitate to bring it to the notice of Parliament.

**SHRI KRISHAN KANT :** Why not full report? Full report of the Committee on public Undertakings is placed on the Table of the House.

**SHRI M. R. KRISHNA :** My dear friend, if I place the full report before Parliament it will only consume a lot of your time.

**SHRI KRISHAN KANT :** It does not matter.

**SHRI M. R. KRISHNA :** If we give a gist, if we give a summary, it will only lessen your labour.

**SHRI KRISHAN KANT :** We have had the experience of the Ruby Insurance Company and what kind of summary we had from Mr. Morarji Desai. We have discussed it in this House. We want the full report.

**SHRI BHUPESH GUPTA (West Bengal) :** I suggest you to give the full report and also a summary. Whoever likes whichever report can use it.

**SHRI M. R. KRISHNA :** I do not underestimate the intelligence of the hon. Members of this House. From the summary itself they would be able to know what is the main report. Now, I assure my hon. friend, Mr. Krishan Kant, and, through him, Mr. Arjun Arora . . .

**SHRI BHUPESH GUPTA :** If the Deputy Minister is a summary of the Minister, we do not know how the Minister is like.

**SHRI M. R. KRISHNA :** Today when Mr. Bhupesh Gupta is paying tributes or compliments to the Deputy Minister he has forgotten the senior Minister. He is always very kind to his junior Ministers. A summary of the report, I think, will be made available to the House before it is actually taken over. When the company is taken over, the whole report will be before Parliament and before the nation. Under section 16 . . .

**SHRI BHUPESH GUPTA :** Why do you not take over the Basumati ? It is a company which has closed down illegally throwing 550 journalists and non-journalists out in the street. Having violated the Industrial Disputes Act and also having mismanaged the funds, why cannot you take over the Basumati in Calcutta and give it to the journalists and non-journalists to run it as a co-operative ?

**SHRI M. R. KRISHNA :** I think the Minister concerned—probably he is here—will be able to answer that. Now, it has become so easy for anybody to warrant an investigation into a company's affairs. The labour can warrant an investigation. The directors can warrant an investigation. The public financial institutions can warrant an investigation. Therefore, today we are in a very happy position and Mr. Krishan Kant and his dear friend, Mr. Arjun Arora, should not think that even if the Government or some people may be interested in not exposing certain houses, the country, the people and the labour are going to be satisfied. Let them not have this apprehension that anybody can shield a company which is not properly functioning. Because of the labour legislation and the freedom that is being given to them in the public sector, but which is denied to some extent to the private sector, they will all be exposed by the labour and others. Therefore, at this stage I would only thank the Members who have focused our attention on this very important thing. This Act which came into force from 1951 has already had about twenty years of experience and there are various other things which have to be gone into. There are different sections that require modification in order to meet the fresh challenges and, therefore, the very Act has to undergo a change. At that time we shall take the spirit in which this amendment has been brought forward by Mr. Arjun Arora and ably supported by his dear friends like Mr. Krishan Kant, Mr. Kulkarni, Mr. Bhupesh Gupta and our elderly friend, Mr. Mani. It was really supported by almost everybody in this House. Everyone, including Mr. Khaitan, wanted that an account of the private sector should be placed before the House.

**SHRI KRISHAN KANT :** But still you do not accept it.

**SHRI M. R. KRISHNA :** Still I say in all fairness that we would like to bring  
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out a summary of it. The whole Act will be gone into and we are working on it.

**SHRI BHUPESH GUPTA :** You have been asking us to be satisfied with a summary, but remember what a long speech you are making. Give us a summary of your speech.

**SHRI M. R. KRISHNA :** I wanted the Members to be helpful to me. There are many suggestions given by almost every Member. In the beginning itself I said there are many things which do not concern the Bill. Yet I have to answer.

I think you, Sir, and hon. Members for giving me this opportunity to reply.

**MR. DEPUTY CHAIRMAN :** Mr. Arora is not here to reply to the debate. Therefore, I have to put the question now to the House.

The question is :

“That the Bill further to amend the Industries (Development and Regulation) Act, 1951, be taken into consideration.”

The House divided.

**MR. DEPUTY CHAIRMAN :** Ayes—19; Noes—39.

**AYES—19**

Basu, Shri Chitta  
Bhadram, Shri M. V.  
Das, Shri Banka Behary  
Gowda, Shri U. K. Lakshmana  
Gupta, Shri Balkrishna  
Gupta, Shri Bhupesh  
Kemparaj, Shri B. T.  
Mandal, Shri B. N.  
Mani, Shri A. D.  
Mathur, Shri Jagdish Prasad  
Menon, Shri Balachandra  
Menon, Shri K. P. Subramania  
Mukerjee, Shri Pranab Kumar  
Murthy, Shri B. P. Nagaraja  
Panda, Shri Brahmananda  
Roy, Shri Monoranjana  
Sardesai, Shri S. G.  
Thengari, Shri D.  
Varma, Shri Man Singh

**NOES—39**

Anandan, Shri T. V.

Appan, Shri G. A.  
 Bachchan, Dr. H. R.  
 Baharul Islam, Shri  
 Bhatt, Shri Nand Kishore  
 Das, Shri Balram  
 Dass, Shri Mahabir  
 Dharia, Shri M. M.  
 Dikshit, Shri Umashankar  
 Hussain, Shri Syed  
 Kalyan Chand, Shri  
 Kaul, Shri B. K.  
 Khaitan, Shri R. P.  
 Khan, Shri Akbar Ali  
 Kulkarni, Shri B. T.  
 Mehta, Shri Om  
 Mohamod Usman, Shri  
 Mohideen, Shri S. A. Khaja  
 Nandini Satpathy, Shrimati  
 Narayani Devi Manaklal, Shrimati  
 Neki Ram, Shri  
 Patil, Shri P. S.  
 Purabi Mukhopadhyay, Shrimati  
 Purakayastha, Shri Mahitosh  
 Roshan Lal, Shri  
 Salig Ram, Dr.  
 Sangma, Shri E. M.  
 Sarojini Krishnarao Babar, Dr. Kumari  
 Satyavati Dang, Shrimati  
 Savnekar, Shri B. S.  
 Schamnad, Shri Hamid Ali  
 Shah, Shri K. K.  
 Sharma, Shri Anant Prasad  
 Shukla, Shri M. P.  
 Sinha, Shri Awadheshwar Prasad  
 Tyagi, Shri Mahavir  
 Untoo, Shri Gulam Nabi  
 Vidyawati Chaturvedi, Shrimati  
 Yadav, Shri Shyam Lal.

*The motion was negatived.*

SHRI BHUPESH GUPTA : Sir, I rise on a point of order. We did not have Mr. Arjun Arora here now, the Mover of this excellent Bill; and he was to have replied. Now, it appears that the Congress Members rushed into this House to defeat a Bill of one of their own party Members. It follows that they have prevented the original Mover from coming to the House.

SHRI MAHAVIR TYAGI : Sir, I want to raise a point of order. That is for future also. Our Secretariat might make a note of it. I myself was very much upset. As soon as you said 'Division', I just pressed that. And hardly half a minute was given after the bell rang. This is a wrong procedure. I insist that after the division is called, there must be a fixed time, a minute or two, or whatever you suggest. It was only half a minute after the bell rang, and there was no time even for voting. But I suggest that there may be some fixed time for it.

MR. DEPUTY CHAIRMAN : Time for coming in? If you have to vote . . .

SHRI MAHAVIR TYAGI : When you say 'Division', after that you press the button. There must be some time, one or two minutes. Here it was hardly half a minute when the result was out.

SHRI BHUPESH GUPTA : This point should be considered. After all, he has joined a party which takes very much time to move.

MR. DEPUTY CHAIRMAN : Tyagiji, the procedure that we follow is this. The Secretary asks the hon. Members to be ready for voting. And he starts the voting procedure. The lights are on all the time. There is a complete circle of the lights within which there should be voting. Part from that, suppose any hon. Member could not record his vote or there has been some mistake in recording his vote something like that...

SHRI MAHAVIR TYAGI : Why should there be a hurry? After all, when you say 'Division', let us wait, let the result come after a minute so that they can comfortably vote. After we have voted, it must take at least one minute.

SHRI M. M. DHARIA (Maharashtra) : This the House of Elders.

SHRI MAHAVIR TYAGI : It causes us inconvenience.

MR. DEPUTY CHAIRMAN : What I was going to say was supposing there is a mistake in voting, it can be rectified before the result is announced.

SHRI MAHAVIR TYAGI : What is the harm in extending the time? It does not go against any Rules.

SHRI BHUPESH GUPTA : It is true. If you had extended the time a

little on the voting on the Privy Purse Bill, the D. M. K. Member would have come in and the Privy Purse Bill would have been passed in this House. So there is something in what he says.

MR. DEPUTY CHAIRMAN : All right. The Secretary will in future wait for about half a minute after warning the Members.

### REFERENCE TO THE ELEVENTH REPORT OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

श्री नेकीराम (हरियाणा) : उपसभापति जी, मैं आपकी इजाज़त से अनुसूचित जातियों तथा अनुसूचित जनजातियों के कल्याण...

श्री उपसभापति : उसका सवाल यहां कहाँ उठ रहा है ?

श्री नेकीराम : मैं एक मिनट लूंगा, आप सूनिए। यह अनुसूचित जातियों तथा अनुसूचित जनजातियों के कल्याण सम्बन्धी समिति की 11 वीं रिपोर्ट है। उसके पेज 30 पर देखिए शेड्यूल्ड कास्ट का खना गायब है, कुछ नहीं दिखाया गया है। तो मैं आपके जरिए हाउस से अनुरोध करूंगा कि या रिपोर्ट ठीक करके टेबल पर रखी जाय।

श्री कल्याण चन्द (उत्तर प्रदेश) : मान्यवर, यह इनकम्पलीट रिपोर्ट है।

श्री नेकीराम : इसमें जनजाति दिखाई गई है जहाँ उसकी आबादी भी नहीं है।

MR. DEPUTY CHAIRMAN : It was some time back, I think, not today.

श्री नेकीराम : आइन्दा के लिए मैं आपके जरिए हाउस से अनुरोध करूंगा कि जो मेम्बर समिति में होते हैं उनको एक दिन पहले रिपोर्ट भेज दी जाय जिससे वे देख लें कि वह गलत है या सही है नहीं तो बाद में हमारे मध्ये मड़ी जायेगी कि गलत बना दी। सारे आंकड़े गलत हैं।

श्री जगदीश प्रसाद माथुर (राजस्थान) : चौधरी साहब, रखने से पहले आप पढ़ लेते।

श्री नेकीराम : मैंने तो नहीं रखी।

श्री जगदीश प्रसाद माथुर : इस कमेटी के आप मेम्बर हैं।

MR. DEPUTY CHAIRMAN : Mr. Neki Ram, please sit down. He has raised a point that the Report that has been placed on the Table of the House, is not a correct report which was adopted by the Committee on Scheduled Castes and Scheduled Tribes. I do not know what is the factual position. Whether the correct Report has been placed on the House or not. It is very difficult for me to say in absence of the verification of the facts and the allegation made by Mr. Neki Ram.

SHRI M. V. BHADRAM (Andhra Pradesh) : He is a Member of the Committee.

MR. DEPUTY CHAIRMAN : Let the hon'ble Member show me the Report as it was adopted by the Committee as also the one placed on the Table of the House, and only after verifying both I can say whether any mistake has been made or not.

### THE PAYMENT OF BONUS (AMENDMENT) BILL, 1966 (Motion for Reference to a Select Committee)

SHRI CHITTA BASU (West Bengal): Sir, I move :

"That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select committee of the Rajya Sabha consisting of the following members with instructions to report by the first day of the next Session :

1. Shri Banka Behary Das.
2. Shri M. K. Mohta.
3. Shri Sitaram Singh.
4. Shri A. D. Mani.
5. Shri T. K. Srinivasan.
6. Dr. Salig Ram.
7. Shri B. S. Savnekar
8. Shri Nand Kishore Bhatt
9. Shri Sultan Singh.