

श्री शिव चन्द्र झा श्रीमान :

(Interruptions)

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

(Interruptions)

श्री शिव चन्द्र झा : उपसभापति महोदय, चूंकि आप मुझे बोलने नहीं दे रहे हैं इस लिये मैं बाक आउट करता हूँ ।  
(At this stage, the hon. Member left the Chamber)

**i. (I) STATUTORY RESOLUTION  
SEEKING DISAPPROVE!, OF THE  
TEA (AMENDMENT) ORDINANCE,  
1980.**

**(ID. THE TEA (AMENDMENT)  
BILL 1980**

SHRI HART SHANKAR BHABHRA  
(Rajasthan): Sir, I beg to move:

"That this House disapproves the Tea (Amendment) Ordinance, 1980 (No. 15 of 1980) promulgated by the President on the 13th October, 1980."

Sir, my basic aim in moving this Resolution is to highlight that the extraordinary legislative powers conferred upon the President under Article 123, sub-clause (1) are being misused by the Government. By promulgating such Ordinance for petty matters which are of routine nature, there was no such urgency for the promulgation of the Ordinance or amendment of the Act. The decision of the Calcutta High Court against the Government is no valid reason to justify the act of issuing such Ordinance, particularly when the appeal is already pending against the decision of the High Court in the Supreme Court, preferred by the Central Government. This tendency to issue Ordinances as a routine should be discouraged, because this is an unnecessary encroachment

on the authority of Parliament to legislate. I, therefore, oppose the promulgation of the Ordinance in question.

Sir, the tea industry today is going through a crisis. There are many important matters concerning the industry which require very serious and immediate consideration by the Government. The Tea Act itself has become so complicated that it requires complete overhauling, and instead of bringing amendments, piecemeal amendments, the Government should have brought a comprehensive Bill to the Tea Act itself. The Tea Board today cannot function as an effective body and it has to depend so much, rather entirely, on the bureaucrats and the Central Government. The Tea Board has to transact business of a routine nature and it cannot take decisions on important policy matters and will always depend on the Government. There are many important problems which the Government should have taken up on a priority basis and I would, therefore, enumerate some of them. I think, Sir, that since our tea industry is earning a substantial portion of our foreign exchange, the hon. Minister will certainly consider these important points:

(1) To consider the present arrangement of marketing of tea in India by way of direct sales, consignment sales, auction sales, etc., and to decide what would be the best arrangement for marketing of tea with a view to ensuring a fair unit value realisation in the domestic market as well as the highest possible realisation in the export market.

(2) To consider arrangements which would eliminate the chances of collusive sales in domestic markets as well as under-invoicing in exports.

(3) To consider the role of the London auctions in the marketing of Indian tea and to examine as to whether the best solution would lie in allowing auctions of tea only in India.

fShri Han Shankar Bhabhra] (4) To consider as to whether the present system of tea auxcions in India is advantageous to the producer and fair to the consumer or not. To also consider as to whether the auction, system in India should be continued and, if so, in what manner and the methodology Government should adopt to keep a supervisory watch or the auction system.

संसदीय कार्य विभाग में राज्य मंत्री  
(श्री सौताराम जेसरी) : श्रीमान, मुझे  
एक सूचना देनी है। सभी माननीय  
सदस्यों को लीडर आफ दि हाउस की  
तरफ से भोजन के लिए साढ़े आठ बजे  
निमंत्रण है।

SHRI HARI SHANKAR BHA-BHRA: To consider the present arrangements for shifting export of tea from primary to bulk tea to more value-added forms like packet tea, tea bags,, instant tea, etc. Also to consider what measures should be switched over from primary tea to bulk from to export in more value-added forms.

To consider whether in the marketing arrangements for tea,, there should be any special provisions or arrangements for marketing of tea by small producers.

To consider as to whether the present arrangements for marketing of tea at the retail level enable the consumer to get tea at a reasonable price..

The concept of buffer stock of tea nationally and internationally, to introduce a steadiness in supplies both in the domestic and in the export market, thereby reducing price fluctuations would perhaps be worth going into.

I would also draw the attention of the Government and the hon. Minister to the problems which the labourers in the different industries are facing,

particularly in the settlement of their Provident Fund accounts, loan accounts, housing schemes ex-gratia payments or bonus, etc. The employees of the Tea Boards have not been granted bonus or ex-gratia \* payments. It is an apparent injustice to them because the employees of the Coffee Board are already getting them. There are other problems. I do not want to go into detail. I would like the hon. Minister to pay serious attention to the problems. If this Bill would have come in a routine manner. I would have happily supported it. I know that this is a very clear Bill and there is nothing to oppose in it. There are many problems to which the Government should have accorded priority. This should not be brought piecemeal. He should have brought a comprehensive Bill. I would therefore, request the hon. Minister to see that something is done. With these words, I move my Resolution.

*The question was proposed.*

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KHURSHED ALAM KHAN): Sir, I beg to move:

"that the Bill further to amend the Tea Act, 193, as passed by the Lok Sabha be taken into consideration."

SHRI ERA SEZHIYAN (Tamil Nadu) Sir, I am on a point of order against, the consideration of this Bill on constitutional basis. For the last two days, I have been rising on some points of order. One was on the presidential recommendation in respect of a Bill under 117(3). They said that they are publishing it. The second point of order was regarding the Financial Memorandum and other things. It was said that this House is concerned with the Bill as passed by the Lok Sabha and it does not matter whether the other things are there or not. We were told to concern ourselves with the Bill as passed by the Lok Sabha. Now, we are concerned with the Tea (Amendment) Bill as passed by the Lok

Sabha. It has come to us for consideration. Since the amounts have to be drawn out of the Consolidated Fund of India, it attracts 117(3). Therefore, a presidential recommen-

"\*"-ation is required for consideration by this House. That recommendation has come in today's bulletin, i.e. Tuesday, the 23rd December. No. 26099. I want to raise one very important point. We are considering the Bill as passed by the Lok Sabha. Therefore, I require a separate presidential recommendation for this House. That also has been brought here. It says: "The President having been informed of the subject-matter of the Tea (Amendment) Bill, 1980, recommends k> the Rajya Sabha the consideration of the

- Bill under Article 117(3) of the Constitution." If you see that one, it says, "Copy of the Letter No. K 7012/179/ A dated 17th December, 1980, from Shri Pranab Mukherjee, Minister of Commerce to the Secretary General". Sir, I have got the Bill that has been given to us. The Bill says, "As passed by Lok Sabha on 19th December, 1980." Did you get the point Sir? The Bill has been passed by the Lok Sabha on the 19th December, 1980, as has been printed and given to us. And here is a letter from the Minister dated the 17th December, giving the recommendation of the President
- ♦ two days earlier.

Sir, there is one more point. I will invite your attention to the recommendation obtained in regard to the Maruti. For Maruti, Sir, I went through the original Bill. That Bill was introduced in the other House on the 8th December. It contains the President's recommendation dated the 20th November, and it had been introduced there on the 8th December. It was passed in that House on the 18 December. Then, Sir, we got the Bulletin. The President's recommendation to this House was obtained on the 20th December. It was passed there on the 18th December. And we got the recommendation on the 20th December.

Sir, I will read from the Bulletin, Item No. ...

MR. DEPUTY CHAIRMAN: Don't go into the details. The date is relevant.

SHRI ERA SEZHIYAN: Therefore, Sir, I am against this one. The recommendation earlier to the date of passing the Bill in the Lok Sabha is not valid. We cannot discuss this unless you bring a new recommendation from the President after the date of passing of this Bill in the other House.

MR. DEPUTY CHAIRMAN: Your point is clear.

SHRI ERA SEZHIYAN: Therefore, the House is debarred by a Constitutional disability for considering this Bill.

SHRI NARASINGHA PRASAD NANDA (Orissa): Sir, Mr. Era Sezhiyan has raised a very important question. We are noticing, Sir, that the Parliamentary practices and the provisions of the Constitution are not being honoured, not being respected. I don't think that the recommendation of the President under article 117(3) is just rubber-stamping what is proposed by the Government. You kindly listen to me, Sir. That the President applied his mind to the question of recommendation for consideration by this House, is not there. The President is not a mere rubber stamp under article 117(3) nor is this House a rubber stamp to whatever is brought by the Government unless the formalities are complied with. What happened to this Government? These small formalities which could have been looked into and complied with by them, have not been complied with here. The main point, therefore, is whether there is a proper recommendation by the President as required under the Constitution. And answer is 'no' because the President's recommendation is prior to 19th December. We are considering today a Bill 'further to amend the Tea Act.

[Shri Narasingha Prasad Nanda]  
1953, a<sub>g</sub> passed by the Lok Sabha on | the 19th December 1980'. The President's recommendation should have I come after the 19th December, That recommendation having not come here, we cannot take thi<sub>s</sub> Bill into consideration.

SOME HON. MEMBERS: Sir,  
Sir..... (Interruptions).

MR. DEPUTY CHAIRMAN: Now, the point is clear. Please don't repeat.

SHRI MANUBHAI PATEL (Gujarat): Sir, I will not take more than two minutes.

MR. DEPUTY CHAIRMAN: Please hear the Minister.

SHRI MANUBHAI PATEL: Just because th<sub>e</sub> opposition is co-operating beyond expectation to speed up the consideration and passing of the Bills, it does not mean that the House should be taken for granted and that j you will be able to steamroll some irregular things through our oversight. That should not b<sub>e</sub> taken for granted. Here is a very relevant point and you cannot expect us to be blind to itt. So, Sir, when the Bill was passed on the 18th how is the letter dated the 17th December? It is a very serious matter.

SHRI K. K. MADHAVAN (Kerala): Sir, I support the point raised by Mr. Era Sezhiyan and supported by my Party whip. Here, is a constitutional illegality of not only one Bill but niore than two or three Bills.

MR. DEPUTY CHAIRMAN: Only one Bill he has referred to.

SHRI K. K. MADHAVAN: It is a condition precedent which has to be complied with and for the purpose of these Bills those conditions precedent have not been complied with. Therefore,

MR. DEPUTY CHAIRMAN: Your point is dear.

SHRI K. K. MADHAVAN: Therefore, the point raised by my hon. friend involves the question of constitutional validity of th<sub>e</sub> Bills, if they ar<sub>e</sub> passed.

SHRI SADASHIV BAGAITKAR (Maharashtra): Sir, I rise to support the point raised by my friend, Shri Era Sezhiyan. Here the question<sub>g</sub> of constitutional propriety is involved. It is wrong to ride roughshod & the facts stated by him are correct. There should be a proper explanation.

SHRI KHURSHED ALAM KHAN: Sir, I would like to assure the hon. Members that there was no question of bypassing the usual procedure or not showing proper respect to the hon. House. (Interruptions). I would just like to say that the letter signed by the Commerce Minister is dated the 22nd December and not the 17th December. Unfortunately, there seems to b<sub>e</sub> some mistake. (Interruptions). There has been some typing mistake, for which I am extremely sorry.

MR. DEPUTY CHAIRMAN: Have you got the original letter?

SHRI MANUBHAI PATEL: How has it then appeared in the Bulletin? (Interruptions).

SHRI KHURSHED ALAM KHAN: I would like to assure the House that it is purely a typing mistake. There was no question of bypassing any procedure.

SHRI NARASINGHA PRASAD NANDA: Three excuse of the type-graphical error cannot be accepted. Kind maintain the dignity o? the House.

MR. DEPUTY CHAIRMAN: Now, I have heard you and heard the Minister. I think the point raised by Mr. Era Sezhiyan is quite correct and the letter that is before m<sub>e</sub> and that has been circulated by the office is also dated December 17. But it was received in the office on December 22. So, the explanation given by the Minister may be accepted. There

might have been a typing mistake. It was received in this office on the 22nd December.

SHRI ERA SEZHIYAN: How can  
->4hat be? (Interruptions).

MR. DEPUTY CHAIRMAN: I do not say that it cannot be ruled out. That can be accepted. On the face of it, let us accept it and proceed with the Bill.

PROF. RAMLAL PARIKH (Gujarat): How can there be a different date on the office copy? How can there be two dates on the same letter? (Interruptions)

MR. DEPUTY CHAIRMAN: He has said there is a typing mistake so far as the date is concerned.

PROF. RAMLAL PARIKH: We would like to see the Despatch Register. Sir, we shall have to go into the whole thing. (Interruptions)

SHRI ERA SEZHIYAN: How can it be in the Bulletin of the 22nd December? Already this has come in the bulletin. The bulletin has been received by all including the Minister, it seems nobody bothers about these things.

MR. DEPUTY CHAIRMAN: You are right; they should have taken note of it.

SHRI ERA SEZHIYAN: They have got a vast army of officers; they should have taken note of it.

MR. DEPUTY CHAIRMAN: I think the Minister should be better careful about these matters.

DR. RAFIQ ZAKARIA (Maharashtra): At least we have one vigilant Member here.

MR. DEPUTY CHAIRMAN: The Minister and his office should be more careful.

SHRI B. N. BANERJEE (Nominated): If you accept the Minister's

version, it is all right. But the Minister should be careful to see that such things do not recur.

MR. DEPUTY CHAIRMAN: I have already said it.

SHRI SADASHIV BGAITKAR: If it was a bona fide mistake, it could have been brought to the notice...

SHRI MANUBHAI PATEL: But the letter is dated 17th.

SHRI ERA SEZHIYAN: If we take the Maruti Bill, the bulletin says: President having been informed . . . etc. recommend under Article 173 of the Constitution for consideration by Rajya Sabha of the Bill as passed by Lok Sabha. Now, here, the words . . .

MR. DEPUTY CHAIRMAN: This is coming from a different Ministry; the wordings may be different.

SHRI ERA SEZHIYAN: In the Maruti case, Sir, in the bulletin, it was said: Recommendation for consideration by Rajya Sabha as passed by Lok Sabha. Here, the words 'as passed by Lok Sabha' are omitted.

MR. DEPUTY CHAIRMAN: Yes, I know, that is not here.

SHE\* ERA SEZHIYAN: The second thing is more serious. I took a copy of the Bill as introduced in Lok Sabha. There is no recommendation of the President printed there.

MR. DEPUTY CHAIRMAN: It is for that House. We need not discuss.

SHRI ERA SEZHIYAN: There is a Statement of Objects and Reasons; a Financial Memorandum; there is the last page; the Annexure, but there is no recommendation from President.

MR. DEPUTY CHAIRMAN: That is a matter for the other House.

SHRI B. N. BANERJEE: The Minister should be careful in future.

MR. DEPUTY CHAIRMAN: Yes, it is very serious. Now, let us proceed.

SHRI ERA SEZHIYAN: I would like to know and for the information of the House whether recommendation of the President was obtained for the other House, because that is the requirement...

MR. DEPUTY CHAIRMAN: We are not going to discuss the other House.

SHRI ERA SEZHIYAN: All the discussion here will become infructuous because it is a Constitutional requirement.

MR. DEPUTY CHAIRMAN: It is not for us to discuss about the other House. It is for them to see. We cannot raise it here nor can I give a ruling on it.

SHRI K. K. MADHAVAN: Sir, permit me to say that we are not discussing the other House but on the other hand we are discussing the consequences of what happens in the other House.

MR. DEPUTY CHAIRMAN: Not even that.

SHRI B. N. BANERJEE: Sir, the Government should not take it as a routine matter. They should in future see that proper recommendation comes.

SHRI KHURSHED ALAM KHAN: Sir, I would like to assure...

SHRI MANUBHAI PATEL: It was an Ordinance to be converted into Act.

MR. DEPUTY CHAIRMAN: You have said it already.

SHRI MANUBHAI PATEL: We are not taking that stand; but let it not be taken so lightly. Otherwise, if we take that stand, this Bill cannot come here Constitutionally; it will have to go again for Ordinance and this Ordinance lapses.

SHRI NARASINGHA PRASAD NANDA: If the letter of the Ministry is dated 22nd December...

MR. DEPUTY CHAIRMAN: The letter is dated 17th. \*

SHRI NARASINGHA PRASAD NANDA: If it is a typographical mistake—maybe, because mistakes are there, we cannot expect perfection from this Government—we would like to request you to kindly protect the interest of this House. You are occupying the Chair today at a very crucial moment. Kindly ask the hon. Minister to tell us the date of the President's recommendation. It is most vital in this case. We are not concerned with the typographical error. If the date of President's recommendation was prior to 19th December, that is not a proper recommendation.

SHRI ERA SEZHIYAN: Sir, it was in 1956, when the River Boards Bill was introduced in this House and passed. When it went to the other House, they questioned about the financial memorandum and also about the President's recommendation. I think, it was raised by one Mr. V. P. Nair. The Deputy Speaker who was in the Chair, first said that it was to be presumed, later on satisfied the House that these things had been followed. Sir, I would like to put it on record. This House is entitled to know whether the Constitutional requirements have been fulfilled. Otherwise, all our deliberations and the passing of this Bill would become infructuous.

PROF. RAMLAL PARIKH: When was this letter, which is dated 17th, received in the Rajya Sabha Secretariat?

MR. DEPUTY CHAIRMAN: I said 22nd. That is why, this has arisen. (Interruptions)

PROF. RAMLAL PARIKH: Sir, I am not interested in making new points. Since the matter is of great

importance, we must know, how it happened. We should be able to know from the Secretariat how it happened and why it took five days.

"\*- MR. DEPUTY CHAIRMAN: This has not happened in our office. Whatever has happened, has happened in the Minister's office. This letter was received in our office on the 22nd.

PROF. RAMLAL PARIKH: You have a clear evidence of it having been received on the 22nd?

MR. DEPUTY CHAIRMAN: It has been received on the 22nd. It is written on the file.

SHRI MANUBHAI PATEL: Sir, \* the most relevant point is the one which has been raised by Mr. Nanda. This should be replied to by the hon. Minister and this House should be satisfied about that. What was the date on which the President cleared it? This is most important.

SHRI KHURSHED ALAM KHAN: Sir, the President's recommendation under article 117 (3) is dated 22-12-80.

MR. DEPUTY CHAIRMAN: That is alright. This meets the objection raised by the hon. Members. So far as the wording of the letter from the Minister to our office is concerned, I think, it would have been better if he had mentioned in that letter the date of recommendation by the President. *(Interruptions)*.

SHRI B. N. BANERJEE: That may not be necessary. They could have said 'as passed by the Lok Sabha.'

MR. DEPUTY CHAIRMAN: Mr. Minister, you should be very careful in all these matters. We are very fortunate to have Mr. Era Sezhiyan as our hon. Member. He is very technical and very thorough. Hence, you should be very careful.

SHRI ERA SEZHIYAN: They should be very careful in the future

they should give the date of the President's recommendation.

MR. DEPUTY CHAIRMAN: I have said it. The date is alright. If the Bill is passed by the Lok Sabha, they should say 'as passed by the Lok Sabha'. This will be sufficient. If the Bill originates from the Rajya Sabha, they should give the date. *(Interruptions)* I think, you can give the dates in all the cases.

SHRI KHURSHED ALAM KHAN: Sir, I am thankful to the hon. Member for having brought this to our notice. Certainly, we will be very careful.

MR. DEPUTY CHAIRMAN: 'Now, you can move the Bill.

SHRI KHURSHED ALAM KHAN: Sir, I beg to move;

"That the Bill further to amend the Tea Act, 1953, as passed by the Lok Sabha, be taken into consideration."

*The question was proposed.*

SHRI C. HARIDAS (SCeralu); Sir, this Bill seeks to amend the Tea Act (No. 79) of 1953. It has to be remembered that there had been some loopholes in the parent Act. These loopholes were misused by interested elements which are operating in the tea industry. The financial assistance given by the Central Government to some of the industrial units through the Tea Board were misutilised or diverted by these elements. By the present set of amendments, the Bill is intended to plug some loopholes so as to ensure a more efficient working of the Tea Board and better management of the units in the tea industry. The sections that are sought to be amended are 2, 3, 4, 5, 6, 10, 16E, 16L, 27 and 46.

The big tea garden owners and industrial houses producing and processing tea have taken away huge amounts of money given as Government assistance. Assistance for tea plantations has in many cases been

[Shri C- Haridas] diverted to other business purposes and misutilised. In many cases, these things were going on with the connivance of some concerned authorities or officials. Whenever such unlawful activities were found out and questioned, the sinners tried to escape through the courts of law and other methods. Clause 7 of the present Bill is meant for nullifying the disadvantageous consequences of such judgements, decrees or orders of any court.

Sir, tea is one of the commodities which fetches substantial amount of foreign exchange to this country. My State of Kerala is one of the States that produce tea. There are many tea gardens in Kerala. The biggest among them is the Kannan Devan Company. This company had kept with it about one lakh acres of Government land on long term lease. A large part of that was kept idle and uncultivated. The Kerala Government decided to take over the Kannan Devan plantation and recommended the same to the Central Government. But the Central Government took no steps nor did it respond to the State Government's request. The company is not doing the replanting of tea and they are destroying the industry. So the Kerala Government has taken some steps. It must be said to the credit of the Kerala Government that it took back about 75,000 acres of uncultivated land by terminating the lease period. Attempts for distributing these lands to the landless agricultural workers are going on in Kerala as part of the land reforms programme in the State. In this connection, I would like to point out the necessity of examining whether other tea companies and undertakings are doing these unproductive acts. The Central Government and the Tea Board have to maintain vigilance against misuse of public funds by industrial units engaged in tea production and processing.

Sir, the tea industry is being monopolised or dominated by big industrial houses. They are controlling the

trade and export of tea. Many foreign big business houses and multi-national business houses make fabulous profits from the tea industry and from exports. This has to be stopped as early as possible. The living conditions\* of tea garden workers in India is very miserable. The Government should take necessary steps for their welfare as well as for improving their economic and social conditions.

Lastly, Sir, I request the Government to take urgent steps to nationalise the tea trade and export of tea. Thank you.

श्री संगडोपाल लेखा (पश्चिमी बंगाल) : मैं चाय (संशोधन) विधेयक, 1980 का साधारण तौर से समर्थन करने के लिए खड़ा हुआ हूँ ।

मेरा कार्यक्षेत्र विशेष चाय उद्योग में होने के कारण इस विधेयक के बारे में विशेष दिलचस्पी है क्योंकि सरकार ने 1976 में चाय कानून में संशोधन करके रुक, बंद और लाभ नहीं देने वाले बागानों को अपने हाथ में लेकर, किसी व्यक्ति वा संस्थान को ऐसे बागान को चलाने का जिम्मा देने का प्रावधान किया ।

उसके बाद पश्चिम बंगाल और असम के कुछ बागान अपने हाथ में लेकर टी ट्रेडिंग कॉर्पोरेशन, वेस्ट बंगाल टी डिवेलपमेंट कॉर्पोरेशन, अन्ड्रीड युल कम्पनी जैसे सरकारी प्रतिष्ठानों को सौंप दिया । लेकिन इन सब प्रतिष्ठानों को बैंक से कर्जा लेने का तथा पूंजी खर्च करने का कोई अधिकार नहीं था । मजदूरों का बकाया, रोजी प्रविडेंट फण्ड, ग्रेज्युइटी इत्यादि भी भुगतान करने का कोई अधिकार उन्हें नहीं था । इसके फल-स्वरूप कभी-कभी उन लोगों की चालू हफ्ता के रोजी और राशन भी नहीं मिल सकता था । आगे मजदूरों में जो आशा, भरोसा वा उत्साह था, वह खत्म होने लगा ।



चाय कानून में जो कमजोरियाँ थीं उसी की वजह से यह सब हो रहत था। मुझे उम्मीद है कि अब किसी हद तक यह समस्याएं हल हो सकेंगी।

चाय बागान के मालिकों की लापरवाही के कारण, पूंजी नियोग करके बागान को सुधार न करने के कारण टी बोर्ड तथा अन्योन्य संस्थानों से मिली हुई धनराशियां बागान के विकास में न लगाकर अपने स्वार्थ के लिए हड़पने के कारण, चाय बागान रोगी हो गये, बंद हो गये। मजदूर बेकार पड़ गये। उनकी गाढ़ी मेहनत की कमाई लूट ली गई।

इसलिए अब नये कानून के अनुसार जब सरकार द्वारा नियुक्त व्यक्ति वा संस्था जो कुछ भी भुगतान करेगी उसमें मजदूरों का पाउना सब से पहले भुगतान करने का प्रावधान होना चाहिए।

अब यह विधेयक पास होने के बाद, सरकार को अधिक क्षमता मिलेगी। उस क्षमता का प्रयोग करके सरकार अब जल्दी-जल्दी रुग्ण बनाये जाने वाले बागानों को ले सकती है।

इसलिए जांच-बूझ की प्रक्रिया सरल होनी चाहिए ताकि ऐसे बागान हाथ में लेने में देरी न हो। जरूरत पड़ने पर बिना जांच भी सरकार ऐसे बागानों को ले सकती है।

जांच-बूझ करने में जिसको नियुक्त किया जाता है, उनमें से कोई मजदूरों के प्रतिनिधियों को भी रखना चाहिए ताकि ठोस खबर मिल सके और जांच की प्रक्रिया जल्दी हो सके।

जांच के बाद, कोई-कोई क्षेत्र में मालिकों को सुधारने का निर्देश दिया जाता है। उस निर्देश में बहुत सी बातें

हैं, लेकिन मजदूर, कर्मचारी का तलब और दूसरी सुविधाएं ठीक ढंग से नियमित रूप से देने की शर्त नहीं है। यह शर्त जोड़ी जाना चाहिए।

दूसरी बात यह है कि सुधारने के लिए दिये जाने वाले निर्देश में एक विशेष समय निर्धारित किया जाता है। लेकिन हमारे तजुबों से हमें मालूम है कि इस अवधि में यह मालिकों ने, सुधारना तो दूर की बात है, बागान को और बरबाद कर देते हैं। मजदूरों को और ज्यादा सताते हैं।

इसलिए ऐसी हालत में मालिकों को दिये गये समय रद्द करके सरकार को ऐसे बागानों को तुरन्त अपने हाथ में लेने का प्रबन्ध करना चाहिए।

आखिरी बात यह है कि सरकार जब रुग्ण, बंद बागानों को अपने हाथ में लेकर पांच वर्ष लिए किसी व्यक्ति को या संस्थान को देखभाल करने तथा उसकी व्यवस्थापना, सम्हालने की इजाजत देती है। यह समय ज्यादा से ज्यादा सात वर्ष तक बढ़ाया जा सकता है। मैं इसका सख्त विरोध करता हूँ क्योंकि एक तो इतना परिश्रम करके, जांचबूझ कराने के बाद, लाखों रुपया सरकारी खजाने से खर्च करने के बाद, रुग्ण बागान को अच्छा करने के बाद फिर उन्हीं मालिकों को, चाय बागान के मालिकों को लौटा देने में कोई युक्ति दिखाई नहीं देती। वे तो उन बागान को ध्वंस कर देते हैं। फिर उन्हीं आदमियों को दे देते हैं चंगा करके, बीमार करने के लिए, तो मुझे तो इसमें कोई युक्ति नहीं दिखाई देती है।

दूसरी बात यह है कि चाय तो एक कृषि उद्योग है। एक चाय के पौधे को तैयार करने और उस से चाय पाने में 7-8 वर्ष लग जाते हैं। तब सरकार

[श्री संगडोपाल लेपचा]

से नियुक्त किए गए व्यक्ति या संस्था हजारों रुपए खर्च करके, चाय का गाछ तैयार करके चाय की फसल लिए बगैर ही उसको चला जाना पड़ता है। इस से किसी को लाभ नहीं होता है। इसीलिए मैं एक बार लिया हुआ बागान फिर उसी मालिक को वापस देने के विपक्ष में हूँ।

मुझे उम्मीद है, सरकार इन सब पहलुओं पर विचार करके एक पूर्णक कानून निकट भविष्य में पेश करेगी।

**श्री हुसमदेव नारायण यादव (बिहार):**

उपसभापति जी, अभी माननीय सदस्य ने सारे मुझाव दिए। मेरा इसमें यह कहना है कि हमारे यहां के बहुत से गरीब चाय-बागानों में कमाने के लिए चले जाते हैं और जब घर से चलते हैं तो जैसा शरीर उनका रहता है वहां चाय बागानों में काम करने के बाद उस से भी दुबले-पतले बन कर आते हैं। जितनी भी कंपनियां अपने काले धन को चाय बागानों में छिपाने का काम करती हैं वे उन मजदूरों का खून चूसती हैं इसलिए चाय का रंग लाल होता है और इसलिए हम उस को पीते नहीं, क्योंकि जितना गरीब कमाता है उतना खून उस में चला जाता है और उसी तरह की उसमें से गंध निकलती है। मैं चाहता हूँ, इस तरह से उन गरीबों का खून न चूसा जाए। विदेशी मुद्रा सरकार को प्राप्त होती है तो उसकी निर्यात करने वाले बड़े लोगों का कब्जा कम से कम किया जाना चाहिए; बल्कि सरकार उसका बिल्कुल राष्ट्रीयकरण कर ले। आज उन बड़े-बड़े लोगों के द्वारा चाय बागानों का नियंत्रण हो रहा है जिनके बारे में अभी माननीय सदस्य उल्लेख कर चुके हैं। उन्होंने जो बातें बताई उससे बहुत हैरत होती है। सरकार को इस ओर ध्यान देना चाहिए। हमारे इलाके के आदमी जो चाय बागानों में काम से जाते हैं उन को बहुत सताया जाता है, उन को

बहुत तकलीफ होती है। उनका मालिकों द्वारा शोषण को रोकने के लिए सरकार को कठोर कदम उठाने चाहिए, यही मेरा कहना है।

**श्री उपसभापति :** श्री जैन, दो मिनट में समाप्त कीजिए। देखिए, यादव जी ने कितने संक्षेप में कहा।

**श्री जे० के० जैन (मध्य प्रदेश) :** उप-सभापति महोदय, यहां पर प्रस्तुत किए गए इस अमेंडमेंट का मैं समर्थन करता हूँ और दो-चार मुझाव मंत्री महोदय को देना चाहता हूँ। सभी जानते हैं, चीन के अंदर चाय की खेती की बड़ी जबर्दस्त तैयारियां हो रही हैं। हजारों-लाखों एकड़ भूमि उन्होंने उसके लिए तैयार की है और लाखों व्यक्तियों की योजना बनायी है जिन को वे चाय के उद्योग में लगाना चाहते हैं। हमारी चाय देश में विदेश में सर्वोत्तम चाय रही है। यहां पर मंत्री जी को मेरा यह मुझाव है कि यदि समय रहते उन्होंने चाय की पैदावार के लिए अच्छे प्रयास नहीं किए तो अंतर्राष्ट्रीय बाजार के अंदर भारत की चाय, जो अभी तक सर्वोच्च चाय मानी जाती है, वह पीछे रह जाएगी और चीन चाय के उद्योग में अग्रणी हो जाएगा और यह बिल्कुल उसी प्रकार से होगा जैसे खेलों के अंदर हाकी में भारत ओलंपिक खेलों में 16-17 वर्ष तक हारता रहा और बड़ी मुश्किल के साथ इस बार हमें गोल्ड मेडल प्राप्त हुआ। इसलिए यदि हमने समय रहते इसकी ओर ध्यान दिया तब तो हम चीन का मुकाबला अंतर्राष्ट्रीय बाजार में कर सकेंगे।

दूसरी बात उपसभापति महोदय, केरल में इडुगी स्थान पर चाय की पैदावार के लिए 50 हजार एकड़ भूमि तैयार करने की योजना बनायी गई थी लेकिन आज 3 वर्ष हो गए केरल सरकार ने उस 50,000 एकड़ भूमि की चाय की पैदावार की योजना को खटाई में डाल रखा है। तो क्या केन्द्रीय सरकार केरल सरकार के साथ

बातचीत करेगी ? क्योंकि यदि इस 50,000 एकड़ जमीन को हम 50,000 परिवारों को कोऑपरेटिव बेसिस पर भी दे दें तो एक परिवार एक एकड़ भूमि से अपनी रोजी कमा सकता है और अपने परिवार का लालन-पालन कर सकता है साथ ही 2 लाख व्यक्तियों को भोजन प्राप्त होगा ।

तीसरी बात, जो इतिहास की है वह मैं बताना चाहता हूँ, कि आज से 10 वर्ष पहले कुमाऊं रीजन के अंदर चाय की खेती हुआ करती थी . . .

SHRI K. K. MADHAVAN: Sir, I pretest against what the hon. Member has said about the Kerala Government. Is he a Member from Kerala? The Kerala Government stands committed. (Interruptions) Is my friend speaking for Kerala ? This is distortion of fact, and misrepresentation of facts. It is political distortion of facts.

MR. DEPUTY CHAIRMAN: Your protest has gone on record. Please do not address him. Please address me.

श्री जे० के० जैन : उपसभापति जी, कुमाऊं के अंदर सौ वर्ष पहले चाय की खेती हुआ करती थी लेकिन आज से 40 वर्ष पहले सारे चाय के बागान समाप्त हो गये । तो मैं सरकार से निवेदन करूंगा ।

श्री कृष्ण चंद्र पंत (उत्तर प्रदेश) : सारे समाप्त नहीं हुए, उपसभापति जी, एक अभी बाकी है ।

श्री जे० के० जैन : सरकार कुमाऊं के अंदर चाय की खेती के लिए कोई योजना बनाये और तुरन्त नैनीताल के अंदर एक छोटा आफिस स्थापित करे जिस से कुमाऊं में फिर से चाय की पैदावार हो सके ।

उपसभापति जी, एक मुझाब मैं और देना चाहता हूँ । अभी भी हमारे 80-90 प्रतिशत लोग गरीब हैं और अपने बच्चों को दूध भी नहीं दे पाते । मैं सरकार से निवेदन करूंगा

कि राशन शाप्ट से हर व्यक्ति को, हर परिवार को 250 या 500 ग्राम चाय उचित दामों पर दिलायी जाये जिस पर किसी प्रकार का टैक्स न हो, किसी प्रकार का सेस न लगाया जाये ताकि वे अपने बच्चों को चाय तो दे सकें । इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ ।

MR. DEPUTY CHAIRMAN: The hon. Minister please.

SHRI K. K. MADHAVAN: As he has not seen Kerala, he has not understood Kerala.

SHRI KHURSHED ALAM KHAN: Sir, I must thank the hon. Members who have made their useful suggestions and I can assure them that their suggestions will receive due consideration, and wherever possible there will be no difficulty in accepting them. Besides, I will go a step further and would request all the hon. Members that if at any stage, at any time, they have any suggestion, they are welcome to write to us, and we will give prompt attention to their suggestion.

श्री जे० के० जैन : मेरे सजेशन के बारे में भी बताइये ।

SHRI KHURSHED ALAM KHAN: Let me speak now. " You have done your business.

As Mr. Bhabhra has said, as far as the tea industry is concerned, we quite agree that the tea industry is one of the most important industries of our country, and it is a foreign exchange earning industry. We can assure him that every possible steps will be taken to ensure that the tea industry flourishes in this country. We also very clearly understand that not only China but Kenya along with Sri Lanka, is also coming in a big way in the tea market, but we will assure them that India's tea has always remained there; it has established its name, it will remain there and it will establish its name in all respects.

[Shri Khurshed Alam Khan]

As far as the working of the Tea Board is concerned I can assure the hon. Members that the Tea Board is doing its work and will continue to make the best possible efforts to improve the working and to ensure that the tea industry gets promotion, that the tea industry flourishes and that all possible assistance, both technical and advisory, is given to the tea industry for improving its method.

We have certain traditional markets, for instance, London and other places, i But we are not going to confine to these traditional markets, and all possible efforts are being made and will continue to be made to find new markets for our tea products. For this purpose, surely, we are taking necessary steps, and we will be able to achieve the results.

As regards the interests of the workers and their well-being, they are very dear to us, and we will always keep their interests as our own interests. I can assure you that all those workers who are working in the tea industry, will be looked after well. I quite agree with the hon. Member from Bihar. He said that people from Bihar and Orissa go to Assam. I think it is a great and valuable contribution on the part of Bihar and Orissa in the tea industry of Assam. And this is the reason that even with all the troubles in Assam today, the tea industry is least affected and the credit goes to the workers of Orissa and Bihar.

श्री हुसमदेव नारायण यादव : इस का  
लाभ भी कुछ दीजिए उन को ।

श्री खुरशीद आलम खान : लाभ भी मिले

Now, Sir as far as this Bill is concerned, the main object is this. We got into trouble because of the view taken by the High Court of Calcutta regarding the Explanation about "reckless investment" and "incumbrances". The idea was that the word

reckless does not relate to incumbrances because "incumbrances" related to liabilities incurred by the owners. But the High Court of Calcutta took a different view, and we had to go in appeal to the Supreme Court. We have also made investment in the tea gardens after we have taken them over and we were afraid that if these tea gardens are not retained with us it is just possible that this investment which has been made in these tea gardens may go wasted. Therefore, we preferred an appeal and at the same time, a special request was made for an Ordinance by the President. Otherwise we were not so anxious for it. We quite understand that an Ordinary Bill could have been brought here. The main reason for this Ordinance was that we did not want these people to take back the tea estates and run them to destruction. Also we have no intention of working as a clinic for these tea gardens, restoring them to health and giving them back to the owners again so that they exploit the tea gardens again and run them to destruction or make them sick again. So this can be taken as an assurance that we will take care of the interests of the industry and we will not do such things.

Now, the other thing is regarding the enabling clause. You know we have three Tea Centres, one in London, one in Sydney and one in Cairo. These three Centres are primarily basically for promotional purposes. They were not running in profit. Therefore, it was decided that something should be done to make them profitable; and at the same time, they should continue their promotional efforts. Therefore, we talked to the Hotel Corporation of Air India and when an agreement was being arrived at, it was felt that in the functions of the Tea Board, necessary provision should be made for either subscribing to the share-capital of a body to incorporate or to enter into an agreement or arrangement for running joint ventures. So, this is the enabling clause which will enable the Tea

Board to have joint ventures with the Hotel Corporation. We hope that with the Hotel Corporation's expertise in the line, we will be able to run these Tea Centres in profit and at the same time, it would be possible for us to vigorously pursue our promotional efforts. |

Once again, Sir, I would like to thank all the hon. Members who have made very valuable suggestions for our consideration.

MR. DEPUTY CHAIRMAN: I shall first put the resolution to vote.

The question is:

"That this House disapproves the Tea (Amendment) Ordinance, 1980 (No. 15 of 1980) promulgated by the President on the 13th October, 1980."

*The motion was negatived.*

MR. DEPUTY CHAIRMAN: I shall now put the motion moved by the hon. Minister to vote. The question is;

"That the Bill further to amend the Tea Act, 1953, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

Clauses 2 to 8 were added to the Bill.

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

8 P.M.

SHRI KHURSHED ALAM KHAN: Sir, I move:

"That the Bill be passed."

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

MR. DEPUTY CHAIRMAN: May I make a request to honourable Members? There are two small Bills for

reference to Joint Committees. They may be moved and passed and then we take up the Appropriation Bill, if you agree.

SHRI NARASINGHA PRASAD NANDA: I fully agree with your suggestion. Let us take up the motions first and then we will take up the Appropriation Bill.

MR. DEPUTY CHAIRMAN: All right. We take up Motion regarding Joint Committee of the Houses on the working of the Dowry Prohibition Act, 1961, Shri Shiv Shankar to move. Shri Shiv Shankar is not here. Then let us take the next one.

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# **MOTION FOR REFERENCE OF THE CRIMINAL LAW (AMENDMENT) BILL 1980 TO A JOINT COMMITTEE OF THE HOUSES**

THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS AND  
DEPARTMENT OF PARLIAMENTARY  
AFFAIRS (SHRI P.  
VENKATASUBBAIAH): Sir, I beg to move;

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 and resolves that the following eleven Members of the Rajya Sabha,

- (1) Shri Dhuleshwar
- (2) Shri B. Ibrahim
- (3) Shri Surenra Mohanty
- (4) Shri Leonard Soloman Saring
- (5) Shri Ramchandra Bhardwaj
- (6) Shri Era Sezhiyan
- (7) Shri TShridhar Wasudeo Dhabe
- (8) Shri Lai K. Advani