PRIVATE MEMBERS' BILLS

Saturday	Time allotted
	hrs mts
1 The Companies (Amendment) Bill, 1962 by Shri A B Vajpayee (Further discussion)	2 30
2 The Hindu Marriage (Amendment) Bill, 1962, by Shri Sitaram Jaipuria	1 00
3 The Constitution (Amendment) Bill, 1963 (to amend articles 16, 32, 134 and 226 and insertion of new article 37A) by Shri K V Raghunatha Reddy	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

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THE COMPANIES (AMENDMENT) BILL, 1964

THE MINISTER OF PLANNING (SHRI B R BHAGAT) Mr Vice-Chairman, 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 under section 10-A of the Companies Act

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.

شری عبدالغنی (پنجاب) : وائس چیئرمین صاحب - یہ بل جو لایا گیا ہے اس پر مبارک باد بھی دے سکتا ہوں - کیونکہ بظاہر تو یہی ہے کہ یہ مزدوروں کے ہت میں ہے - اگر ایسا ہی اس کا آبجیکٹ ہے تو یقیناً کوئی آدمی ایسا نہیں ہو سکتا جو اس بل پر اعتراض کرے لیکن تجربہ بالکل اس کے الٹ ہے - پبلیز کمپنیز میں فرق ہے - ایک کمپنیز وہ ہیں جو اس ایکٹ کے تحت آتی ہیں اور کچھ کمپنیز ایسی ہیں کہ سپریم کورٹ کا جج بھی یہ ورڈکٹ دے کہ جو پرائم منسٹر صاحب نے شری کے - ڈی مالویہ کے خلاف چارجز بھیجے ہیں - اس میں دو ایسے ہوتے ہیں جن میں پرائمافیسی کیس ہے لیکن ان کو ہاوس کے سامنے نہ لایا جائے تو کمپنیز میں یہ بات کہنی کہ جنہوں نے سرکار کی مدد سے کروڑوں روپیہ لگاکر 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]

نہیں کہ اگر کام میں رکاوٹ پڑتی ہو تو اس کو یہ اختیار ہی نہ ہو کہ کس کو الگ کر سکے - جیسا کہ بقول نندا جی کے کوئی پرٹمافیسی کیس آئے تو پرائمافیسی کا فیصلہ بھی نندا جی خود کریں - شاستری جی کریں - 3 P.M
دنیانا کرے ججز نہ کریں اگر وہ پرائمافیسی 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 چیر مین صاحب کہ اس وقت کروڑوں روپیہ نہیں اربوں روپیہ بڑی بڑی کمپنیز کھا جاتی ہیں بڑے بڑے فرم کھا جاتے ہیں سرکار کا نہیں پبلک کا کیوں کہ یہ سب پبلک فنڈ میں آتا ہے - انکم ٹیکس وغیرہ - لیکن اس میں کسی راستہ سے جا رہی ہے یہ سرکار جو آپ کو کہتی ہے نہ گاندھی در کی سرکار ہے مہاتما گاندھی کے چاہنے والوں کی سرکار ہے - وہ برائب دے کسی کو اور کہئے دتاو ملک نے کہاں کہا رکھا ہے - تو اس سے تو ہندوستان کا اخلاق بہت بگڑنے والا ہے اس کو کوئی کہے سلدر طریقہ ہے میں مانتا ہوں ور ماننا چاہیئے لیکن مارتے کس کو ہیں کہا اس سرکار کو پتہ نہیں ہے کہ جو دنوں میں ہزاروں والے کروڑ پتی بن گئے ان پر یہ ہیں جن میں مزدوروں کے ساتھ بڑی بڑی زیادتیاں ہوئیں لیکن اس بل میں یہ کہا گیا کہ چاہے کتنا بھی انڈسٹریلن کیوں نہ ہو کام کرنے والا وہ ٹیکنیکل ہینڈ ہو وہ کلیریکل جاب میں ہو وہ بے چارہ لیبرر ہو اس پر کوئی ایکشن نہیں ہو سکتا - تو مجھے ڈر یہ ہے کہ ایسے موقعہ پر جب کہ چائنا نے ابھی اپنی آنکھیں نہیں بدلیں چائنا نے اپنا رخ نہیں بدلا کہ وہ کسی بھی طرح سے بارت سمجھوتہ ہمارے دیش سے کرے - آج اس کی ضرورت دکھائی نہیں پڑی - ان حالات میں یقیناً سرکار چاہے گی کہ زیادہ سے زیادہ سلوکشرن ہو وہ کیوں نہ اسلحہ کا ہو وہ کیوں نہ فوجیوں کی باقی ضروریات کی جو چیزیں ہیں ان کا ہو - اور چونکہ وائس چیر مین صاحب - یہ حقیقت ہے کہ بہت زیادہ سامان سرکاری فیکٹریوں کے علاوہ انہیں کمپلیز 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 اڈھیکار ہونا چاہیئے کہ وہ کاجر مولی کی طرح مزدور کو کاٹ کر پھینک دیں لیکن یہ بھی

ڈیڑھ 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 جلتا سے اس میں ایسا نہیں ہوا - ہماری سرکار کی جو نیت ہے کہ مزدور بے چاروں کا بھلا ہو کیوں کہ وہ سوشلزم کی حامی سرکار ہے لیکن میں سمجھتا ہوں کہ ایسی نہیں ہے- یہ تو صرف کمپنیز پر اپنا ادھیکار کرنا چاہتی ہے - جیسا کہ میں نے پہلے کہا تھا کہ ڈیموکریسی کے پردہ میں راز شاہی کام کر رہی ہے اور اس سے بھی زیادہ سے زیادہ شبد آید ہو سکتے ہیں یہ کانگریس سرکار ڈیموکریسی کی حامی سرکار اپنے ہاتھ میں سبھی ادھیکار لینا چاہتی ہے اور ان کی خواہش یہ ہے کہ اس طرح سے کھیرا ڈال دیا جائے کہ کوئی ان کے سامنے دم نہ لینے پاوے - کروڑوں روپیئے کے کارخانے برباد ہو جاتے ہیں لیکن اس سرکار کو یہ ادھیکار نہیں ہے کہ وہ کسی کو سسپینڈ 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 چیرمین صاحب - میں ڈرتا ہوں کہ اس سے گدیاں قائم رہنے والی نہیں ہیں کیونکہ حالات . . .

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

انکم ٹیکس کی سختیاں کیوں روا نہیں کی جانیں وہ ایک نہیں ہیں وائس چیرمین صاحب - ہزاروں ہیں جو ایک ابرو کی جنبش سے نواب راجہ بلے ہیں تو میں مانتا ہوں کمپنی پر کافی ہمت کے ساتھ آپ اس کو عمل میں لائیں - وائس چیرمین صاحب - اگر اپنا دامن صاف ہے تو وہ دوسرے کی چادر پر اعتراض کر سکتا ہے - لیکن آج حالت کیا ہے ؟ بڑے بڑے چیف منسٹروں پر بڑے بڑے منسٹروں پر جن کو یہ ادھیکار دینے والے ہیں - آپ تمام کمپنیز کو ڈرانا چاہتے ہیں - اگلے الیکشن کے لئے کانگریس کو کوئی امید زیادہ جیتنے کی نہیں رہی اس لئے وہ کمپنیز کو ڈرانا چاہتی ہے - پہلے کمپنیوں سے روپیہ لینا جائز قرار دیا گیا تھا کیوں کہ اپنے دیش میں کوئی قانون ہے نہیں کہ کمپنیز فنڈس نہ لئے جائیں - کروڑوں روپیہ نہیں تو لاکھ روپیہ کانگریس کمپنیوں سے لیا - وائس چیرمین 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 محبت سے پیش 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 تھیلیاں دی گئیں - ایک جگہ

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 - میرا کہنا یہ ہے کہ آپ دیش میں جو کچھ کرنا چاہتے ہیں کیجئے لیکن ایسا نہ کیجئے کہ کل آپ کو بچھتانا پڑے اور ڈی - ٹی - آر کے نتیجہ بھوپیش گپتا کی فوج کو گرفتار کرنا پڑے - اس لئے میں چاہتا ہوں کہ اس بل میں تھوڑی سی لچک آنی 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 دیش میں ڈیموکریسی قائم رہے - اس کے ساتھ ایمرجنسی کے دور میں جب میری آنکھیں ساری باتیں دیکھ رہی تھیں تو چین 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 مانتا ہوں کہ میرے تھوڑے شبد جو میں نے عرض کئے وہ تلخ کیوں نہ

[شری عبدالغنی] ... میں سرکار سے یہ کہہ رہا تھا اور یہ عرض کر رہا تھا کہ آپ نے اس قانون میں یہ رکھا ہے کہ کوئی بھی کیس ٹریبیونل 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 ٹریبیونل کے سامنے نہ جائے - اگر سرکار تین سال تک کوئی ایکشن نہ لے تو کیا یہ معاملہ لٹکا رہے گا - میرا کہنا یہ ہے کہ جہاں ان کے من میں آتی ہے وہاں وہ ڈالمیا کو دے مارتے ہیں لیکن مالویہ کو کوئی نہیں پوچھتا - میرا کہنا یہ ہے کہ اگر ان 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 کام راج کا نام لیتے ہی خفا ہو گئے میں واپس لے لیتا ہوں -

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

شری عبدالغنی : وائس چیر مین صاحب - مجھے کافی اس بات کا وچار رہتا ہے کیوں کہ برسوں تک زندگی اپنے ساتھیوں کے ساتھ گذاری ہے - اس لئے میرے کہنے کا مطلب یہ ہے کہ یہ جو بل آپ لائے ہیں یا جو بھی بل

ھوں لیکن کانگریس کے بھائیوں کو خفا نہیں ھونا چاھئے- آپ کمیٹیوز سے رویہ لے کر الیکشن جیتنا چاھتے ھیں تو سونے کی جو مرغی ھے اس کو ھی مت ماریئے بلکہ اس کو انڈا دینے دیجئے - اگر وہ انڈا دیتی ھے تو کھا لیجئے اگر نہیں دیتی ھے تو صبر کیجئے -

†[**श्री अब्दुल गनी** (पजाब) वाइस चेयरमैन साहब, यह बिल जो लाया गया है उस पर मुबारकबाद भी दे सकता हू क्योकि बजाहिर तो यही है कि यह मजदूरो के हित मे है । अगर ऐसा ही इसका आबजैक्ट ह तो यकीनन कोई आदमी ऐसा नही हो सकता जो इस बिल पर एतराज करे । लेकिन तजुर्बा बिल्कुल ही इसके उलट हे । कम्पनीज-कम्पनीज मे फर्क हे । एक कम्पनीज वह है जो इस एक्ट के तहत आती है और कुछ कम्पनीज ऐसी हे कि सुप्रीम कोर्ट का जज भी यह वर्डिक्ट दे कि जो प्राइम मिनिस्टर साहब ने श्री के० डी० मालवीय के खिलाफ चार्जेज भेजे है उसमे दो ऐसे होते ह जिनमे प्राइमाफेसी केस है । लेकिन उनको हाउस के सामने न लाया जाए । तो कम्पनीज मे यह बात कहनी कि जिन्होने सरकार की मदद से करोडो रुपया लगाकर कारखाना लगाया है और उसमे हजारो मजदूर काम करते हैं, बडी तनख्वाह वाले भी काम करते हे । इसमे कोई शक नही कि कुछ कम्पनीज ऐसी है जिनमे मजदूरो के साथ बडी बडी ज्यादतिया हुई । लेकिन इस बिल मे यह कहा गया कि चाहे कितना भी इन्डिसिपलिन क्यो न हो, काम करने वाला वह टैक्निकल हैंड हो, वह क्लेरीकल जॉब मे हो, वह बेचारा लेबरर हो, उस पर कोई एक्शन नही हो सकता । तो मुझे डर यह है कि ऐसे मौके पर जब कि चाइना ने अभी अपनी आखे नही बदली चाइना ने अपना रुख नही बदला कि वह किसी भी तरह से बा-इज्जत समझौता हमारे देश से करे । आज इसकी जरूरत दिखाई नही पडती । इन हालात मे यकीनन सरकार चाहेगी कि ज्यादा से ज्यादा सरक्षण हो, वह क्यो न असले का हो, वह क्यो न फौजियो की बाकी जरूरियात की जो चीजे है उनका हो । और चूकि वाइस चेयरमैन साहब, यह हकीकत है कि बहुत ज्यादा सामान सरकारी फैक्टरियो के अलावा उन्ही कम्पनीज की मदद से तयार होता है । आप साधारण तरीके से यह बात कहते है और दूसरी तरफ आप यहा तक गये है कि जो ट्रिब्यूनल का फैसला हो जाये उसको फाइनल मान लिया जाये । मै समझता हू कि यह भी कोई ऐसी पसदीदगी नही है कि जनाब इधर मैने अर्ज किया कि ठीक है कि उन मालिको को अधिकार होना चाहिए कि वह गाजर-मूली की तरह मजदूर को काट कर फेक दे, लेकिन यह भी नही कि अगर काम मे रुकावट पडती 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 प्राइमा फेसी केस आये तो प्राइमा फेसी का फैसला भी नन्दा जी खुद करे, शास्त्री जी करे, दुनिया न करे, जजेज न करे यदि वह प्राइमाफेसी है । इसलिए कि एमरजैंसी की जरूरत है तो मै समझता हू कि इन मजदूरो के हक मे है और न ही सरकार के हक मे जाता है । इसी तरह से ट्रिब्यूनल का फैसला जो है उसको फाइनल समझ लिया जाये । यह भी ज्यादा पसन्द नही है तो मै मानता हू वाइस चेयरमैन साहब, कि इस वक्त करोडो रुपया नही, अरबो रुपया बडी बड़ी कम्पनीज खा जाती हैं, बडे बडे फर्म खा जाते है । सरकार का नही पब्लिक का, क्योकि यह सब पब्लिक फड मे आता है, इन्कमटैक्स वगैरा । लेकिन इसमे किस रास्ते से जा रही है यह सरकार जो कि अपने आप को कहती है कि गाधीदाद की सरकार है । महात्मा गाधी के चाहनेवालो की सरकार है, वह ब्राइब दे किसी को और कहे कि बताओ मालिक ने कहा क्या रखा है । तो इससे तो

†[ ] Hindi transliteration

[श्री अब्दुल गनी]

हिन्दुस्तान का इखलाक बहुत बिगडने वाला है । इसको कोई कहे कि सुन्दर तरीका है, मैं मानता हू, मानना चाहिए । लेकिन मारते किस को है ? क्या इस सरकार को पता नही है कि जो दिनो मे हजारो वाले करोडपति बन गये उन पर यह इन्कम-टैक्स की मश्तिया क्यो रवा नही की जाती । वह एक नही है वाइस चेयरमैन साहब, हजारो है जो कि एक आबरू की जुम्बिस से नवाब-राजा बने हैं । तो मै मानता हू कि कम्पनी पर काफी हिम्मत के साथ आप इसको अमल मे लाये । वाइस चेयरमैन साहब, अगर अपना दामन साफ है तो वह दूसरे की चादर पर एतराज कर सकता है । लेकिन आज हालत क्या है ? बडे बडे चीफ मिनिस्टरो पर, बड़े बडे मिनिस्टरो पर, जिनको यह अधिकार देने वाले है आप तमाम कम्पनीज को डराना चाहते है । अगले इलैक्शन के लिए काग्रेस को कोई उम्मीद ज्यादा जीतने की नही रही । इसलिए वह कम्पनीज को डराना चाहती है । पहले कम्पनीज से रुपया लेना जायज करार दिया गया था क्योकि अपने देश मे कोई कानून है नही कि कम्पनीज फड्स न लिये जाये । करोडो रुपया नही तो लाखो रुपया काग्रेस ने कम्पनियो से लिया । वाइस चेयरमैन साहब, अभी मैने देखा कि यह कम्पनीज जिन पर यह ऐक्ट लागू करना चाहते है और हमारे भगत साहब ने जिस बिल को बडी मुहब्बत से पेश किया है उनसे काफी रुपया अभी लिया जाता है । अभी हमारे काग्रेस के प्रेसीडेट पजाब मे गये थे तो इन कम्पनीज ने यह सारा रुपया दिया । लाखो की थैलिया दी गयी । एक जगह डेढ लाख रुपया दिया गया और एक जगह ३५ हजार रुपया दिया गया । जिस तरह गाधी जी एक-एक पैसा जगह-जगह जाकर इकट्ठा करते थे सारी जनता से, उसमे ऐसा नही हुआ । हमारी सरकार की जो यह नीयत है कि मजदूर बेचारो का भला हो क्योकि वह सोशलिज्म की हामी सरकार है । लेकिन मै समझता हू कि ऐसी नही है । यह तो सिर्फ कम्पनीज पर अपना अधिकार करना चाहती है । जैसा कि मैंने पहले कहा था कि डेमोक्रेसी के परदे मे जार-शाही काम कर रही है और इससे भी ज्यादा से ज्यादा शब्द आयद हो सकते है । यह काग्रेस सरकार, डेमोक्रेसी की हामी सरकार, अपने हाथ मे 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 । करोडो रुपये के कारखाने बरबाद हो जाते है लेकिन इस सरकार को यह अधिकार नही है कि वह किसी को सस्पेड करे, किसी को निकाल सके । तो उसके माने क्या है ? इसके माने ये है कि वह गद्दियो पर कायम रहना चाहती है । वाइस चेयरमैन साहब, मै डरता हू कि इससे गद्दिया कायम रहने वाली नही है क्योकि 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 मे यह रखा है कि कोई भी केस ट्रिब्यूनल तक ही जा सकता है और उसमे आपने हाई कोर्ट मे अपील करने की इजाजत नही रखी है । लॉ मे यह रक्खा है कि किसी भी मजदूर को वह नही निकाल सकते है, चाहे कुछ भी हो जब तक कि मसला ट्रिब्यूनल के सामने न जाये । अगर सरकार तीन साल तक कोई एक्शन न ले तो क्या यह मामला लटका रहेगा ? मेरा कहना यह है कि जहा उनके मन मे आती है वहा वह डालमिया को दे मारते है, लेकिन मालवीय को कोई नही पूछता । मेरा कहना यह है कि अगर उनकी यह नीयत है कि इस बिल से मजदूरो को भला होगा तो मुझे कोई एतराज नही है लेकिन उनके अमल से मुझे ऐसा दिखाई नही देता है । आप कामराज

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

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

श्री अब्दुल गनी : वाइस चेयरमैन साहब, मुझे काफी इस बात का विचार रहता है क्योकि बरसो तक जिन्दगी अपने साथियों के साथ गुजारी है । इसलिए मेरे कहने का मतलब यह है कि यह जो बिल आप लाए है या जो भी बिल लाए, आप मैजोरिटी मे है और इस मैजोरिटी के बिल पर आप जो चाहे पास करा लीजिए । इसमे कोई तकलीफ नही है लेकिन यह कब तक चलेगा ? डेमोक्रेसी के नाम पर डेमोक्रेसी का खून हो तो इसका मतलब क्या मै यह समझू कि आप बिल्कुल ठीक कर रहे है । मेरा कहना यह है कि आप देश मे जो कुछ करना चाहते है कीजिए, लेकिन ऐसा न कीजिए कि कल आपको पछताना पडे और डी० आई० आर० के तहत भूपेश गुप्त की फौज को गिरफ्तार करना पड़े । इसलिए मै यह चाहता हू कि इस बिल में थोडी सी लचक आनी चाहिए । आप जो भी बिल लाए जहा आप एक तरफ ध्यान रखते है वहा आप को दूसरी तरफ भी ध्यान करना चाहिए । यह मै इसलिए अर्ज कर रहा हू क्योकि यह मेरी दिली ख्वाहिश है कि इस देश मे डेमोक्रेसी कायम रहे । इसके साथ एमरजेंसी के दौर मे जब मेरी आखे सारी बाते देख रही थी तो चीन एक तरफ तो हमे देख रहा है दूसरी तरफ रूस को देख रहा है और तीसरी तरफ मशरिकी मुमालक को अपनी आख मे देख रहा है । तो अब भी ऐसी हालत मे इस तरह के सख्त कानून बनाना कि जिसमे हमारे हाथ बध जाए मुनासिब नही होगा । म मानता हू कि मेरे थोडे से शब्द जो मैंने अर्ज किए वह तल्ख क्यो न हो लेकिन कांग्रेस के भाइयो को खफा नही होना चाहिए । आप कम्पनी से रुपया लेकर लैक्शन जीतना चाहते है 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 नही देती है तो मत्र बोलिए ।]

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 concerns 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 no time but when it comes to Mr Shanti Prasad Jain and the monopolist class I do not know what the Gods and Godesses 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 malpracties 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 has 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.

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. Nothing 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 co-operation 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 Kanyakumari 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 consultants 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 Sehgal 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 stopped 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 benamdars 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 benamdars 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 Legis-

[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 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 faimly. 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 measure of protection I should like it 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 should like 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 heir 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 —as 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 nationalised 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 : شیشے میں اپنا منہ صاف دیکھ آیا ہے -

†[श्री अब्दुल ग़नी : शीशे में अपना मुह साफ न र आता है ।]

श्री लोकनाथ मिश्र आखिर में वहा भी आएगे ।

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. Dandekar, 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 successful 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 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 defunt 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 shel'ered 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 Govern ment 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 enqu ry and the whole matter should go to the S P E I am prepared to pass on all the papers and I am sure the 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