

PRIVATE MEMBERS' BILLS

under section 10-A of the Companies Act.

<i>Saturday.</i>	Time allotted hrs. mt*.
i. The Companies (Amendment) Bill, 1962 by Shri A.B. Vajpayee (Further discussion)	2 00
2. The Hindu Marriage (Amendment) Bill, 1962, by Shri Sitaram Jaipuria	1 do
3. The Constitution (Amendment) Bill, 1963 (to amend articles 16, 32, 134 and 226 and insertion of new article 37A) by Shri K.V. Roshan	1 00
4. The All-India Services (Amendment) Bill, 1963, by Shri A.M. Tariq	2 00

In order to be able to complete the business, the Committee has further recommended that the House may curtail or dispense with the lunch recess and sit beyond 5.00 P.M. as and when necessary.

THE COMPANIES (AMENDMENT) BILL, 1964

THE MINISTER OF PLANNING (SHRI B. R. BHAGAT) : Mr. Vice-Chair man, I beg to leave to move:

"That the Bill further to amend the Companies Act, 1956, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill seeks to replace the Ordinance which was promulgated by the President on the 5th of July, 1964, with a view to giving temporary protection against victimisation of the employees of any company during the course of investigation of its affairs, true ownership and other related matters or during the pendency of any proceedings against any managerial personnel of that company before the Tribunal constituted by Government

Experience has shown that investigations by Inspectors have often been hampered by the inadequate disclosure of factual information by the employees of the companies concerned in regard to various matters to be scrutinised by the Inspectors. Although the employees are normally expected to furnish all the relevant information to Inspectors, it has been found that more often than not, they hesitate to disclose the full facts for fear of victimisation by their employers. This issue was pointedly brought to the notice of Government in connection with certain investigations currently in progress against certain companies, where the Inspector had to face serious difficulties on account of the reluctance of employees to give the required information to him for fear of victimisation. Similar difficulties were also anticipated in connection with collection of facts by Government for referring to the Tribunal under section 388-B of the Companies Act, cases of fraud, misfeasance etc. against the managerial personnel of any company. There was no provision in the Companies Act to meet such an eventuality and as it was apprehended that some of the companies, whose affairs were under investigation might take action against their employees if they disclosed full information to the Inspectors, Government considered the matter carefully and felt that an amendment of the Companies Act to provide some measure of protection to the employees of such companies was a matter of extreme urgency. Accordingly Government promulgated an Ordinance as already stated by me at the outset.

The amendment which this Bill seeks is by way of introducing a new provision, section 635-B which provides *inter alia* that if during the course of investigation by an Inspector or during the pendency of any proceedings before the Tribunal a com-

[Shri .B R. Bhagat.]

pany proposes to discharge, dismiss or otherwise punish any employee, the company shall send to the Company Law Board previous intimation in writing of the action proposed against the employee and if the Company Law Board has any objection thereto, it shall send notice of objection in writing to the company. If, however, the company does not receive within thirty days of the sending of the previous intimation of the action proposed, any notice of objection from the Company Law Board, then the company may take the proposed action against the employee. If the company is dissatisfied with the objection raised by the Company Law Board, it may within thirty days of the receipt of the notice of objection prefer an appeal to the Tribunal and the decision of the Tribunal on such appeal will be binding on the Company Law Board as well as on the company.

The scope of this Bill is thus very limited, Mr. Vice-Chairman, and I may also inform the House that the question of the Company Law Board objecting to the action proposed to be taken by a company against any of its employees will arise only where in the opinion of the Board the reason for the proposed action against the employee concerned might be on account of the disclosure by him to the Inspector or any other officer of Government of information relating to the affairs of the company. Even where the Company Law Board raises any objection to the action proposed by a company, body or person concerned, the latter has a right to prefer an appeal to the Tribunal whose decision shall be final. Finally, Mr. Vice-Chairman, I trust that this Bill which received unanimous support in the other House will find ready and unanimous acceptance in this House as well.

With these remarks, Sir, I move that the Bill be taken into consideration.

The question was proposed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): I request somebody else may please speak now.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Shri Thengari.

SHRI D. THENGARI (Uttar Pradesh) : Mr. Vice-Chairman, at the very outset, I would like to congratulate the Ministry on having brought forward this Bill which is the need of the hour, particularly when we are out to weed out large-scale corruption. It is true that enquiries under the provisions of sections 235, 237, 239, 247, 248 and 249 of the Companies Act, cannot be properly conducted unless the employees are extended adequate protection. The Government is further justified in anticipating difficulties in connection with the collection of facts for referring to the Tribunal under section 388-B of the Companies Act, cases of fraud, etc. against the managerial personnel. The employers are not justified in drawing a line of demarcation between informants and informers. No informer can render any damage to any company if the affairs of the company are, as they say, like Caesar's wife, above suspicion. Again, the information conveyed to the investigating officer would be secret and it would not be publicised. So, no danger would accrue to the company, whether these people are described as informants or as informers. The employers have again taken exception to sub-section (4) of this proposed section and they think that this would tantamount to ousting the rule of law. As a matter of fact, it is casting aspersions on the integrity of our tribunals and, therefore, there is no basis or foundation whatsoever for this apprehension.

While I congratulate the Government for introducing this Bill, I do feel that this is an inadequate step though in the right direction. The Bill is for a limited purpose but unfortunately the protection extended by the

Bill to the employees is also limited because only during the pendency of the enquiry would the workers enjoy protection. Now, the employers; are of the view that the period of protection must be specified. This demand of the employers suggests that they want to victimise, to dismiss or discharge the employees furnishing information to the investigating inspectors once this specified period is over.

Therefore, no worker or no officer would come forward and co-operate freely with the inspectors if he is also not assured that he would not be victimised even after the culmination of the enquiry. Now, there are ways of victimising workers. It is not necessary for the employers to say in so many words that after the culmination of the enquiry they would proceed against the employees for furnishing information. We all know in the field of labour that under various disguises, by giving different charge-sheets the employers victimise their employees. As a matter of fact, it would work like vengeance and therefore, it is necessary that even after the culmination of the enquiry protection should be extended to the employees. The case of officers drawing more than five hundred rupees per month would be still more precarious for it is this particular class that is in a position to give effective co-operation to the investigating officers because they are in possession of important statistical facts of the company and again it is this particular class of officer drawing more than five hundred rupees per month that is all the more defenceless even as compared to the workmen because the workmen enjoy protection under the Industrial Disputes Act whereas even this protection is not available to the officers.

Therefore, those very officers whose co-operation would matter would be most unwilling to co-operate with the inspectors for the simple reason that they would have no protection after the enquiry is over. I would, Therefore, request the hon. Minister to suitably amend this amending Bill so

that even after the enquiry is over the employees, whether they are workmen or officers, get adequate protection. Then alone would the workman or the officer have the courage to extend co-operation to the investigating officers. I hope that this suggestion of mine would be taken seriously into consideration.

With these words and suggestions, I support the Bill. Thank you.

شرعی عید الغنی (پنجاب) : وائس

چند مہینے صاحب - یہ بل جو لایا گیا ہے اس پر مبارک باد بھی دے سکتا ہوں - کیونکہ بظاہر تو یہی ہے کہ یہ مزدوروں کے حق میں ہے - اگر ایسا ہی اس کا آپتیکٹ ہے تو یقیناً کوئی آدمی ایسا نہیں ہو سکتا جو اس بل پر اعتراض کرے لیکن تجربہ بالکل اس کے الٹ ہے۔ کمپنیز میں فوق ہے - ایک کمپنیز وہ ہیں جو اس ایکٹ کے تحت آتی ہیں اور کچھ کمپنیز ایسی ہیں کہ سپریم کورٹ کا جج بھی یہ روکت دے کہ جو پرائمر منسٹر صاحب نے شری کے - دی مالویہ کے خلاف چارجز دیئے ہیں - اس میں دو ایسے ہوتے ہیں جن میں پرائیمیریسی کیس ہے لیکن ان کو ہاؤس کے سامنے نہ لایا جائے تو کمپنیز میں یہ بات کہنی کہ جنہوں نے سرکار کی مدد سے کروڑوں روپیہ لگا کر کارخانہ لگا اور اس میں ہزاروں مزدور کام کرتے ہیں - بڑی تنخواہ والے بھی کام کرتے ہیں اس میں کوئی شک نہیں کہ کچھ کمپنیز ایسی

[شری عبدالغنی]

میں جن میں مزدوروں کے ساتھ بھی
بہی زیادتیاں ہوں لیکن اس بل
میں یہ کہا گیا کہ چاہے کتنا بھی
انڈسٹریل کمپن نہ ہو کام کرنے والا وہ
ٹیکنیکل ہیلتھ ہو وہ کلیریکل جاب
میں وہ بے چارہ لہجہ ہو اس پر
کوئی ایجنٹ نہیں ہو سکتا - تو مجھے
دور ہے کہ ایسے موقع پر جب کہ
چائنا نے ابھی اپنی آنکھیں نہیں
بدلوں چائنا نے اپنا رخ نہیں بدلا کہ
وہ کسی بھی طرح سے با عزت سمجھوتہ
ہمارے دیس سے کرے - آج اس کی
ضرورت دکھائی نہیں پڑی - ان حالات
میں یقیناً سرکار چاہے گی کہ زیادہ سے
زیادہ سٹوکشرن ہو وہ کمپن نہ اسلئے
کا ہو وہ کمپن نہ فوجوں کی باقی
ضروریات کی جو چیزیں ہوں ان کا
ہو - اور چونکہ وائس چیمبر میں
صاحب - یہ حقیقت ہے کہ بہت
زیادہ سامان سرکاری فیکٹریوں کے علاوہ
انہیں کمپنیز کی مدد سے تیار ہوتا
ہے - آپ سادھرن طریقہ سے یہ بات
کہتے ہیں اور دوسری طرف آپ یہاں
تک گئے ہیں کہ جو ٹریبونل کا فیصلہ
ہو جائے اس کو فائنل مان لیا جائے -
میں سمجھتا ہوں یہ بھی کوئی ایسی
پسندیدگی نہیں ہے کہ جناب ادھر
میں نے عرض کیا کہ ٹھیک ہے کہ
ان مالکوں کو ادھکار ہونا چاہیئے کہ
وہ گاجر موٹی کی طرح مزدور کو
کٹ کر پھینک دیں لیکن یہ بھی

نہیں کہ اگر کام میں رکاوٹ پڑتی ہو تو
اس کو یہ ادھکار ہو نہ ہو کہ کس
کے الگ کر سکے - جیسا کہ بقول نندا
جی کے کوئی پروٹو فیس کیس آئے تو
پروٹو فیس کا فیصلہ بھی نندا جی 3 P.M.
خود کریں - شاستری جی کریں -
دنہانا کرے ججز نہ کریں اگر وہ
پروٹو فیس ہے - اس لئے کہ ایمرجنسی
ہے - اس لئے کہ ایمرجنسی کی ضرورت
ہے تو میں سمجھتا ہوں کہ ان
مزدوروں کے حق میں ہے اور نہ ہی
سرکار کے حق میں جاتا ہے - اسی
طرح سے ٹریبونل کا فیصلہ جو ہے اس
کو فائنل سمجھ لیا جائے یہ بھی زیادہ
پسند نہیں ہے تو میں مانتا ہوں
وائس چیمبر میں صاحب - کہ اس وقت
کروڑوں روپیہ نہیں آ رہی روپیہ بڑی
بڑی کمپنیز کہا جاتی ہیں بڑے بڑے
قوم کہا جاتے ہیں - سرکار کا نہیں پبلک
کا کہوں کہ یہ سب پبلک فلت میں
آتا ہے - انکم ٹیکس دفتر - لیکن اس
میں کسی راستہ سے جا رہی ہے یہ
سرکار جو آپ کو کہتی ہے کہ گاندھی
در کی سرکار ہے سہاتما گاندھی کے
چاہنے والوں کی سرکار ہے - وہ برائے
دے کسی کو اور کہئے بتاؤ ملک نے
کہاں کہا رکھا ہے - تو اس سے تو
ہندوستان کا اخلاق بہت بگڑنے والا ہے
اس کو کوئی کہے سندر طریقہ ہے میں
مانتا ہوں - مانتا چاہئے لیکن
سارے کس کو میں کہا اس سرکار کو
ہتہ نہیں ہے کہ جو دنوں میں
ہزاروں روپے کروڑ روپے ہوں گئے ہیں یہ

انکم ٹیکس کی سختیاں کیوں روا نہیں کی جاتیں وہ ایک نہیں ہیں وائس چھرمین صاحب - ہزاروں روپے جو ایک ایرو کی جنٹری سے نواب راجہ بلے میں تو میں مانتا ہوں کمپنی پر کافی ہمت کے ساتھ آپ اس کو عمل میں لائیں - وائس چھرمین صاحب - اگر ایسا دامن صاف ہے تو وہ دوسرے کی چادر پر اعتراض نہ کرنا ہے - لیکن آج حالت کیا ہے ؟ بڑے بڑے چھف منسٹروں پر بڑے بڑے منسٹروں پر جن کو یہ ادھکار دیئے والے ہیں - آپ تمام کمپنیز کو قزاقا چاہتے ہیں - اگلے الیکشن کے لئے کانگریس کو کوئی امداد زیادہ چھٹنے کی نہیں رہی اس لئے وہ کمپنیز کر قزاقا چاہتی ہے - پہلے کمپنیوں سے روپیہ لینا جائز قرار دیا گیا تھا کیوں کہ آپ دیکھیں میں کوئی قانون ہے نہیں کہ کمپنیز فلڈس نہ لئے جائیں - کروڑوں روپیہ نہیں تو لاکھ روپیہ کانگریس کمپنیوں سے لیا - وائس چھرمین صاحب - ابھی میں نے دیکھا کہ یہ کمپنیز جن پر یہ ایکٹ لاگو کرنا چاہتے ہیں اور ہمارے بھگت صاحب نے جس بل کو بڑی محنت سے پیسہ کیا ہے ان سے کافی روپیہ ابھی لیا جاتا ہے - ابھی ہمارے کانگریس کے پریذیڈنٹ پنجاب میں گئے تھے تو ان کمپنیز نے یہ سارا روپیہ دیا - لاکھوں کی ٹھکانوں کی گنتیں - ایک جگہ

تقریباً لاکھ روپیہ دیا گیا اور ایک جگہ ۳۵ ہزار روپیہ دیا گیا - جس طرح گاندھی جی ایک ایک پیسہ جگہ جگہ جا کر اکٹھا کرتے تھے ساری چلتا سے اس میں ایسا نہیں ہوا - ہماری سرکار کی جو پیمائش ہے کہ مزدور بے چاروں کا بھلا ہو کہ وہ سوشلزم کی حامی سرکار ہے لیکن میں سمجھتا ہوں کہ ایسی نہیں ہے - یہ تو صرف کمپنیز پر ایسا ادھکار کرنا چاہتی ہے - جیسا کہ میں نے پہلے کہا تھا کہ قیموگریسی کے پردہ میں راز شاعی کام کر رہی ہے اور اس سے بھی زیادہ سے زیادہ شدید آید ہو سکتے ہیں یہ کانگریس سرکار قیموگریسی کی حامی سرکار اپنے شانہ میں ہے - ادھکار لینا چاہتی ہے اور ان کی خواہش یہ ہے کہ اس طرح سے کہہوا قال دیا جائے کہ کوئی ان کے سامنے دم نہ لہنے پارے - کروڑوں روپیہ لے کر خانے برباد ہو جاتے ہوں لیکن اس سرکار کو یہ ادھکار نہیں ہے کہ وہ کسی کو سسپنڈ کرے کسی کو نکال سکے - تو اس کے معنی کیا ہیں ؟ اس کے معنی یہ ہیں کہ وہ گدیوں پر قائم رہنا چاہتی ہے - وائس چھرمین صاحب - میں قزاقا ہوں کہ اس سے گدیاں تائم رہنے والی نہیں ہیں نہونکہ حالات . . .

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव): आप क्या बोल रहे हैं और बिल क्या है।

[شری عبدالغنی] : میں سوچتا ہوں کہ یہ کہہ رہا تھا اور یہ عرض کر رہا تھا کہ آپ نے اس قانون میں یہ رکھا ہے کہ کوئی بھی کیس ڈیپوٹنل تک ہی جا سکتا ہے اور اس میں آپ نے ہائی کورٹ میں اپیل کرنے کی اجازت نہیں رکھی ہے۔ لا میں یہ رکھا ہے کہ کسی بھی مزدور کو وہ نہیں نکال سکتے ہیں چاہے کچھ بھی ہو۔ جب تک مسئلہ ڈیپوٹنل کے حوالے نہ جائے۔ اگر سوکار تین سال تک کوئی ایکشن نہ لے تو کیا یہ معاملہ لٹکا رہے گا۔ مہرا کہتا ہے کہ جہاں این کے من میں آتی ہے وہاں وہ قالمیا کو دے مارتے ہیں لیکن سالویہ کو کوئی نہیں پوچھتا۔ مہرا کہتا ہے کہ اگر این کی یہ نیت ہے کہ اس بل سے مزدوروں کو بھلا ہوگا تو مجھے کوئی اعتراض نہیں ہے لیکن ان کے عمل سے مجھے ایسا نہیں دکھائی دیتا ہے۔ آپ کم راج کا نام لیتے ہی خفا ہو گئے ہیں واپس لے لیتا ہوں۔

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव) : मैं किसी का नाम लेने से खफा नहीं होता ।

شری عبدالغنی : وائس چیرمین صاحب - مجھے کافی اس بارے کا وچار دیتا ہے کہ برسوں تک زندگی اپنے ساتھ ہوں کے ساتھ گذاری ہے۔ اس لئے میرے کہنے کا مطلب یہ ہے کہ یہ جو بل آپ لائے ہیں یا جو بھی بل

لائیں - آپ مجارٹی میں ہیں اور اس مجارٹی کے بل پر آپ جو چاہیں پاس کر لیجئے۔ اس میں کوئی تکلیف نہیں ہے لیکن یہ کب تک چلے گا؟ ڈیموکریسی کے نام پر ڈیموکریسی کا خون ہو تو اس کا مطلب کیا میں یہ سمجھوں کہ آپ بالکل ٹھیک کر رہے ہیں۔ مہرا کہتا ہے کہ آپ دیس میں جو کچھ کرنا چاہتے ہیں کیجئے لیکن ایسا نہ کیجئے کہ کل آپ کو پچھتانا پڑے اور دی - ٹی - آر کے تحت بھوبھس گوتا کی فوج کو گرفتار کرنا پڑے۔ اس لئے میں چاہتا ہوں کہ اس بل میں تھوڑی سی لچک آئی چاہیئے۔ آپ جو بھی بل لائیں جہاں آپ ایک طرف دھیان رکھتے ہیں وہاں آپکو دوسری طرف بھی دھیان کرنا چاہیئے۔ یہ میں اس لئے عرض کر رہا ہوں کیونکہ میری دلی خواہش ہے کہ اس دیس میں ڈیموکریسی قائم رہے۔ اس کے ساتھ ایمرجنسی کے دور میں جب میری آنکھیں ساری باتوں دیکھ رہی تھیں تو چہن ایک طرف تو ہمیں دیکھ رہا ہے دوسری طرف روس کو دیکھ رہا ہے۔ اور تیسری طرف مشرقی ممالک کو اپنی آنکھ سے دیکھ رہا ہے۔ تو اب بھی ایسی حالت میں اس طرح کے سخت قانون بنانا کہ جس سے ہمارے ہاتھ بندھ جائیں مناسب نہیں ہوگا۔ میں ماننا ہوں کہ میرے تھوڑے شہد جو میں نے عرض کئے وہ تلخ کیوں نہ

میں لوگوں کانگریس کے بھائیوں کو خفا نہیں ہونا چاہئے۔ آپ کمپنیز سے رویہ لے کر الیکشن جیتنا چاہتے ہیں تو سونے کی جو مرغی ہے اس کو ہی ست مارئے بلکہ اس کو انڈا دینے دیجئے۔ اگر وہ انڈا دیتی ہے تو کہا لہجئے اگر نہیں دیتی ہے تو صدر کہجئے۔

†[श्री अम्बुल गनी (पंजाब): वाइस चेयरमैन साहब, यह बिल जो लाया गया है उस पर मुबारकवाद भी दे सकता हूँ क्योंकि बजाहिर तो यही है कि यह मजदूरों के हित में है। अगर ऐसा ही इसका आर्बिट्रेट हो तो यकीनन कोई आदमी ऐसा नहीं हो सकता जो इस बिल पर एतराज करे। लेकिन तजुबी बिल्कुल ही इसके उलट है। कम्पनीज-कम्पनीज में फर्क है। एक कम्पनीज वह है जो इस एक्ट के तहत आती है और कुछ कम्पनीज ऐसी हैं कि सुप्रीम कोर्ट का जज भी यह वडिबट दे कि जो प्राइम मिनिस्टर साहब ने श्री के० डी० मालवीय के खिलाफ चार्जज भेजे हैं उसमें दो ऐसे होते हैं जिनमें प्राइमाफेसी केस है। लेकिन उनको हाउस के सामने न लाया जाए। तो कम्पनीज में यह बात कहनी कि जिन्होंने सरकार की मदद से करोड़ों रुपया लगाकर कारखाना लगाया है और उसमें हजारों मजदूर काम करते हैं, बड़ी तनख्वाह वाले भी काम करते हैं। इसमें कोई शक नहीं कि कुछ कम्पनीज ऐसी हैं जिनमें मजदूरों के साथ बड़ी बड़ी ज्यादतियां हुईं। लेकिन इस बिल में यह कहा गया कि चाहे कितना भी इन्डिस्पलिन क्यों न हो, काम करने वाला वह टैक्निकल हैंड हो, वह क्लेरीकल जॉब में हो, वह बेचारा लेबरर हो, उस पर कोई एक्शन नहीं हो सकता। तो मुझे डर यह है कि ऐसे मौके पर जब कि चाइना ने अभी अपनी आंखें नहीं बदलीं, चाइना ने अपना छह नहीं बदला कि वह किसी भी तरह से वा-इज्जत

समझौता हमारे देश से करे। आज इसकी जरूरत दिखाई नहीं पड़ती। इन हालात में यकीनन सरकार चाहेगी कि ज्यादा से ज्यादा संरक्षण हो, वह क्यों न असले का हो, वह क्यों न फौजियों की बाकी जरूरियात की जो चीजें हैं उनका हो। और चूंकि वाइस चेयरमैन साहब, यह हकीकत है कि बहुत ज्यादा सामान सरकारी फैक्ट्रियों के अलावा उन्हीं कम्पनीज की मदद से तयार होता है। आप साधारण तरीके से यह बात कहते हैं और दूसरी तरफ आप यहां तक गये हैं कि जो ट्रिब्यूनल का फैसला हो जाये उसको फाइनल मान लिया जाये। मैं समझता हूँ कि यह भी कोई ऐसी पसंदीदगी नहीं है कि जनाव इधर मैंने अर्ज किया कि ठीक है कि उन मालिकों को अधिकार होना चाहिए कि वह गाजर-मूली की तरह मजदूर को काट कर फेंक दें; लेकिन यह भी नहीं कि अगर काम में रुकावट पड़ती हो तो उसको यह अधिकार भी न हो कि किसी को अलग कर सके। जैसा कि बतौर नन्दा जी के 3 P.M. कि कोई प्राइमाफेसी केस आये तो प्राइमाफेसी का फैसला भी नन्दा जी खुद करें, शास्त्री जी करें, दुनिया न करे, जजेज न करें यदि वह प्राइमाफेसी है। इसलिए कि एमरजेंसी की जरूरत है तो मैं समझता हूँ कि इन मजदूरों के हक में है और न ही सरकार के हक में जाता है। इसी तरह से ट्रिब्यूनल का फैसला जो है उसको फाइनल समझ लिया जाये। यह भी ज्यादा पसन्द नहीं है तो मैं मानता हूँ वाइस चेयरमैन साहब, कि इस वक्त करोड़ों रुपया नहीं, अरबों रुपया बड़ी बड़ी कम्पनीज खा जाती है, बड़े बड़े फर्म खा जाते हैं। सरकार का नहीं पब्लिक का, क्योंकि यह सब पब्लिक फंड में आता है, इन्कमटैक्स वगैरा। लेकिन इसमें किस रास्ते से जा रही है यह सरकार जो कि अपने आप को कहती है कि गांधीवाद की सरकार है। महात्मा गांधी के चाहनेवालों की सरकार है; वह आइय दे किसी को और कहे कि बताओ मालिक ने कहा क्या रखा है। तो इससे तो

[श्री अब्दुल गनी]

हिन्दुस्तान का इखलाक बहुत बिगड़ने वाला है। इसको कोई कहे कि सुन्दर तरीका है, मैं मानता हूँ, मानना चाहिए। लेकिन मारते किस को हैं? क्या इस सरकार को पता नहीं है कि जो दिनों में हजारों वाले करोड़पति बन गये उन पर यह इन्कम-टैक्स की सख्तियाँ क्यों रखा नहीं की जाती। वह एक नहीं हैं वाइस चेयरमैन साहब, हजारों हैं जो कि एक आबरू की जुम्बिस से नवाब-राजा बने हैं। तो मैं मानता हूँ कि कम्पनी पर काफी हिम्मत के साथ आप इसको अमल में लायें। वाइस चेयरमैन साहब, अगर अपना दामन साफ है तो वह दूसरे की चादर पर एतराज कर सकता है। लेकिन आज हालत क्या है? बड़े बड़े चीफ मिनिस्ट्रों पर, बड़े बड़े मिनिस्ट्रों पर, जिनको यह अधिकार देने वाले हैं आप तमाम कम्पनीज को डराना चाहते हैं। अगले इलैक्शन के लिए कांग्रेस को कोई उम्मीद ज्यादा जीतने की नहीं रही। इसलिए वह कम्पनीज को डराना चाहती है। पहले कम्पनीज से रुपया लेना जायज करार दिया गया था क्योंकि अपने देश में कोई कानून है नहीं कि कम्पनीज फंड्स न लिये जायें। करोड़ों रुपया नहीं तो लाखों रुपया कांग्रेस ने कम्पनियों से लिया। वाइस चेयरमैन साहब, अभी मैंने देखा कि यह कम्पनीज जिन पर यह ऐक्ट लागू करना चाहते हैं और हमारे भगत साहब ने जिस बिल को बड़ी मुहब्बत से पेश किया है उनसे काफी रुपया अभी लिया जाता है। अभी हमारे कांग्रेस के प्रेसीडेंट पंजाब में गये थे तो इन कम्पनीज ने यह सारा रुपया दिया। लाखों की थैलियाँ दी गयीं। एक जगह डेढ़ लाख रुपया दिया गया और एक जगह ३५ हजार रुपया दिया गया। जिस तरह गांधी जी एक-एक पैसा जगह-जगह जाकर इकट्ठा करते थे सारी जनता से, उसमें ऐसा नहीं हुआ। हमारी सरकार की जो यह नीयत है कि मजदूर बेचारों का भला हो क्योंकि वह सोशलिज्म की हामी सरकार है। लेकिन

मैं समझता हूँ कि ऐसी नहीं है। यह तो सिर्फ कम्पनीज पर अपना अधिकार करना चाहती है। जैसा कि मैंने पहले कहा था कि डेमोक्रेसी के परदे में जार-शाही काम कर रही है और इससे भी ज्यादा से ज्यादा शब्द आयद हो सकते हैं। यह कांग्रेस सरकार, डेमोक्रेसी की हामी सरकार, अपने हाथ में सभी अधिकार लेना चाहती है और उनकी ख्वाहिश यह है कि इस तरह से घेरा डाल दिया जाये कि कोई उनके सामने दम न लेने पाये। करोड़ों रुपये के कारखाने बरबाद हो जाते हैं लेकिन इस सरकार को यह अधिकार नहीं है कि वह किसी को सस्पेंड करे, किसी को निकाल सके। तो उसके माने क्या हैं? इसके माने ये हैं कि वह गद्दियों पर कायम रहना चाहती है। वाइस चेयरमैन साहब, मैं डरता हूँ कि इससे गद्दियाँ कायम रहने वाली नहीं हैं क्योंकि हालात . . .

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव) : आप क्या बोल रहे हैं और बिल क्या है?

श्री अब्दुल गनी : . . . मैं सरकार से यह कह रहा था और यह अर्ज कर रहा था कि आपने इस कानून में यह रखा है कि कोई भी केस ट्रिव्यूनल तक ही जा सकता है और उसमें आपने हाई कोर्ट में अपील करने की इजाजत नहीं रखी है। लॉ में यह रक्खा है कि किसी भी मजदूर को वह नहीं निकाल सकते हैं, चाहे कुछ भी हो जब तक कि मसला ट्रिव्यूनल के सामने न जाये। अगर सरकार तीन साल तक कोई एक्शन न ले तो क्या यह मामला लटका रहेगा? मेरा कहना यह है कि जहाँ उनके मन में आती है वहाँ वह डालमिया को डे मारते हैं, लेकिन मालवीय को कोई नहीं पूछता। मेरा कहना यह है कि अगर उनकी यह नीयत है कि इस बिल से मजदूरों को भला होगा तो मुझे कोई एतराज नहीं है लेकिन उनके अमल से मुझे ऐसा दिखाई नहीं देता है। आप कामराज

का नाम लेते ही खफा हो गए, मैं वापस ले लेता हूँ ।

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव) : मैं किसी का नाम लेने से खफा नहीं होता ।

श्री अब्दुल गनी : वाइस चेयरमैन साहब, मुझे काफी इस बात का विचार रहता है क्योंकि बरसों तक जिन्दगी अपने साथियों के साथ गुजारी है । इसलिए मेरे कहने का मतलब यह है कि यह जो बिल आप लाए हैं या जो भी बिल लाएं, आप मैजोरिटी में हैं और इस मैजोरिटी के बिल पर आप जो चाहें पास करा लीजिए । इसमें कोई तकलीफ नहीं है लेकिन यह कब तक चलेगा ? डेमोक्रेसी के नाम पर डेमोक्रेसी का खून हो तो इसका मतलब क्या मैं यह समझूँ कि आप बिल्कुल ठीक कर रहे हैं । मेरा कहना यह है कि आप देश में जो कुछ करना चाहते हैं कीजिए, लेकिन ऐसा न कीजिए कि कल आपको पछताना पड़े और डी० आई० आर० के तहत भूपेश गुप्त की फौज को गिरफ्तार करना पड़े । इसलिए मैं यह चाहता हूँ कि इस बिल में थोड़ी सी लचक आनी चाहिए । आप जो भी बिल लाएं जहां आप एक तरफ ध्यान रखते हैं वहां आप को दूसरी तरफ भी ध्यान करना चाहिए । यह मैं इसलिए अर्ज कर रहा हूँ क्योंकि यह मेरी दिली इच्छा है कि इस देश में डेमोक्रेसी कायम रहे । इसके साथ एमरजेंसी के दौर में जब मेरी आंखें सारी बातें देख रही थीं तो चीन एक तरफ तो हमें देख रहा है दूसरी तरफ रूस को देख रहा है और तीसरी तरफ मणिरकी मुमालक को अपनी आंख से देख रहा है । तो अब भी ऐसी हालत में इस तरह के सख्त कानून बनाना कि जिससे हमारे हाथ बांध जाएं मुनासिब नहीं होगा । मैं मानता हूँ कि मेरे थोड़े से शब्द जो मैंने अर्ज किए वह तल्ख क्यों न हों लेकिन कांग्रेस के भाइयों को खफा नहीं होना चाहिए । आप कम्पनी से रुपया लेकर लैक्शन जीवना चाहते हैं तो सोने की जो

मुर्गी है उसको ही मत मारिए, बल्कि उसको अण्डा देने दीजिए । अगर वह अण्डा दे देती है तो खा लीजिए, अगर नहीं देती है तो सब कीजिए ।]

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I welcome this measure because

SHRI LOKANATH MISRA (Orissa): Fully or partially?

SHRI BHUPESH GUPTA: . . . you will remember that in this House and in the other House we have been pressing precisely for such a measure to protect the employees and other workers who furnish information to the Government against malpractice and corruption on the part of the capitalists and the monopolists but this measure is unsatisfactory in the sense that it does not give full protection to the employees I do not know what will happen to them after the investigation is over. It may well be that the employees will be transferred to various places, demoted or they would not be given promotion when they deserve it. I want full protection in every respect as far as the purpose of this Bill is concerned, naturally when I speak on such a subject I bring to light certain concrete facts.

SHRI B. R. BHAGAT Concerning the Bill.

SHRI BHUPESH GUPTA: Now it is a good thing that the employees are being protected.

SHRI LOKANATH MISRA: He will somehow connect it with the Bill.

SHRI BHUPESH GUPTA: What did you say?

SHRI LOKANATH MISRA: He said your fact must be concerning the Bill • and I said that you can connect it with the Bill somehow or other.

SHRI BHUPESH GUPTA: It is already connected; no disconnection I know how to connect it.

Here, as I said, the protection should be full and unqualified. Now, how are we going to operate the provisions of this Bill? That is the crucial question. For that we must know exactly how the companies function in such matters. As you know, the Bill was necessitated by the rather melancholy experience the Government had to undergo in the matter of the Sahu-Jain concern. After a long time the great Government woke up and appointed Inspectors for investigation under section 237 of the Companies Act but the capitalist class is more powerful and sometimes it is more cunning than, shall we say, many hon. gentlemen who sit in very high positions. Now, what did they do? They prevented the investigation. What happened in the case of the Bennett Coleman & Co. was that the management was non-cooperating and creating obstruction. It was the employees who came forward and submitted a memorandum to Shri Jawaharlal Nehru and to the other Ministers and also incidentally we have got some copies. Nowadays most of the things sent to the Ministers, I receive copies. That is very enlivening for me. That way we got copies of this and from that we came to know that the "Investigation was being obstructed whereas the workers and employees of the Bennett Coleman & Co. were trying to cooperate with the Government and bringing material information to the knowledge of the Inspector that they were being hindered. What would one have expected the Government to do at that time? They should have seized all the papers; they should have put under arrest the obstructing management, whoever they are. When it comes to arresting the Communists, 900 of them, they can put them in jail in HO time but when it comes to Mr. Shanti Prasad Jain and the monopolist class I do not know what the Gods and Goddesses of Delhi do. Why

was it not possible for them to arrest this gentleman? I am not suggesting the D.I.R.; other provisions were there but nothing was done. Procrastination was there and dilatory tactics were adopted by the people concerned with a view to frustrating the investigation. Well, the Government could have easily taken over under the Industries (Development and Regulation) Act the Bennett Coleman & Co. They did not even do that. As far as the employees are concerned, I do not know what will happen to them, if something drastic is not done in the matter. Here you see the difficulty arises. I will give you another example

SHRI AKBAR ALI KHAN (Andhra Pradesh): Be relevant.

SHRI BHUPESH GUPTA: My friend. Mr. Akbar Ali Khan, has not known in life what relevance is. If this is not relevant, Mr Akbar Ali Khan, then, do not know what is relevant.

SHRI AKBAR ALI KHAN: Particular instances.

SHRI BHUPESH GUPTA: I know that the only relevance in your interruption is that you interrupt me. Now, here I give another example, how we are getting it from the employees and the Government get and do not act on it. I am in possession of documents. Generally I speak on the basis of documentary evidence. but naturally I cannot lay everything on the Table of the House because sometimes I want the Ministers to come out and then see how truthful they are in this matter.

Take the case of the Rivers Steam Navigation Co., Ltd., which is the successor company of the Joint Steamer Companies, Calcutta. What is happening there and how are the employees behaving? The employees are trying to co-operate with the Government and they are trying to give information to the Government about malpractices and corruption, including the swindle of public funds

by the management of the Rivers Steam Navigation Company. Three or four Europeans are there and they are pulling wool over the eyes of this Government, even when the employees are telling the Government through their proper agencies as to how manipulations are being indulged in, how malpractices are being carried on and how moneys are being wasted. Well Mr. Akbar Ali Khan might say it is not.

SHRI AKBAR ALI KHAN: Is it under your advice they are giving this information?

SHRI BHUPESH GUPTA: Yes, now you are relevant at least. Now what happened there. This Company is being advanced loans and grants by the Government of India. The latest grant, according to my information, is Rs. 60 lakhs. Will Mr. Bhagat kindly note it and pass it on to the proper Minister. Now, let us start it. A sum of Rs. 30 lakhs was given as a loan some time back in 1958 and what happened? As you know certain assets were mortgaged and the assets were mortgaged which were being sold by the Company and now if you go there you will not find anything much. All the things have been sold. The employees were bringing these things to the notice of the Government and the Government did not do anything. Up till now they have not done anything.

SHRI B. R. BHAGAT: Is it under investigation? It is not under investigation.

SHRI BHUPESH GUPTA: It is under investigation.

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SHRI B. R. BHAGAT: I am asking you.

SHRI BHUPESH GUPTA: You should investigate. Now, what is the use? They give information and you do not act upon it.

SHRI B. R. BHAGAT: Mr. Vice-Chairman, instead of taking the time of the House here, if he had written to us saying that we should investigate it, we would have given it the best consideration.

SHRI BHUPESH GUPTA: Just a minute, you ask others to write to you.

SHRI LOKANATH MISRA: Others would not have known it.

SHRI BHUPESH GUPTA: I am paid for from the public exchequer not for private correspondence with Ministers but to make public utterances here on matters of public policy. I write such letters, but you never read them. I know that some of you read them. Now, here I tell you the story. I know that it will shake you up. Therefore, I am telling it. All I get through the employees. If a private person like me can get it why cannot the Government get it, provided you give them proper protection.

Now, here all the mortgaged properties, the assets, have been virtually liquidated and if you go there you will find nothing today. Then, again, you will find that the Government paid about Rs. 45 lakhs against the Company's works in progress bills. The bills were inflated and the figures were wrong as shown in the bills. This, again, was brought to the notice of the authorities by the employees. No-thing has been done.

SHRI P. N. SAPRU (Uttar Pradesh): But this Bill is in favour of the employees. This Bill favours the employees. How do you oppose it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He has already supported the Bill.

SHRI BHUPESH GUPTA: I have supported it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Having supported it, he has developed his arguments.

SHRI BHUPESH GUPTA: Quite right, Mr. Vice-Chairman. That is the position. Now, here you see that false adjustments are being made with regard to that particular loan of Rs. 45 lakhs, but nothing is being done. Employees are telling here corruption is going on. Do something. Nothing is being done. And they do not know what will happen. They are very much afraid.

Then, to another instance I come here. Certain loans were given for certain ships and so on. As against this you will find that 60 per cent, has already been used up for repairs of the Company's vessels and so on. These were imported, meant for expansion. Instead of carrying out the expansion, they have sold them out, for use in outside job. Nothing is being done. The latest example, as I said is that Rs. 60 lakhs have been given by the Government to this Company. Here again you will find that the surveys that have been made by the marine surveyors show an inflated figure and that has been done against certain vessels and so on which do not have any steel bottom at all but cement bottom and so on. This also has been pointed out by the employees, but nothing is being done. On top of this the State Bank of India has made available Rs. 150 lakhs to the Rivers Steam Navigation Company and there again a loss is involved and manipulation is going on. Now, here I have given a concrete example. We cannot know these things unless the employees co-operate with the Government. I would not know it, nobody would know it. Therefore, it is very essential in such matters to secure the cooperation of the employees, in order that we can see how even the Government funds advanced to such companies are being utilised. This is what I say. But if today in such cases the employees know that their protection is of a very temporary nature, a very feeble one, they would not come forward and divulge the names or take the risk of being out afterwards. That

is why I say not only there should be full protection, but there should be provision for rewarding them and giving security to the employees of the various concerns and I think this line of operation should be developed in the country. By and large our employees in the private concerns are a good lot and they are interested in helping the country and the nation in whichever way they can. But the point is it is for the Government to approach them in such a manner as : would encourage them, give them the assurance and confidence that they would be protected and they should have the feeling that they are serving the nation and the country.

SHRI P. N. SAPRU: There should be some provision for them on the directorate. They should be empowered to elect a certain number of employees on the directorate.

SHRI BHUPESH GUPTA: I think it is a good suggestion that we can consider, but here it does not come in. We want to take over these companies. We want the workers to be the masters of the factories as far as we are concerned. And you are right. So long as that is not done, certain employees should sit on the board of directors. That is also one of the very good suggestions. From Allahabad we always get good suggestions and this is one of the good suggestions that have come from that quarter.

Then, I come to another thing. It is very difficult to tell you. Our I.C.S. officers nowadays after retirement do not go to the Himalayas or to Kanya-kumari or to the Meenakshi temple or to the Puri temple. Where do you think most of them go? They go to the big business concerns. And why do you think suddenly they go after thirty years of service? It is in order to tell the company bosses how to evade income-tax and circumvent the ' law of the land. For this they can get plenty of money.

Take, for example, the case of Mr. Iengar, I.C.S. After retirement he joined Parry and Company as the Chairman on a salary of Rs. 7,500/- per month and he is also the Adviser to the Indian Aluminium Company where, I think, he gets Rs. 4,500/- or so. Now, you can understand why Mr. Iengar should have joined this company. We do not know. Now, if you send such people, the employees there get frightened, because they know Mr. Iengar has got connections in Delhi and whatever is said there by the employees would be known to the parties in Delhi and other people and they will be in trouble. Then, you have the former Auditor-General Mr. Ashok Chanda and some other people who have joined in starting a consultancy company which advises business concerns and as you know in such cases what services they could render to the company bosses. I can give you very many examples. Take the case of Mr. Behgal. He is the Managing Director of CIBA. He is getting Rs. 7,000/- as salary and so on. Now, he is not an officer who is a retired I.C.S. officer. Such people are there and they are all introduced to the officers here. Now, here you have a situation where the Secretary-General of External Affairs Ministry goes after retirement to Martin-Burn and becomes the Chairman of the Board of Directors or Managing Director or some such thing. This is happening.

Therefore, complete demoralisation is taking place in this sphere. I think that also one has to bear in mind, What protection in such a case will the employees get against such people when they are placed there? How can they believe that the Government will act properly when they say that the go-between men have come and taken up jobs with the big industrial and financial concerns?

Mr. Vice-Chairman, take Bennett Coleman and Company and Sahu Jain and Company. What are they doing today? They have completely slopped

all kinds of investigation being made. Following the report of the Vivian Bose Enquiry Commission investigation was ordered into some of these concerns under particular sections of the Company Law. After that they went to the court of law and secured writs and so on in order to prevent investigation. But even before they succeeded to get the writs out from the High Court they resorted to various other methods of obstruction and malpractice, and when their employees brought these things to the notice of the Government, Government did not take any action. That is my complaint. How will the employees have the assurance that you will take action? On the contrary they may fear that because of the influence the big business has on the Government, probably the names of these poor employees will have been known to these bosses and that they might be subjected to all kinds of punishment and unfavourable action. This is the fear.

As you know, I made it clear and now I make it very clear that Bennett Coleman and Company—they are in Bombay but they operate in Calcutta. How do they do so? Mr. Shanti Prasad Jain, for example, holds to my knowledge—and they can find it out—the majority of shares through benam-dars in the Jana Sevak which is a daily paper claiming to be the mouthpiece of the Congress workers, the editor of which is Shri Atulya Ghosh. He holds the majority of shares through benam-dars. You can find out by proper investigation and the employees of that paper and the printing press will be in a position to help provided they have the guarantee. Recently, as I said, Rs. 7 lakhs had been made available for the purchase of a printing press from the German Democratic Republic by Jana Sevak, and who do you think made the money available? Bennett Coleman and Company again. Before they went to the High Court they did such a thing. This was reported in the press and this matter has been raised in the West Bengal Legation.

[Shri Bhupesh Gupta] lature also. How can the employees have confidence? The Government is doing nothing in such a matter.

Therefore, such examples can be multiplied. We have the example of the Birla insurance company, the I General Insurance Company. What happened to the Ruby General Insurance Company we do not know. This thing happened. As for various other concerns, even if you go through the report of the Das Commission you will find that corruption was taking place, and the officials knew this thing, but many of them did not take any steps with regard to some of the companies under the control of the now celebrated Kairon family. That is what happens.

Again, I have got the case of Mr. Kapur Chand. Again it comes from the employees, but the Government does not take any action. Here volumes, many many sheets of paper I have got with me all of which have been sent to the Government giving the necessary information as to how Mr. Kapur Chand swindled the Government of Andhra Pradesh to the extent of Rs. 10 lakhs in the sale of the shares of the Sripur Paper Mills and so on. It is admitted by the Accountant-General of the Andhra Pradesh State Government and also admitted on the floor of the Andhra Pradesh Assembly by the Finance Minister of the time—now he is the Chief Minister— Mr. Brahmananda Reddy. Action was taken against Mr. Damodara Menon who was Secretary in the Department concerned, but no action was taken against Mr. Kapur Chand. And what happened since? He became the President of the Hyderabad Stock Exchange. At that time he was only a member of the Stock Exchange in Hyderabad. He was promoted. We are told that no action can be taken against him. But what happened to the information? When I receive such things from the sources, they always express apprehension that they might be persecuted if the Government came

to know such a thing. This is the position.

I can tell you, Mr. Vice-Chairman, that employees know many things, but they are afraid of furnishing information to the Government, and also they do not have the confidence that the Government will act. When they see that the Congress boss and the leader of West Bengal is befriending Mr. Shanti Prasad Jain, how will the employees come forward and pass on the information to the Chief Minister of West Bengal or the authorities here? When they see that a certain big businessman is part of the syndicate or financing the political syndicate in this country, how will employees in that particular concern feel assured that the information they submit to the Government will not be known to those people and that they would not be subjected to persecution? Therefore, this is a serious matter. It is not a question which you can tackle only by a legislation of this kind.

Therefore, I suggest here, firstly, that this Bill should be passed, but amendments should be brought forward in order to give the fullest mea-

I should to be made a penal offence for any employer to persecute any employee on the ground that he has furnished information. Information once given should be a confidential matter between the authorities and the person who supplies that information. It should never be known to the employer. This should be done. In case the employer shows any kind of hostility or persecutes the employee concerned, the employer or the capitalist concerned or the monopolist whoever he is should be subjected to imprisonment and not merely to fine. That is what I say. It should be known that if on account of giving information he persecutes any employee, and if it is proved, then the particular employer will be liable not to a sentence of fine but to a sentence of rigorous imprisonment. That is how I want to put it. Let us see how things happen, because

when the employees do anything . wrong or are suspected of doing anything wrong, they are charge-sheeted, persecuted, and they do not have any remedy at all. Even in the Government undertakings they are proceeded against under article 311 of the Constitution, and they have no remedy. Why the employing classes, the capitalist elements should not be put in a similar position I do not understand. Therefore, I should like that also to be provided.

I think we should have proper intelligence with regard to the functioning of the business concerns. We should collect intelligence. They collect intelligence about the political parties, our party, the Swatantra Party, Jan Sangh, and I believe that some Ministers get information about other Congress Ministers also. That is their domestic affair. Why should there not be an arrangement for collecting intelligence and information about the various big business concerns? The C.I.D. and the C.B.I. are there but they should have a permanent assignment given to them. Besides keeping track of political and other parties they should keep track of the activities on the part of these big business concerns. That is [essential. There should be a proper channel of constant vigilance and information coming to the Government. One must not rely merely on the employees in this matter because they are handicapped in so many ways. That is also very important. But above all the Ministers must be above board; as sometimes it is called, they must be like Caesar's wife. There is no documentary proof as to what extent Caesar's wife was virtuous or otherwise, we do not know. But we are told that she was like that. Anyhow no one has proved that.

SHRI P. N. SAPRU: The story is told that Caesar's wife was not virtuous. I have read it in Roman history.

SHRI BHUPESH GUPTA: That may be right, but people say this thing. The saying goes that one must be like

Caesar's wife. I do not know either Caesar or his wife. We have heard about it from the Roman History.

SHRI D. THENGARI: Do you know any wife for that matter?

SHRI BHUPESH GUPTA: That question you need not ask.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That you can discuss in the lobby.

SHRI BHUPESH GUPTA: I never discuss other points, I assure you. "You have no worry on that score.

Now, the position is this. How many Ministers are there now in the so-called *Sadachar* basket? So many Ministers, Deputy Ministers, Chief Ministers and other Ministers are there.

[THE DEPUTY CHAIRMAN in the Chair]

When such is the position, how can you give an assurance to the country that this Government will carry out the programme properly? Still, we are supporting it because the Orissa employees and the Punjab employees have been saying that these people have been doing it for the past ten years. How can they be assured unless they see a radical change in the administration and in the Secretariat of the Government? And the Secretariat is a source of corruption, I tell you. We are political people, naturally we take note of political personalities but I know for a fact that some of the Secretaries and Secretariat personnel are accomplices. Now, it is no use preferring charge-sheets against these people only in Punjab. What about the others? It is not possible for the Ministers to handle public funds and files and indulge in corruption unless they have the Secretaries. Deputy Secretaries, Joint Secretaries and Under Secretaries—not all of them but some of them are accomplices. Therefore, these are the problems of a serious nature. Madam Deputy Chairman these things should be gone into.

[Shri Bhupesh Gupta]

Nevertheless, I welcome this measure and support it. I hope that the Government will not stop at this. We have got here the Vivian Bose Commission's Report and the Das Commission's Report and we have got a plethora of charge-sheets and allegations made against a whole number of Ministers. Some of the Ministers like the former Ministers shout about it as if they are very angry and so on. Well, in such a situation what we need today is a proper machinery, a comprehensive, effective approach in the matter and I think we should in this matter certainly seek the co-operation of the employees who are a patriotic lot but all of them, unfortunately, are not organised under trade unions. Some of them, minor officers in the business concerns, do not have trade unions. They need special protection because there are no trade unions to protect them in the case of high-handedness on the part of the employers.

I think that all these things would be borne in mind and I should like the hon. Minister, before I sit down, to take note of what I have brought to the notice of the House and the Ministry about the River Steam Navigation Company and the manner in which Government fund is being swindled and cheated by two or three Europeans who are in control of this particular concern. Surely, you can make a beginning here. Let him go to Calcutta, meet the employees and he will get plenty of information with regard to the malpractices and corruption. Take action against this particular concern. Do not advance fresh loans. And I do not see why it should not be nationalised. This should be rationalised by the Government. Government has invested so much of money in it. This is all that I have to say. I hope that you would have taken proper note of the concrete instances that I have given.

SHRI LOKANATH MISRA: Madam, I agree with the Minister that this particular amendment has a limited scope. And at the outset I should

like to make my point, or my party's point rather, clear that whether it is corruption in the sphere of commerce or industry or administration or Cabinet, we are for eradicating it. The sooner it is eradicated the better it is.

Madam. I fully support the spirit of the Bill. But what I could not understand really is that why it intends to give a blanket protection to the employees during the pendency of the investigation. I feel that if this broad, blanket protection is given, it will breed suspicion and ill-feeling and naturally, it is going to harm the private enterprise as a whole. I suggest that the strictest of measures should be applied to those who are corrupt even if they belong to the private enterprise and at all times we have supported the Government in its endeavour to curb corruption in the private sector. But because some are corrupt, the assumption cannot be that the whole private enterprise is corrupt. The Government seems to have proceeded on this assumption that all private enterprises are corrupt and that is why this blanket protection is being given.

شری عبدالغنی : شیشہ میں اپنا
مذہ صاف نظر آتا ہے -

†[श्री अब्दुल गनी : शीशे में अपना
मुँह साफ नज़र आता है ।]

श्री लोकनाथ मिश्र : आखिर में वहां
भी आएंगे ।

Therefore, I cannot support this blanket protection provision which is given in this particular Bill. This almost amounts to having spies everywhere. Each man would be suspecting the other man as a spy of the Government and more so when the Finance Minister has declared somewhere else that 10 per cent of the tax collection would go to the informers. If we are going to eradicate corruption what is this? This may be called

//] Hindi transliteration.

an incentive. You might get some information through it but it also amounts to bribing. If you give inducement in the shape of 10 per cent, of what you collect for the Government exchequer for getting information from somebody in the particular firm, what else could it be than corruption? It is also corruption. Why not have some other measures? What is your Company Law Administration doing? It should be the endeavour of the Company Law Administration to go into the matter of bad companies to find out whether they are running properly or not. Instead of that, if you want to insert spies everywhere and harm the entire private sector as a whole, that is very wrong. I would like to have an assurance in this connection from the hon. Minister. Is he also going to apply this principle to the public sector? If it is going to apply to the public sector as well . . .

SHRI BHUPESH GUPTA: Oh! yes.

SHRI LOKANATH MISRA: . . . then there will be some excuses for it. But if you are separating the public sector from the private sector, you cannot have any excuse at all.

Then, Madam, I come nearer home.

SHRI BHUPESH GUPTA: Nearer home, your home.

SHRI LOKANATH MISRA: I have travelled from Orissa to Delhi.

Here is a provision brought forward to get information from the employees about any malpractices resorted to by the companies. But about Orissa, we have submitted a memorandum against some companies. This memorandum contains other charges against Ministers. It also includes charges against certain companies which are headed by Ministers or their wives. Those companies have resorted to such malpractices and we have enumerated them in the memorandum. It is a public document now. In spite of that

nothing has been done yet. If there is a genuine intention of the Government to proceed against corrupt people in the administration, in private industries or in public limited companies, what is the Government doing till today? I submitted the memorandum on the 13th August and I have not heard anything about it yet. Is there any intention of the Government to eradicate corruption? Is this the way in which you can eradicate corruption? Memorialists are 63 prominent persons of Orissa out of whom 22 are MLAs and four are Members of this Parliament. I have submitted a memorandum enumerating so many charges of corruption, malpractice, in the administration of a public limited company or two or three or four or five limited companies that they had. What has been the result? I expected something better and something earlier from the Government. If the intention of the Government is really to eradicate corruption, they should not have delayed in this matter. This delay gives me suspicion that there is no genuine intention behind the move. Thank you, Madam.

SHRI B. R. BHAGAT: Madam Deputy Chairman, I am indeed very happy that this measure got all-round support. Even the hon. Member who spoke last expressed some hesitation when he said that he would not support this blanket provision. I do not know whether he was referring to the Bill as such or the blanket provision suggested by some hon. Member who supported this Bill because this Bill does not seek any blanket provision or protection to the employees although it provides adequate reasonable protection to the employees.

SHRI LOKANATH MISRA: All employees are given this blanket protection during the pendency of the investigations.

SHRI B. R. BHAGAT: He expressed some hesitation about it. The Members of his Party have extended full support to the measure and I do not

[Shri B. R. Bhagat] know whether he represents the Party. I think the hon. Member, Mr. Dande-kar, who spoke in the other House said that he supported this Bill.

SHRI LOKANATH MISRA: Except for this blanket provision I support the Bill.

SHRI B. R. BHAGAT: Madam, the hon. Member who initiated this debate made the point that protection to the employees should extend even beyond the period of investigation, and that was very strongly supported by the hon. Member who spoke liberally or eloquently on this Bill although there was no occasion for it. I think by implication he made it clear that the Trade Union Act or the Industrial Disputes Act protects the employees in other cases. But the class of employees who are not covered by the Trade Union Act but still are not in the category of big executives should be protected. He assumed probably that the big executives will be prone to the management. Probably that may be his assumption. But the lower rung of the executives who may not be covered by the Industrial Disputes Act should be protected according to him, because they have no Trade Union Act or the Industrial Disputes Act to help them.

SHRI BHUPESH GUPTA: Like our Parliamentary Secretaries

SHRI B. R. BHAGAT: But in this matter, Madam, apart from the desirability of it or the equity of it, there is some practical difficulty in having a provision like that. An employee, who gives information when the company is under investigation, or during the pendency of the matter before the tribunal, naturally must be adequately protected. But for him to have protection for all time to come, I think, will create serious problems. Rather I would like this matter to be left to the trade unions in respect of the employees covered by them and to the general public opinion and to the suc-

cessful working of the company resulting from the information given by the employees. I think no company in the present climate of the country and the alertness shown by Parliament would be so foolhardy as to take action against its employees for disclosure of information after the tribunal has decided the matter. What they may presumably do is they may as well like to dismiss him or adversely affect his future prospects on some other ground. Then, some of the employees may be under contract and the Contract Law will take care of them. However, while substantially agreeing with the sentiments expressed about the employees in the lower rung, I think it will be difficult to provide in a practical way any safeguards. It should be left to the public opinion and to the vigilance exercised by public representatives.

SHRI BHUPESH GUPTA: That does not afford legal protection.

SHRI B. R. BHAGAT: Legal protection is difficult to be provided for all time. That is the point.

SHRI BHUPESH GUPTA: That is not the point. The point is with regard to certain information that he has given . . .

SHRI B. R. BHAGAT: Yes, he will have legal protection.

Then, I think the hon. Member referred to some steam navigation company.

SHRI BHUPESH GUPTA: Bengal.

SHRI B. R. BHAGAT: It would have been better if he had referred to it earlier so that I could have got all the information. I do not have particular information about this just now. But since the hon. Member has raised this matter, I can assure him that it will get due consideration. If he had written to me earlier, I would have certainly taken necessary action and got all the information. Now that he has raised this matter on the floor of the House, it will get due consideration by

the Government, and if what he says is correct, certainly the law will take its course.

Then, the hon. Member suggested that like the C.I.B. or the S.P.E. There must be a similar organisation so far as the private sector is concerned. The hon. Member went to the extreme when he suggested the application of private sector law to the public sector also. I think he does not know that so far as the public sector is concerned, the shareholders are Members of Parliament *on* behalf of the President or the Government.

SHRI BHUPESH GUPTA: We are not shareholders.

SHRI B. R. BHAGAT: I am carrying the analogy of shareholders where they cannot take care of the company or remove the directors. But I think with the Committee on Public Undertakings and various other things, such things cannot arise in a public sector undertaking.

SHRI BHUPESH GUPTA: How do you say that? I have personally brought things to the notice of the House about the Bhopal Heavy Electricals.

SHRI B. R. BHAGAT: Even if a public sector undertaking violates the provisions of law so as to justify an investigation, if it is registered under the Companies Act it will come within its purview. There is no difference between a public sector project or a private sector project provided both are registered under the Companies Act. I maintain that the affairs of the public sector companies cannot come to such a pass that recourse would be had to investigation. It would be a sad day for all of us who believe in socialism and the public sector if such a day comes, and I think, if at all, it will be due to the inaptitude of the representatives of the people.

Then he said that probably the employees are adversely affected because

of senior retiring officers taking up jobs in the private sector. With all my comprehension I could not really follow the connection between the two. Does he mean that these people who take up employment in private sector companies are anti-labour or anti-employees?

SHRI BHUPESH GUPTA: Who?

SHRI B. R. BHAGAT: These senior officers who join service under private sector companies, he feels, want to help the companies in all their undesirable activities. I am only saying that I personally feel—and it is the Government policy also—that automatic appointments in the private sector of senior government servants are not very desirable from the public point of view. That is true and, therefore, certain restrictions have been placed on that.

SHRI BHUPESH GUPTA: What restrictions?

SHRI B. R. BHAGAT: During the period of two years of his retirement he has to take the permission of the Government.

SHRI BHUPESH GUPTA: All your big retired I.C.S. officials have taken up jobs.

SHRI B. R. BHAGAT: Not all.

SHRI BHUPESH GUPTA: Almost all.

SHRI B. R. BHAGAT: There are quite a few senior officers who would not like to serve the private sector.

SHRI BHUPESH GUPTA: I am talking about I.C.S. officers.

SHRI B. R. BHAGAT: There are senior officers whom I know who would prefer to serve public undertakings on smaller salaries. But there

[Shri B. R. Bhagat] are of course some. We cannot prevent them for all time to come and ask them not to go in for employment. After all it is a free country. The only thing is we must provide certain safeguards against the abuse of this, although personally I believe it is not a very happy and desirable practice.

SHRI BHUPESH GUPTA: What would you have done if you had been a retired I.C.S. officer?

SHRI B. R. BHAGAT: We will discuss it later outside the House. With these words I move:

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Companies Act, 1956, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

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

SHRI B. R. BHAGAT: I move:

"That the Bill be passed." The question was proposed.

SHRI BHUPESH GUPTA: Here I would like to know from the Minister who exactly is going to administer this law? Will it be the Company Law Administration which has now been transformed into a Board under the Ministry of Finance? I would like to know the position.

SHRI B. R. BHAGAT: Yes.

SHRI BHUPESH GUPTA: I ask because according to the best of my information, the Board exists only in name with one man. It is a one-man Board whereas in reality the Company

Law Administration, the Department, has gone into liquidation practically. We were told that it would be taken, from the Ministry of Commerce and Industry to the Ministry of Finance but the outfit will be maintained but what has happened today with regard to that particular Department which is supposed to administer such laws? That is a virtually defunct body—not defunct in the absolute sense of the term but only one person is there. Mr. Dutt, I am told, is the one-man Board and various other arrangements have been given up. Therefore the machinery that has been created over the past few years with regard to dealing with such matters has been virtually wound up. This is the position. We were given an assurance in this House that the Department will be strengthened under the Ministry of Finance. What has happened is exactly the opposite. The Department has not only been weakened but virtually brought to a halt and I do not know who is going to administer this. Under the Company Law there are certain machineries provided for. This was one of the machineries provided for under the Companies' Act. This machinery is now practically gone. It does exist, I know and I will be told that it is there, that a report will be made by it and the report will be laid but as an independent entity functioning under the Ministry, it has disappeared. That point has to be answered.

I hope the Minister will enlighten us as to how he is going to implement this particular measure. I do not want to say anything more except with regard to the one point he referred to. He said it is not desirable for retired I.C.S. officers to take up jobs and when I said 'almost all of them had taken', the Minister said that 'not all'. It is a consolation prize for him. When I say 'almost all' he said 'not all'. Are you satisfied? I gave a question here and got an answer from the Home Ministry and the list was there and it was showing how many had got this but what is important in this context

is that your top-men in the I.C.S., those who were here very prominently like Mr. N. R. Pillai, where is he today, I would ask? Mr. H. V. R. Iengar, the Governor of the State Bank and of Reserve Bank later on, I am told, where is he now? Therefore all these top-notchers in the Delhi hierarchy and administration have found themselves very happily sheltered in most of these concerns and you know it very well. Some are as Consultants, others as really paid Managing Directors; and so on, some as even Chairmen of the Board of Directors. Therefore let us not try to underestimate the moral damage they are doing in this matter. I therefore demand of the Government that there should be a total ban on such people from taking such jobs after retirement. It is not a question of convention. Why cannot the Parliament pass a legislation here? I think Members on all sides of the House will agree to such legislative enactments which prevent the I.C.S./ I.A.S. officers after retirement going and taking up private jobs.

Therefore I would like to remind him and I will pass on whatever papers I have with regard to the River Steam Navigation Company. I demand a thorough enquiry on this matter because it is becoming a great scandal. The Government is callous, indifferent, not vigilant and lakhs of rupees are poured into the concern with a view to the expansion of the shipping but actually money is being wasted and squandered away by the European bosses of that particular company. Before I sit, once again I say that we have very strong information about that, they demand public enquiry and the whole matter should go to the S.P.E. I am prepared to pass on all the papers and I am sure these employees will come forward and cooperate with the Government but what you need to-day is a proper enquiry and the matter should be referred to the S.P.E. and not left to the Transport Ministry Officials.

Again, I support this Bill. I wish it was much better one than it is.

SHRI B. R. BHAGAT: Since the hon. Member has asked as to who will administer it, the Bill provides for that. Section 635(a) itself provides that it will be administered by the Company Law Board and he says that the Board does not exist except in name. I am surprised that he should say so . . .

SHRI BHUPESH GUPTA: I say it does but defunct practically . . .

SHRI B. R. BHAGAT: That is why I am surprised. The Board is not only not defunct but it is very much in action.

SHRI BHUPESH GUPTA: Where is Mr. Dutt now?

SHRI B. R. BHAGAT: Mr. Dutt has gone on a very important assignment, for studies in the U.S.A. and there is a Board. There is a Chairman and only recently a new Member has been added, a senior officer, Mr. Yardi, who is functioning as a Member of the Board. Then there is no diminution of staff. Only because the Board was located in one place where the hon. Member wanted and it has now come to another place, to say that the Board has become defunct, I cannot understand. I can assure the hon. Member that the Board will take care of the implementation of this measure and it is very active and if necessary, it will be further strengthened.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

ALLOTMENT OF TIME FOR GOVERNMENT BUSINESS

THE DEPUTY CHAIRMAN: Before I come to the next item—The Legal Tender (Inscribed Notes) Bill, 1964—I have an announcement to make.