

[श्री सीताराम केशरी]

आपका ध्यान इस ओर आकृषित करता हूँ। यह बड़ा गम्भीर और चिन्ता का विषय है। चीन की इस तरह की अगर कोई योजना हो तो उस पर हमारी सरकार इस दिशा में कहां तक और कौन सा कदम उठा रही है। यह जो इस भय की सम्भावना है और जिसकी एडमिरल ने चेतावनी दी है, उसके ऊपर कितनी दूर तक हम ध्यान दे रहे हैं।

REARREST AND RELEASE OF SHRI JAGDISH PRASAD MATHUR

MR. DEPUTY CHAIRMAN: I have to inform Members that the following telegram dated the 8th August, 1972, has been received from S. D. M. Barmer:

"Shri Jagdish Prasad Mathur of Rajya Sabha was apprehended by military authorities in occupied area of south zone at 13.25 hours for entering the occupied territory without permit in contravention of Article four of Proclamation Number Three issued by the Commander Indian Land Forces Civil Affairs Zone South and was handed over to the Station House Officer Oirab at Gadraroad Station in custody at 13.45 hours on seventh August. He was thereafter produced before me at Gadraroad and was discharged by me at Gadraroad under Section 63 CR. P. C. at 13.45 hours on seventh August Seventytwo."

MOTION FOR ELECTION TO THE CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(PROF. S. NURUL HASAN): Sir, I move:

"That in pursuance of the provision of paragraph 1 of the Government of India (Archaeological Survey of India in the Ministry of Education, Social Welfare and Culture) Resolution No. 72-M, dated the 13th April, 1972, this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members

of the House to be a member of the Central Advisory Board of Archaeology."

The question was put and the motion was adopted.

THE VICTORIA MEMORIAL (AMEND- MENT) BILL, 1972

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(PROF. S. NURUL HASAN): Sir, I beg to move for leave to introduce a Bill further to amend the Victoria Memorial Act, 1903.

The question was put and the motion was adopted.

PROF. S. NURUL HASAN: Sir, I Introduce the bill.

THE COKING COAL MINES (NATIONALISATION) BILL, 1972

MR. DEPUTY CHAIRMAN: We shall now take up the Coking Coal Mines (Nationalisation) Bill.

SHRI BABUBHAI M. CHINAI (Maharashtra): On a point of order. This Bill which is being tried to be introduced in this House, according to me, is not in accordance with the Constitution even after the passing of the 25th Amendment of the Constitution, in that it has been mentioned that an amount will be given and that amount will not be challengeable. But when I look through the Bill where it is mentioned that such and such amount is to be given, I find that this is not correct. It is expropriation, confiscation. I have analysed three companies and I want to put before you as to what exactly is the result of it.

THE MINISTER OF STEEL AND MINES
(SHRI S. MOHAN KUMARA-
MANGALAM): I do not think this is a point of order.

SHRI BABUBHAI M. CHINAI: It is a point of order. My hon. friend, no doubt, is a legal expert, but kindly listen to me for a moment.

{Interruption)

SHRI KALYAN ROY (West Bengal): The compensation is too heavy. If he is allowed to say . . .

MR. DEPUTY CHAIRMAN: I am not going to allow any speeches.

{Interruption)

SHRI BABUBHAI M. CHINAI: I am not going to say anything on compensation. Just take company 'A' with fixed assets at the written down value on 31st December, 1971 at Rs. 3.26 crores. The stock of stores, coal on 31st December, 1971 was Rs. 0.92 crores.

MR. DEPUTY CHAIRMAN: What is the point of order?

SHRI BABUBHAI M. CHINAI: I want to point out to you that the amount which has been mentioned in the Constitution is not there. On the contrary it is something less than that amount. Therefore, you kindly give me a patient hearing for one minute. If you are not convinced ' you can rule me out; I have no objection to it. But at least you must give me a patient hearing to put forth my point of view.

MR. DEPUTY CHAIRMAN: You have put forth your point of view.

SHRI BABUBHAI M. CHINAI: I have not completed. The second point is, the amount proposed in the Bill is Rs. 1.98 crores. Now, if out of Rs. 4.18 crores these Rs. 1.98 crores are to be taken out, the deficit is Rs. 2.20 crores. Out of it, add losses during the period of management by Custodians appointed by the Government which is Rs. X crores. Therefore, the net deficit will be Rs. 2.20 crores X Rs. X crores. Where is the amount given? According to this Bill, such and such amount is given. According to

the Constitution (Twenty-fifth Amendment) Act it is said that such and such amount will be given. Now no amount is given. It is confiscation; it is expropriation. Sir, therefore, I submit that the hon. Minister should not be allowed to move this Bill.

MR. DEPUTY CHAIRMAN: I do not think it is a point of order.

SHRI S. MOHAN KUMARAMANGA-LAM: Mr. Deputy Chairman, Sir, I beg to move :

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

Hon. Members will recall that the House had passed the Coking Coal Mines (Emergency Provisions) Act of 1971 which provided for the taking over in public interest of the coking coal mines and coke oven plants pending nationalisation. The Coking Coal Mines (Nationalisation) Bill was introduced in the Lok Sabha on 31-7-1972 and after being adopted by the Lok Sabha now comes to this House for adoption to complete the process of nationalisation. It is about nine months, Mr. Deputy Chairman, since the management of the coking coal mines and coke oven plants has been in the hands of the Government and during this period the Government have made an assessment of the working of these mines and the 12 coke oven plants that had been taken over. The heavy and complicated work which we had to do in evaluating the assets of these mines and plants took

TShri S. Mohan Kumaramangalam] up a considerable time. It was the intention of the Government to introduce this Bill in the Budget Session itself but unfortunately the work of evaluation was so arduous that it was not possible to complete it until recently. We had set up teams of Cost Accountants with personnel drawn from the Ministry of Finance, Department of the National Mineral Development Corporation to evaluate the assets of these mines and plants; there were also three teams of civil, electrical and mechanical engineers drawn from the National Coal Development Corporation who are actually operating the coal mines. After their evaluation of the assets of these mines and plants we wanted to have a cross check to satisfy ourselves that the evaluation done by them was correct and proper. For the purpose of co-ordinating all this work the Department of Mines also appointed an Officer on Special Duty who had previously been the Chief Cost Accounts Officer in the Ministry of Finance and who has special knowledge of costing. The teams of Cost Accountants and Engineers were given all the data that was available and asked to make a proper evaluation of the assets. The evaluation of the assets and the procedure adopted in arriving at these amounts were also checked both by the Department of Mines as well as by the Ministry of Finance. The overall consideration that was kept in mind was that we should not either overestimate or underestimate but we should be as accurate and as fair as we can be in assessing the value of the different assets and that is why a considerable amount of time was taken in arriving at the final conclusions which find place in the Schedule to this Bill. The Bill provides for various amounts to be paid to the owners of these mines and plants. I am not able to appreciate exactly what is the trouble about the amounts that have been fixed to which my hon. friend just now made a reference because the position, as far as I understand it, is quite clear. These teams of Accountants as well as of Engineers have done as exact an evalua-

tion as possible of the various assets of the mines and the plants. After they had arrived at their figures the value of the actual stores and stocks has also been added and we have arrived at a figure which we consider reasonable in the circumstances. Hon. Members are aware that by virtue of the 25th Amendment to the Constitution it is no longer necessary to provide for payment of the exact market value of the assets but it is enough if one provides an amount which is considered to be reasonable in the circumstances and we have fixed the amounts taking into consideration the past performance of these mines, the manner in which they were operating and so on and I think these amounts are comparatively reasonable. Naturally the amounts that have been fixed are being attacked both from the point of view of being too little, like my hon. friend who spoke just now and possibly by other hon. Members who will join him—I do not want to name them now and deprive them of their pleasure of surprising me with their speeches—and also by other Members right in front of me from the point of view of giving too much. That probably is the best test of the fairness with which we have arrived at these figures because it is good to be hit from the left and the right at the same time so that one is properly in the centre between Mr. Kalyan Roy and Mr. Babubhai Chinai. Now hon. Members are aware that coking coal production has been falling since 1969-70 partly due to the chronic shortage of wagons, partly due to the fall in demand and partly also due to flooding.

We hope that now there is a certain improvement in wagon supply. And with the improvement, though slow and not adequate enough or quick enough, in steel production as well as the commissioning of Bokaro, there will really be a spurt in the demand for coking coal. And Bharat Coking Coal Limited is the organisation that has been formed to run the 214 coking mines that have been taken

over. We will be in a position to adequately step up its production in the near future.

At the time of actual take-over there were about 70,000 workers on what may be called the regular rolls of the former coking coal mines and coke oven plants. But a large number of them continued to be paid either on vouchers or on the basis of being engaged by various contractors. I think we can take pride in the fact that Bharat Coking Coal Limited has now brought the majority of such contract labour, who were regularly working in the mines, on the rolls of Bharat Coking Coal Ltd. And they are now entitled to pay scales and other benefits as laid down by the Coal Wage Board. The total number of employees now has gone up from round about 70,000 to somewhere around 1,28,400. It is a large increase and probably it is a burden larger than what Bharat Coking Coal can really bear. This is due to (he fact that it was difficult to disentangle who were really the genuine permanent workers and who were the persons who had been working temporarily and in fits and starts. Unemployment is very substantial in that area and we thought that it would be fairer to err on the side of being generous to the workers and in including them inside the coking coal mines rather than being too strict. We hope that in the future process of expanding coal mines, which we shall have to during the next five or six years, expanding production from the level of somewhere around 14 million tonnes to around 28 to 30 million tonnes, we will not merely be able to assimilate all these workers but possibly also add to the work-force. But, for the time being it will be a heavy burden for Bharat Coking Coal to carry, and I suppose it is one that is inevitable in view of the past of the coking coal industry. Immediately after the take-over, these 214 coking coal mines have been brought under 24 different groups. Each group has been placed under a custodian. It has been found that there are several small mines which are

uneconomical and which really do not lend themselves to scientific and rational mining. But now, after the passage of this Bill, when we are able to bring together all these 214 coal mines under a single administration and break the artificial boundaries between one mine and another, I think the way has been opened up to effect rationalisation of our mining operations and amalgamation of the smaller mines so as to make a number of large and effectively operating mines.

Now so far as the scheme in the Bill is concerned, first of all we have fixed the actual amounts that are to be paid out as compensation. But in view of the fact that it is extremely difficult to determine what were the liabilities of these 214 different owners, we have not provided in the Bill for the paying out of these amounts directly into the hands of the coal mine owners. In contrast the provision is that the amounts will be placed to the credit of a Commissioner of Payments, who will act as a sort of tribunal, before whom everybody who has got any claims on the erstwhile owners of the mines will be able to file their claims. We have provided for the claims to be filed within thirty days before this Commissioner of Payments. And then the Commissioner of Payments will list out these claims, investigate them and adjudicate upon the validity of these claims and ultimately direct payment. We have preserved the priorities which secured creditors ordinarily have under the law of our country. Hon. Members must be aware that under Section 73 of the Transfer of Property Act a secured creditor is one in whose favour a property has been mortgaged on the basis of a certain amount of money having been advanced by him to the mortgagor, that is to say, to the owner of the property, and we thought it would be wrong for us to repudiate this or to modify the position that he is entitled to under the ordinary law of our country.

Otherwise, it will amount virtually to repealing or amending or modifying sec-

[Shri S. Mohan Kumaramangalam] tion 73 of the Transfer of Property Act. Therefore, so far as secured creditors are concerned, they remain in the same position as they were prior to the passing of the coking coal takeover Bill. The point I would like to emphasise is that they are not being given any higher position. They are not being given any additional advantages. They are not being promoted, as it were, in terms of their rights in any way. They remain where they were. Whatever rights they had previously have been preserved by the provision that has been introduced in this Bill. A new provision which changes the position so far as other creditors are concerned, hon. Members will find, in clause 23 of this Bill and that is that among the unsecured creditors come workers' claims and the State Government's claims in respect of royalty. We have put them, as it were, at the top of the queue of unsecured creditors. If one talks in terms of creditors, we have the secured creditors who have then-rights under section 73 of the Transfer of Property Act. Next to the secured creditors come the claims given under clause 23(2)(a), (b), (c), (d) and (e). Sub-clauses (a), (b), (c) and (d) cover the claims of workers and (e) covers all sums due to the State Government as royalty, rent or dead rent. We think that this is fair. If the claims of the workers should be accorded some priority above the claims of what may be called the other ordinary unsecured creditors, equally the claims of the State Government, who after all represent not the claims of not an individual but the claims of the people of the State for the exploitation of these minerals by the erstwhile owners, should be put on the same level as the claims of the workers, as they represent the claims of the people of Bihar. Of these 211 mines are in Bihar and 3 mines are in Bengal. They should be put on the same plane as the claims of the workers and the workers can also be considered to be part of the people. I think therefore, there is no injustice in putting them on the same plane. All other creditors, however, will come later in the line.

There is also a provision, as hon. Members may have noticed, in clause 23(3) by which in case these debts, i.e., the debts specified in sub-clause (2) exceed the assets and the assets are not sufficient to meet all these debts, then there will be a corresponding abatement of these different debts in proportion. Of course, what may be called the third rank of unsecured creditors will probably get nothing at all. It is not possible for Government...

SHRI BABUBHAI M. CHINAI: What about the shareholders? Will the shareholders also get something? According to you, being in the third rank, they get nothing at all.

SHRI S. MOHAN KUMARAMANGALAM: I can understand your anxiety in the matter, but . . .

SHRI BABUBHAI M. CHINAI: I do not hold any shares in these companies.

SHRI S. MOHAN KUMARAMANGALAM: So far as the shareholders are concerned, naturally if the total value of the liabilities exceeds the assets, the shareholders will get nothing, but for that they should not blame me or you. They should blame those to whom they entrusted the management of these mines. If those to whom the shareholders entrusted the management of the mines left a state of affairs, so that when we took over we found that the liabilities exceeded the assets, then, I do not see how the Government can be blamed. If it is such an incompetently managed mine that the liabilities were more than the assets and if my friends own shares in such an incompetently managed mine and if they appointed incompetent managers to manage the mines, they will have to pay for the sin of appointing incompetent managers. Government cannot be held responsible for such incompetence on the part of the shareholders and their management. I think the position is clear. It is obvious, whether there are 214 companies or whether it is only one company, if the liabilities exceed the assets, there will be no

compensation left to be paid. If it is a bankrupt company when it goes into liquidation and there is nothing left at the end of the liquidation for the shareholders, they get nothing. They will not get even a paisa in the rupee. This, I am afraid, will be the only type of instance which Mr. Babubhai Chinai may have in mind. I do not want to spend more time on that.

SHRI O. P. TYAGI (Uttar Pradesh):
Civilised robbery.

SHRI S. MOHAN KUMARAMANGALAM: With all respect to the hon. Member, I think that he should be careful about use of the English language when it is used because we are not robbing anybody. Nationalisation has not been considered as robbery for a hundred years. Of course if one goes back to the heyday of the capitalists in the 18th or 19th century, one can talk about it, because I can also find it in books. But in the 20th century such a term is not used because it is not robbery and therefore the question of the use of the adjective 'civilised' does not enter into the picture. To take over a vast complex like this in the interests of the nation is not robbery but acting in the interests of the people. To fix up compensation on the basis of assets minus liabilities is again no robbery. It is being completely fair to those who have been deprived of their property. Of course the hon. Member could have talked about robbery before we took over the coking coal mines. As is well known, the biggest robbers among the capitalist robbers inside our country only live in that area in Bihar. Now that robbery is at an end. Now it is not robbery but we have got civilised exploitation in a rational and scientific manner of coking coal mining. I think hon. Members will appreciate that this is really the next step after the takeover of the management. The next step which arises is to very freely go forward with the reconstruction of the coking coal mines. We have finalised an agreement between Bharat Coking Coal on

the one hand and Kopek, a leading corporation in Poland, on the other for the scientific development of these mines.

We have brought this Bill and we are anxious to get it passed by this House early so that we can get away from the artificial divisions existing today between these different mines and really go forward quickly towards development and production. I commend the Bill to the House and request the support of all Members.

The question was proposed.

SHRI T. V. ANANDAN (Tamil Nadu): Mr. Deputy Chairman, the Coking Coal Mines (Nationalisation) Bill, 1972, is before the House. Sir, while participating in the discussion on the Bill I cannot wholly welcome it. I can welcome it only with a mixed reception. As far as nationalisation is concerned it is good that these mines are being brought under the control of the Government for the utility of the people. But, Sir, the long history of our country has shown that the public sector undertakings in the country have not risen to expectations, and it is due to the reason that proper technical personnel are not controlling such public sector undertakings. The hon. Minister should take note of the experience in the last twenty years during which the country has been in the public sector, and they must see that only such technical persons who are experts in managerial science should alone be put at the helm of affairs in these nationalised coal mines so that the profits they yield go to the people of the country and are not lost to the interests of the political parties.

I know that many public sector undertakings are under the Government, are now managed by political parties, by their own whims and fancies. And that is the main reason why there is no discipline amongst the working class in the majority of the public sector undertakings. I think the Minister who has got vast experience in the extremist ideology, after having taken over charge of the Ministry has moderated

[Shri T. V. Anandan] himself. Let his moderation with the experience that he has had in the political party be wound up and be utilised in the best interests of the nation. Sir, I may quote here—in his introductory speech he said that the evaluation work has taken about nine months and more than five teams from the different departments have been constituted to evaluate actually what are the assets and liabilities and the growth and profit and loss of all these concerns, and they have now come to a figure of not less than nearly Rs. 16 1/2 crores. At the same time the interest evinced by the Government to safeguard the capitalists is very visible under clause 21—"payment by the Central Government to the Commissioner within 30 days of the entire amount as per Schedules I and II should be made". Sir, how unfair it is that the Government is safeguarding the interests of these capitalists who have been exploiting—in his own words—the seventy thousand workers under contract labour who have not been paid their monthly wages in cash but by vouchers, etc. Sir, here they go to the extent of safeguarding the payment which is to be made within 30 days, whereas the apostles in the ruling party have not shown anything on behalf of the working classes and they have under clause 9 very clearly stated that they are not responsible for any payment to the workers, the liabilities which became due under the management of the coal-mine owners. Sir, I say : Is it right and fair under the present political situation? After the mid-term poll the entire outlook in the country has changed and here is a Minister who has been propagating before having taken charge of this Ministry in such a way that the working class should be cared for, that paramount interest should be shown to them. But here he is piloting a Bill wherein he very clearly says that the Central Government is not liable for the prior liabilities. Is the way how they are going to fulfil the assurances given to the people of this country and especially the working class, the backbone of progress of any country in the entire world. They should have

here taken the responsibility of paying the arrears also. They have evaluated by means of five different teams for the last nine months the liabilities, etc. What difficulty is there for the Government who professes and also propagates in the manner of 'garibi hatao,' the elimination of poverty? Is this the way that they are going to safeguard the have-nots? They talk too much but do not prove in practice. I grieve very much at the way in which Mr. Kumaramangalam, the hon. Minister who is in charge of this Bill, has introduced clause 9. He should have thought about it. Even if the officials in his Ministry have their own ideas and ideologies, he should instil in them what he professes and what he has been propagating on behalf of the working class in this country. That is why I said at the beginning that I welcome this Bill partially, not wholeheartedly.

If you go to Chapter III you will find there that simple interest is also guaranteed to them. Here my hon. friend will have a different view of the amount of interest. Shri Chinai has said that the Government of India is discarding them. It is not discarding them, it is giving him and guaranteeing him simple interest whereas it does not care for the workers who are the backbone of the country.

Sir, under Chapter V, Provisions Relating to Employees of Coking Coal Mines and Coke Oven Plants, a guarantee is given here under clause 17(1). It says:—

"...and shall hold office or service in the coking coal mine or coke oven plant, as the case may be, on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible, etc. etc."

I remember. Sir, at the time when the railways were taken over by the Government similar assurances were given to the railwaymen. But what is the position of the railwaymen today? They have lost the privilege of fighting an election. Their political rights have been withdrawn. Employment in the railways to

the children of the railwaymen has also been denied although undertaking was given in those days. Therefore, I want to remind Mr. Kumaramangalam let not this undertaking be thrown to winds as it had been done in the case of railway-men. Whatever undertaking you have given here, let it be safeguarded and every word of it given effect to.

Coming to claims to be made to the Commissioner under clause 23(1), amounts payable by the Government to the coal-miners have to be deposited within 30 days but the liabilities in connection with bonus, gratuity under the rights and privileges of the workers will have to be put forward before the Commissioner. How many days will the Commissioner take to solve this problem and satisfy the worker is unknown as it is today. In this democratic set-up there are cases pending for years together. As far as the working classes are concerned, not only here but everywhere the grievances of the workers have not been given top priority whereas they are required to produce more and more. Therefore, as the railwaymen have been treated in this country, so also these poor coalminers will never get their due before the Commissioner. I do not think you implement the laws placed on the Statute Book. You have admitted in the House many crores of rupees of the provident fund have been utilised by the erring capitalists. Collections made from the workers have not been deposited at all. You know it. The Government knows it. What action have you taken against them? Therefore, these coal mine workers will suffer the same way. So the entire coalmines ought to be nationalised. May I know, Sir, how you arrived at the figures given here? When I go into the Schedules I find one company is getting Rs. 1,68,56,000. Another company gets about Rs. 1,97,99,000. I do not know how these figures have been arrived at. Last night I received elucidation on this. They have themselves found fault with the evaluation business of the bureaucrats. All these points will have to be gone in detail. Perhaps it is too late. But you can bring

many more amendments to see that the workers are benefited. Many hon'ble Members have admitted and you have also said that these workers have been exploited for so many years. But let them not be exploited after this Bill is passed and endorsed by the President as an Act. With this hope I extend my partial reception to the Bill.

THE DEPUTY CHAIRMAN : The House stands adjourned till 2 P.M.

The House then adjourned for Lunch at one of the clock.

The House re-assembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI D. P. SINGH (Bihar): Mr. Deputy Chairman, Sir, I rise to support this Bill which, to my mind, is long overdue. Recommendations for this purpose have been made since 1930 but it is only in 1971 that it came in the form of an interim take-over and ultimately this Bill. It has all the features of a beneficial Act and I suppose, looking at the Schedule, the amount of compensation that has been paid should be extremely satisfactory to the owners, in spite of the fact that we have in this Bill clause 2 which for the first time makes use of the 25th Amendment of the Constitution and takes full advantage of article 31C which says:—

"Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing the principles specified in clause (b) or clause (c) of article 39, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy."

[Shri D. P. Singh] Now article 39 clearly envisages that there shall be no concentration of wealth to the common detriment and that the distribution of wealth shall only be to the common good. And to that purpose, in clause 2 there is a declaration that the Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Sir, compensation, as I submitted, has been generously paid—an amount of Rs. 16 crores. But there are some features, particularly the interest of the Centre-State relations which, I submit, may be re-considered by the hon. Minister, because it is that relation which, to my mind, appears to be in jeopardy a little and is slightly strined. And that comes in two ways. One is in determining the priority. Supposing the State of Bihar, where the bulk of these 214 mines happen to be located, were to nationalise these mines, as it can, then in determining the priorities, the dues of the State would rank superior to, or higher than, the dues of the creditors. For instance, in my State the mine cess dues run into crores of rupees.

Now, the total compensation which is sought to be paid is Rs. 16,47,00,000. And all the dues of the State of Bihar are enough to wipe out the entire compensation. Now, before that, it is the interest of the creditors that is put as the first charge. And then come the dues of the labour which receive the next priority. Of course, if the State had it, then you would have suggested, let the State have the first priority or the first charge over the compensation payable, and thereafter, the interest of the labour comes, and whatever is left then goes to anybody who may be entitled to that amount...

SHRI U. K. LAKSHMANA GOWDA (Mysore): They never collected those arrears for so many years there.

SHRI D. P. SINGH : For my friend's information, regular writ petitions were filed. Twenty-one writ petitions were filed in the Patna High Court and against

those petitions appeals are pending in the Supreme Court. The judgment may be delivered in two months or three months, and the amount of compensation will run into several crores of rupees. Those are the mines cess that the state levied, and it the legality of that which has been challenged, and it is likely to be upheld.

SHRI LOKANATH MISRA (Orissa): Then why did you not wait for two or three months? why did you rush into fire? Why did the Government rush into?

SHRI D. P. SINGH: By Government, may I ask you, which Government?

SHRI LOKANATH MISRA: The Central Government.

SHRI D. P. SINGH: That is my criticism of the Central Government. I say please put me at the top in any case, because, after all you are exercising the power to nationalise. I have exercised the same power and nationalised. There the powers are quite distinct and specified. (did it and I could have put my claim foremost. In paying the compensation I could have my dues deducted first...

SHRI U. K. LAKSHMANA GOWDA: They were not allowed to do it. That is (he whole point.

SHRI D. P. SINGH: The State took away the Zamindari. I can say Zamindari has been taken away by the State. It is where the *laissez-faire* prevails. Whatever is within the State, the State can take over. It is possible for them to nationalise. And my grievance is that the honourable Minister is proceeding under the powers— now the powers were interpreted by the Supreme Court. The Supreme Court said: "The Centre has so much power that it can destroy the State". It can acquire the Writers' building for that matter. And (he secretariat is no doubt a part of the State. That is the position. My friend, the honourable Minister, appeared in that case. And thereafter he is trying to ride roughshod over the power of the State. It is not only in this, but in various fields, in the Copper Corporation and so many other things. He has been nationalising

and doing so many things. I would say, well, you have done it, but you have to do it for the State, and at any rate, for the betterment of the lot of the State. What is the compensation payable to the State? Copper Corporation, for instance, is taken. Compensation is thought of in terms of the price of ownership. Now, income-tax I was collecting. Gone. Arrears of income-tax I was collecting. Gone. Sales tax I was collecting. Gone. It is these features that are irksome as far as the State is concerned. I would still request the honourable Minister to keep a kindly eye on the welfare and the interests of the State which is in jeopardy as far as this matter is concerned.

SHRI LOKANATH MISRA: He wants to make India a Socialist Republic.

SHRI D. P. SINGH: At the cost of the State of Bihar. But then that way it is open to him to nationalise the whole of the State and we would be completely at liberty to go and ask him for everything.

Then there are various other features which, as I submitted in the beginning, are welcome features. We are very happy that whereas there were only 70,000 labour in the beginning on the pay roll and the rest were all contract labour, now under the able guidance of the management that has been provided there are 1,28,000 labour on the pay roll and the malpractices such as exploitation and various forms of evils and abuses and prohibited practices such as attempts to deplete coal and to extract coal in a manner leaving the industry and coal mines high and dry, are all stopped now. There is improvement all round and looking at the amount of coal that is available at the pitheads, no one could say that production has gone down. In fact production is going up and with the collaboration of Polish experts every endeavour is now made to modernise the mines and increase their production. Grant of dearness allowance and such other matters are also well looked after. Wages are properly paid and the wage bill naturally is going up. One feels very happy

to find that the minimum that a worker gets is Rs. 7/40. So far so good.

But there are two or three things which have to be safeguarded. This Bill takes into account the liability of the Government for the ascertained or qualified liability at the moment. Supposing for three years bonus is declared. That is not known today. That was not known on the relevant date. It is known today after the event and perhaps it will be known after a year or six months. There is no limitation under law to those demands. It has to be clarified as to what happens to such demands of the labour because naturally they take it that the Bill could never have intended that the legitimate demands of the labour will not be available to them and will not be given to them (*Bell rung*).

SHRI LOKANATH MISRA: What is the hurry? I have to make a submission. This is a Bill on which probably Members from both sides will like to speak. Let us extend the time by half an hour or one hour. Kindly do not cut it short. I will take some time. Please do not ring the bell. Normally when you ring the bell, I sit down. But on this occasion I will not.

MR. DEPUTY CHAIRMAN: There is always limitation of time.

SHRI LOKANATH MISRA: There are certain Bills which need a little more time.

MR. DEPUTY CHAIRMAN: I am conscious of that. Still we have to economise time.

SHRI DAHYABHAI V. PATEL (Gujarat): At least let them have their say before they cut their neck.

SHRI KALYAN ROY: More time means more compensation.

SHRI LOKANATH MISRA: At least Mr. Kalyan Roy has now realised that compensation should be given.

SHRI OM MEHTA: We will also say,, no more time and so no compensation.

MR. DEPUTY CHAIRMAN: All right Please continue, Mr. Singh.

SHRI D. P. SINGH: Sir, already I have lost two minutes of my time.

Sir, there is one more thing to which I would like to draw the attention of the Government. It is about compensation in cash. In Bihar, it looks a little unusual. The honourable Minister has been generous, because, Sir, in Bihar, the whole of *Zamindari* was taken over and for the whole of the *Zamindari* thus taken over compensation was paid in bonds and they were to be cashed over forty years, in forty equal instalments. Therefore, as far as this is concerned, excepting the demand of labour or the demand of the Government, the rest of the amount or half the amount, half the compensation, can easily be paid in bond. If enough provision is made for the payment of the dues, then, Sir, we do not mind if the payment is made in cash, because whatever is reimbursed to us is always welcome.

Then, Sir, the last clause also requires some clarification.

SHRI S. MOHAN KUMARAMANGALAM: Which clause?

SHRI D. P. SINGH: I am referring to the clause which says as follows:

"Nothing in this Act shall apply to any coking coal mine, owned or managed by a Government company or corporation owned or controlled by Government, or owned or managed by a company engaged in the production of iron and steel . . .

Sir, I am referring to clause 36(a)—"owned or managed by a Government company or corporation owned or controlled by Government". I think it means that the various mines that came into the possession and occupation and ownership of the State of Bihar on the

pattern of the Bihar Land Reforms Act are left out of the purview of this Act, because this is what it clearly means. Now, Sir, there are various mines which belong to the landlords and under the operation of this law those mines vest in the State. Now, through the emergency provision they attempted to take over those mines and they have taken them over. I am very happy that the clarification is there. But, Sir, the language of the Bill is categorical that nothing in this Act shall apply to any coking coal mine which is owned or controlled by the Government. Now, Sir, these were the mines which were owned or controlled by Government and I hope a categorical assurance will be given that the language of the clauses in the Bill would mean what they say and that there are no concealed meaning to them. Otherwise, it is a welcome Bill and it is good in all respects. It is beneficial, it is furthering the cause of socialism, furthering the cause on which we have set our hearts. Sir, a demand has been expressed in the West Bengal Legislative Assembly and also a statement has been made by the Chief Minister of Bihar to this effect that the non-coking coal mines should be taken over. We take this opportunity to reiterate this demand of the people of Bihar. Sir, it will be a happy day when the non-coking mines also will be taken over and equally efficiently managed. Thank you, Sir.

SHRI KALYAN ROY: Sir, I thought that this Bill, the Coking Coal Mines (Nationalisation) Bill, 1972, would be a part of Government's comprehensive policy towards minerals, particularly towards coal, towards what the Government want to do about coalmines, about its production, distribution and other problems. But I fail to understand exactly what is the policy of the Government today towards coal. We have seen in the past, whatever target was fixed, whether it was the Second Five Year Plan or the Third Five Year or the Fourth live Year Plan, 94 million tons, 100 million tons and 104 million tonnes, we have not been able to reach any tar-

get whatsoever. As a matter of fact, during the last two or three years our production has gone down as it is hovering around 70 million tons. When this is the performance we find today, how can we achieve the target of 155 million tons in the Fifth Five Year Plan? Is it possible? When our production is declining, is it possible to achieve this target? What is the Government of India going to do about it? This is the crux of the question.

Already there are nationalized sectors—N.C.D.C. is there, Bharat Coking is there. This is being done piece-meal. That is my accusation or criticism that the Government has no policy, because 50 per cent of the coal mines today, as my friend just now pointed out, are in the hands of private sector. You need to blend in this country metallurgical coal, semi-coking coal in order to feed gigantic steel plants that are coming up. What is the position there?

Sir, I would not go into all the letters. We are all every day leading deputations to the Minister and sending cables. The Government of West Bengal have been telling the Government of India that in West Bengal and in other parts mines have been closed and huge reserves have been flooded. It is not the production alone which is your target. Your target is, as mentioned in the Bill, that you want to conserve, you want to safeguard, you want to see that the Safety Rules are properly implemented, which is not at all being done in the private sector. The West Bengal Government during the last year passed a Resolution about this. In a Resolution which was piloted by the Chief Minister himself on the floor of the House, he said that 61 mine-owners are not paying any wages to the workers. If that was the position three months back, I can say with authority that today about 70 to 80 of them are not paying wages to their workers. The mine-owners have stopped paying provident fund. The Minister knows about it. If this is the condition in the private sector, how would

you be able to shape your policy? How would you be able to reach the target? Or you would repeat the same sordid performance which we have seen during the last few years. So the case is clear that you have to take over the coal mines. Logic points out, history points out that even though you talk of socialism, of which Mr. Kumaramangalam is the biggest champion today, unfortunately, you are not following that policy. Why did you take over the Coking Coalmines? ; because they were mismanaged, e there is no development, because there is no conservation and because the workers were exploited. Not a single recommendation of the Wage Board was implemented. The mine-owners were looting. He brought a Bill last time by telling that they are the worst capitalist robbers in Bihar. If this was the justification for taking them over, this is equally true of coking coal and it is equally true of non-coking coal.

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Why do you take a part of the booty from the robbers and- leave the rest of booty in their hands? He stated that the question should be asked of the Government, not how the news of take-over leaked out but why the mines were not taken over twenty years back. Experts after experts pointed out the need to take over the mines. But the coal lobby was very powerful. The conclusion I have to reach today is that Mr. Mohan Kumaramangalam is also today a part of the coal lobby; he is also a part of the group which stopped, for the last 20 years, all the attempts to take over the coking coal mines and the non-coking coal mines. Here is a situation which we cannot avoid. The workers have been giving their utmost co-operation to you—you cannot deny it. Yet we find that in the Bharat Coking Coal frustration is developing, discontent is developing. And today in the non-coking coal industry there is a massive agitation and discontent. As a matter of fact, there was a strike notice on the question of nationalisation. There are hunger strikes going on in West

[Shri Kalyan Roy] Bengal. In Bihar and Assam there are strikes. In the non-coking coal mines find that the workers are agitated and that agitation and discontent are also developing in the Bharat Coking Coal. So the first question is to take over the non-coking coal mines. The second is to set what is happening in the Bharat Coking Coal also.

On the 4th August, 1972, Mr. Shal Nawaz Khan replied to a question in the Rajya Sabha:—

"Twentytwo Members of Parliament have forwarded a memorandum to Koyala Ispat Mazdoor Panchayat, or the alleged activities of some former owners to sabotage the Bharat Coking Coal Ltd. from within, with alleged support of their supporters in the service of the company."

All of us know well about Bharat Coking Coal but I regret the way things are managed there today. There are officers who are colluding with contractors and do you know, Sir, how many contractors are there? In the Consultative Committee on the 12th April, 1972, the Minister submitted a document wherein he states that the number of contractors in the different mines of Bharat Coking Coal stands at 904. Nine hundred and four contractors ! So I would like to know what progress has been achieved by the socialist Minister to eliminate the contract system in the coal belt. Is it not a fact that much of the discontent today, all the clashes which are taking place, all the murders which are taking place are due to the collusion of the contractors and some of the officers in order to deprive the workers of the recommendations of the Wage Board, of the correct payment of the dues? That is one part which the Minister has to look into because he is already the owner; now he is going to be the real owner in law. And then I have to give him another fact, about the office of the Bharat Coking Coal. A big office was taken—a building in Jharia worth about Rs. 2-3 lakhs. A strange thing happened. The

house belongs to one of the biggest mine-owners' group in Jharia. But you know, I houses in Jharia are not as expensive as those in Bombay or Calcutta. I find that that house was taken and about Rs. 9

lakhs or Rs. 10 lakhs were paid for it. Was it fair? You are talking about fair-ness. You have bought a house.

SHRI S. MOHAN KUMARAMAN-
GALAM: You name it; I do not know.

SHRI KALYAN ROY: K. Worahs. A house which was incomplete, without furniture, was bought at a price. I would like a serious investigation into this as to why a particular house in a place like Jharia was bought at that price. It was purchased in Jharia from where mines I have been taken away, where owners wanted to dispose of their houses at any price, where the prices fell down, the market value fell down; at that particular moment, at that place, they purchased this house for over Rs. 9 or Rs. 10 lakhs. What happened? How? Who was the officer? I would like the honourable Minister to tell us about it. And it is a fact. Then, production is not happy either. I have got a paper which was given to the Consultative Committee meeting on the 17th May. There we find that consistently from the start production in the coking coal mines is declining. It was in August 1970, 0.90 millions; in September 1971, 0.95 millions; then in November 1971, 0.88 millions; then in January 0.89 millions; in March-April it has gone down to 0.85. It is declining. I know the Minister will say, "No, it is more or less the same,"—in his usual way, the way he answers questions now-a-days. It is not. If you want to be fair, if you want to be precise, you have got to admit that production is declining. And he also stated in that particular memorandum on the 17th May that there has been a cash loss of Rs. 23.40 lakhs as on 22nd April. The loss is partly due to, Mr. Kumaramangalam, the officers appointed. I admit and I congratulate you for taking over the thousands of workers who are working day in and day out inside the pit. Their

names were not there on the muster-roll. I do not know how many people were killed and how many bodies were dump-e"d, and for that some people want compensation. It is also true today you are appointing officers recklessly. And there another problem has started. Another hurdle has come up. What is the hurdle? Bihar for the Biharis. I would like Bihari people to get the first preference. I would not clash with that at all. But I find that behind that slogan the mine-owners are creating a revengeful scare. Unfortunately the role of the Bihar Government is not happy either. There are factions inside the Congress, setting up unions, taking to the path of looting which is going on in the State sectors. And I have to say this. Mr. Kumaraman-galam may not admit it. Even some of his honest officers are finding it difficult to work. Honest and good technical hands, honest and good scientists, managers, are finding it difficult to work. I was surprised to hear there that one manager was badly beaten by Congress men, Shankar Dayal's group, which has recently joined the Congress, and the police refused to do anything to protect the manager . . .

SHRI LOKANATH MISRA: Was it a CPI organisation?

SHRI KALYAN ROY: I do not know. That part is left to you and your party to investigate into the CPI's past because you have no future. I leave the inside information to the Swatantra Party and Mr. Lokanath Misra.

The police did not come to help. The question is you are not getting the help of the Bihar Government. I wanted to point out this particularly. All that is because by partial take-over of the coal mines only in Bihar, you have created the problem. If you had taken over the coal industry as a whole, then you would have selected the best cadre from all over India. Nobody would have objected to it. But by only taking over mines from Bihar this problem has been created. I know Mr. Chari, who was there, was

finding it difficult to work. This has to be admitted on the floor of the House because there is no use of hiding this or concealing this. This is the problem which is developing. You are not going to tackle this. Tomorrow this will be another Khetri. I supported Mr. Kumaraman-galam on certain things he did in Bharat Coking Coal. But the latest trend is not very happy. Some of his officers are adopting the policies which are being followed in various public sector undertakings like at Khetri and in Zinc mines in Udaipur. So one has to deeply look into the future performance of the coal mines. About workers you say they have not been paid wages. You had to say on the floor of the House that wage board's recommendation or award was not being implemented, lakhs of rupees were not paid, weekly wages were not paid.

Bonus was not paid. Even the Provident Fund which was collected was not deposited. Where do I stand? Is it possible for the workers to go to the Commissioner of Payments? And then, if

I the owner is dissatisfied, he will go to the Supreme Court. The road is open to 'him. How long shall I wait? Already for five years I have not been paid proper wages, proper bonus, proper leave. My Provident Fund has been misappropriated, has been stolen. And do I have to go there? And where do I stand? I stand in the lowest of the ladder. The secured creditors, the bankers, the tycoons, most of them, they are brothers. They are sisters. They are sons or nephews. They are the secured creditors and they will come and take the money. What about my Provident Fund? Is it socialism? Is it even mixed economy? What is it? But to have this detente, this plain understanding with the mine-owners of Bihar is unfair, Mr. Kumaramangalam. You have stated this and, Sir, I was surprised to hear about the question of compensation. Sir,

j I have got a Question answered on the
j 25th May, 1971, by Shri Raghunatha Reddy.
I asked whether it is a fact that
I a large number of coal companies are

[Shri Kalyan Roy] violating the Companies Act by not submitting balance-sheets and profit and loss accounts every year. Sir, these companies which you have taken over, today are coming with all the assets and liabilities and cost of production, this, that, what not. They did not submit earlier their profit and loss accounts and balance-sheets even in the Wage Board. You can ask the Wage Board Members of the Government. The mine-owners refused to submit their cost. And to them you are handing over nearly Rs. 17 crores. For what? For not paying me? For depriving me of my bonus? For misappropriation of my Provident Fund? Please, Mr. Kumaramangalam, think what the history will tell you tomorrow. You had called them robbers, not me. Mr. Siddhartha Sankar Ray, in a tripartite meeting, had called them drunkards and debauches. In a tripartite meeting he called them the worst reckless looters of this country. I am quoting Mr. Siddhartha Sankar Ray. And you are giving them nearly Rs. 17 crores. And Mr. Babubhai Chinai and the Swatantra Party are lamenting over their loss, of—what did you say?—of their suffering, intense agony. I am quoting . . .

SHRI BABUBHAI M. CHINAI: I never used these words, Sir. Neither 'suffering' nor 'agony'. You just stick to yourself instead of misquoting others.

SHRI KALYAN ROY: I always stick to myself. I don't stick to the mill-owners as you do.

SHRI BABUBHAI M. CHINAI: You cannot do.

SHRI KALYAN ROY: I am now quoting from yesterday's "Amrita Bazar Patrika".

"Another feature of an otherwise dull and colourless market in shares was that coal issues, which got into a prolonged stupor, evinced a little renewed interest and emerged comparatively steadier." Why?

"The little flurry of buying that emanated suddenly was put down to the announcement, of the quantum of compensation payable by the Government for the take-over of the coking coal mines. The concerned shares, particularly East India, Bengal Coal, Burrakur, Pench Valley and Bengal Bhatdee, to name a few, received some support from the erstwhile shy investors. All these companies previously apprehended that the available compensation would be far below what could be claimed as a fair break-up value of shares of each. It is now learnt that the compensation to be paid by Government would not be as insufficient as was previously apprehended.

In the case of East India the payable compensation has been placed at Rs. 93.29 lakhs which is more than double the company's paid-up capital of about Rs. 42 lakhs. Similarly for Burrakur of Bird and Company, and the compensation of Rs. 168.56 lakhs is higher than the paid-up capital of Rs. 148.73 lakhs. For Bengal Bhatdee, of course, the compensation of Rs. 19.60 lakhs is substantially higher than the net worth of Rs. 10.29 lakhs."

All these companies are today happy. Shares are going up. And here tears are rolling down the cheeks of Mr. Misra.

The problem is due to the half-hearted, vacillating policy. I do not blame the mine-owners. They will not invest in the non-coking mines. It is their policy. He is not investing. You are so much busy in going to Tamil Nadu to settle their labour disputes. I am afraid Mr. Kumaramangalam did not at all find it necessary to go to the Asansol area where 284 mines are there. These mines are on the verge of closure. He says at a tripartite conference: "I will see that no mining is stopped and I will take it over. I will see that something is done about it." He said it on the 4th July. What happened to the promise? What reply he gives? I am quoting his reply dated the 2nd

August, 1972. "About the closure of mines, it is understood that the Government of West Bengal are studying the whole question regarding closed mines. They are giving it another study afresh." They wanted to take over the mines. You have prevented them. You do not allow me to take over and you neither take it over. The result is that people are thrown out of employment. The mines have closed down. So, the question today is takeover. You should democratise the Bharat Coking Company. You talk about taking workers into confidence. Is there any recognised union in the Bharat Coking Company? What about the Works Committee? Have you started it? Have you consulted the workers in running it? Not at all. There is the same bureaucratic approach. The same bureaucrats are being kept. There is a group of labour officer in Jharia. He himself killed two workers. We wanted you to remove that officer, but nothing was done. Now-a-days, on the basis of what is happening in the Bharat Coking Company all the managers, whether in Khetri or in any other place, are feeling very happy today finding that Mr. Kumaramangalam is not the leader of the officers group but is a captive of that group. That is the unfortunate fall of a man who the workers hoped, after the taking over of the coking coal-mines, he would democratise the structure, that he would bring in fresh blood and new officers.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI KALYAN ROY: I am concluding. The last point is the question of reorganisation. Are you seriously interested? Can you only reorganise your coking coal? What kind of officers are you sending? It would be laughable in other parts of the world to discuss the reorganisation of coal-mines without the participation of the Director-General of Mines Safety. Two mines are being developed with the help of Polish and Russian officers and every minute they participate in it. Here the

reorganisation is being planned without any participation of the Director-General of Mines Safety, because some bureaucrats do not want it. It is a clique of the bureaucracy. It is a conspiracy of the mine-owners. It is a half-hearted, halting policy. It is lack of democratisation as a whole and basically lack of any perspective towards a coal and minerals policy. I am afraid, even after nationalisation, things will not improve, unless you deeply probe into the matter, sit with the workers' representatives and technicians and evolve a joint policy which will make India one of the strongest countries—not only in the political sense, but in the economic sense—in respect of increased power production on the basis of thermal power.

SHRI LOKANATH MISRA: Mr. Deputy Chairman, Sir, it is sought to be proved by Mr. Kumaramangalam that by nationalising these coal-mines he has done a wonderful socialistic feat. While in principle I am not at all in favour of nationalisation for the sake of nationalisation, I would have gone, to some extent, in supporting Mr. Kumaramangalam if by nationalising these mines he could improve the working of the mines and the fate of the workers.

From what we have been told by the so-called workers' champion, Mr. Kalyan Roy, even that has not been done. The production has gone down. The workers have not been paid and some of the workers are going to be disciplined by the police officers who have been sent from different parts of the country. If that is so, I do not know for whom it was done. In India unfortunately the consumer is a forgotten factor in our economy. The consumer's interest is looked after by nobody. Everybody looks after his own interest. When it is the private owner, the private owner looks after his interest first and then he has to look after the laws of the land and ultimately he forgets about the consumer. When it comes to nationalisation, the Government feels that it can ignore the people as much as

[Shri Lokanath Misra.]

it can ignore* the materials in the mines. Therefore, the consumer's interests should have been taken into consideration before any nationalisation is thought of. If in the other public sector undertakings the Government has failed to improve their working and to pay any dividend against the investments that have already been made which run into thousands of crores, the Government of India has absolutely no right in fact to nationalise fresh undertakings. They must prove their ability first. How are they better than the erstwhile coal mine owners if they are doing the same thing as the erstwhile coal mine owners? At least the erstwhile owners have been guided by certain rules. The Government is above law. If the Government does anything, it would be legalised. Anything wrong done by the Government would be legalised. We shall be the people to legalise it after six months. Supposing no provident fund is paid by the nationalised industries in the country, then if they were in the private sector, the Government would have taken the private owners to task; if a public sector undertaking is running at a loss, the same Minister would come here with a smiling face and say, "We have had a loss; therefore, if we pay anything to anybody, it would be from the public exchequer, and therefore this may be exempted", and we shall be thumping the table to exempt that. That is what has been happening all the time. People who talk of nationalisation for the sake of nationalisation are ruining this country. If they really believe in nationalisation, and I include even Mr. Bhupesh and Mr. Kalyan Roy in this, then their first task should be to gear up the Government which they support all the time blindly, to gear up the machineries of the Government in order to make all the public undertakings give dividend and make them profitable. If they could do it, probably it would be one of the greatest contributions, even though Communists make no contribution to this country and they give their allegiance somewhere else. It would be one

of the greatest contributions to this country if they can do it.

SHRI A. G. KULKARNI: Mr Bhupesh Gupta is hypnotised.

SHRI LOKANATH MISRA: In my presence he is hypnotised. However, he understood the things in their right perspective and started turning to our side. I do not want him to be a fullfledged member of my party. If he did that, he would probably be doing good to himself and to the country because he will then do rational things and not do things in a dogmatic way. He may or may not come, that is different, but if everybody in the House became a little more rational, probably we shall be doing . . .

SHRI BHUPESH GUPTA: One question. When will he be a sensible thinker?

SHRI LOKANATH MISRA: All right, we shall discuss about it later. When I was talking about the consumers' interest, I wanted to indicate one or two things in that connection, now that he has rightly or wrongly nationalised the industry. All the mines are in one or two States of India. They are not scattered evenly, scattered like the socialistic ideas of our great Government. So, since it is a god's gift, it is located in Bihar or maybe in parts of West Bengal—maybe in Hyderabad also. There used to be mud-throwing between the Ministry of Mines and the Railway Ministry for distribution of coal to the different parts of the country because coal had to be distributed from Bihar and West Bengal all over the country. And then nobody actually knew who was responsible for this because in between sandwiched were the mine-owners. They were being hit from the right and from the left for any kind of blame. Now, the Government of India or one of its undertakings has taken over the mines. After nationalisation, I wish and hope that there would be better, greater coordination between the Ministry of Railways and the Ministry of Mines so that the consumers are not fleeced, so that they would not be made to pay for the damage that is being paid for on

account of mismanagement. I hope that Mr. Kumaramangalam at least would look to the interests of the consumer to this extent having nationalised the coal mines.

I have heard of coal having been deposited at the pitheads and because of shortage of wagons the coal could not be transported and therefore there was an acute shortage of coal in some places. And naturally there was blackmarketing, because there was short supply.

Anything nationalised needed police protection or army protection. Previously they brought forward the Industrial Security Force Bill in order to save the industries from any kind of workers' strike or any demand about the democratic right of the workers. If the same thing is resorted to here in this case, Mr. Kalyan Roy would be nowhere. Now, he is shouting at the top of his voice. Suppose tomorrow Mr. Kumaramangalam raises an army or a police force for the protection of the mines, then I would urge that at least the workers' democratic rights should not be taken away. They would have the same right to strike, and the hon. Minister should give us an assurance that nothing would be done to raise a police force in order to take away the democratic rights of the workers in the mine*.

The coal-fields, particularly of Asansol, have turned to be a battle-field for the last so many years, maybe three or four years, where the union leaders try to kill one another. After nationalisation I sincerely urge that the election of the officebearers and the recognition of the trade union and the number should be left to the ballot where it should be decided. It should be a secret ballot through which it should be decided as to which particular union has the maximum number and then the particular union should be recognised. What has been happening was—it is also happening now in some of the nationalised industries, particularly in Rourkela and in Durgapur much more—that the management was encouraging the different

trade union workers. Therefore, there is an unhealthy spirit of conflict and rivalry, ultimately culminating in the killing and annihilation of each other. Thuit is what has been happening in the last three or four years in Asansol. If a secret ballot is resorted to for the recognition of the trade union, I hope that there would not be anything of that type and there would be a healthy organisation of the workers. I would also urge in this connection that politicians should be debarred from heading trade unions. They are the greatest nuisance in the trade unions. Underhand transactions are indulged in by them.

SHRI MONORANJAN ROY (West Bengal): Employers should run the trade unions.

SHRI LOKANATH MISRA: It is the workers who should run the unions. Now politicians in the garb of well-wishers of the trade unions go and create all types of mess, and at times they let down the workers and their interests.

I would take another ten minutes only. Coming to the compensation side of the Bill, some of the hon'ble Members were (waxing eloquent that they had paid plenty of compensation to the erstwhile owners of the mines. I have no sympathy for the erstwhile owners of the mines. I am categorical about it because neither I am a mine-owner nor I have even one share in any of the mines. Therefore, I want to be categorical. Many of the hon'ble Members sitting on that side of the House would be share-holders in many of the mines. They are hypocrites when they say that more should not be paid. I fight for justice all the time. I have been fighting for justice or whatever I think to be justice. Maybe in some cases I have been wrong in choosing.

SHRI PRANAB KUMAR MUKHER-JEE (West Bengal): Justice for owners only.

SHRI LOKANATH MISRA: I plead for justice or, as I said, whatever appears

[Shri Lokanath *f:sra] to be just to me. *(Interruption by an honourable Member)* I cannot be guided by the justice of your conception or communist conception. So, Sir, I was saying about compensation. They are paying a sum of Rs. 16 odd crores. I would give a break-up.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI MOHAN DHARIA): Somebody wants to know what is the brief with you.

SHRI LOKANATH MISRA: You are being briefed by a bureaucrat.

I am being briefed by a friend. Does it not make difference?

SHRI S. MOHAN KUMARAMANGALAM: I am being briefed by the Government but I do not know whom you are briefed by.

SHRI LOKANATH MISRA: I cannot remember all the figures. The Minister brings all kinds of figures on different subjects. And I have to speak on all the subjects under the Sun. Therefore, I cannot remember all the figures. He deals with these things. Maybe some of you may be interested in knowing as to what is being paid or what is not being paid.

MR. DEPUTY CHAIRMAN: It may not be figures now. Please go ahead.

SHRI LOKANATH MISRA: As I was saying, for 214 coking coal mines and 12 coke plants with a production of 14.4 million tonnes, the hon'ble Minister has been kind enough to grant a compensation of Rs. 16 and odd crores. Out of that Rs. 16 odd crores a sum of Rs. 11 crores goes in respect of stocks and stores, according to him. What is left is about Rs. 5.37 crores against fixed assets. The amount on fixed assets, I gather, was assessed by some government agency. May be some chartered accountants were sent. They might have some indications from the hon'ble Minister that the figure must be brought down as low as possible. As I said, I have no quarrel against the Minister in regard to the interest of the mine

owners. But what I greatly value is the interest of the common man, the ordinary shareholder who may be holding a share of Rs. 10, Rs. 20 or Rs. 30. Among them are some widows.

SHRI BHUPESH GUPTA (West Bengal): With him always widows come.

SHRI LOKANATH MISRA: You have not had the experience of a widow because you are unmarried.

SHRI BHUPESH GUPTA: Then I would be dead, anyhow. I always hear the tell tale of widows. I should like to know how many widows are shareholders. Will you tell us?

3 P.M.

SHRI LOKANATH MISRA: Yes, yes, I will tell you; I am going to tell you that. Now, Sir, there are as many as 27,000 shareholders and out of them, may be there are about 3,000 or 4,000 shareholders who depend only on this and have no other source of income.

SHRI S. MOHAN KUMARAMANGALAM: How do you know?

DR. BHAI MAHAVIR (Delhi): "Maybe", he says.

SHRI LOKANATH MISRA: Have you assessed it? Mr. Mohan Kumaramangalam has the agency and before he took over, he could have looked into these things. It is his duty. But, on the other hand, like any Communist, he throws the ball into my court and asks me, "How did you find out?"

SHRI BHUPESH GUPTA: Have you assessed it?

SHRI LOKANATH MISRA: Yes, I have assessed it. I have my own source of assessment. I do not have the Government agency. I cannot prove that to you on the floor of the House. He must be there to prove it. At least, he must be there to disprove it, disprove whatever I say. Therefore, Sir, . . .

SHRI BHUPESH GUPTA: What is the paid-up capital?

SHRI LOKANATH MISRA: Of all the companies"

SHRI BHUPESH GUPTA: Sir, my friend has assessed the widows and widowers, but he cannot say what the total paid-up capital involved is.

SHRI LOKANATH MISRA: The paid-up capital would be 27,270 shares of face value Rs. 100 and Rs. 10.

SHRI KALYAN ROY: They have been distributed by the companies.

SHRI LOKANATH MISRA: Whoever distributed it, whoever may have distributed it, if the figures are right, I am thankful for that. *(Interruption)* My papers do not come from Moscow or Leningrad. *(Interruption)*

SHRI BHUPESH GUPTA: Moscow does not have shareholders nor a Minister who pays compensation to shareholders. That is not the point.

SHRI DAHYABHAI V. PATEL: They have only knife and bullet.

SHRI BHUPESH GUPTA: He said that so many shareholders suffer. I wanted to know what the total paid-up capital was. If the shareholders are getting less than their paid-up capital, he may have some complaint. Surely, the shareholders cannot expect more than the paid-up capital by any means. Now, if a shareholder is a widow, I do not know what is to be said here in this connection. If he is a widower, I do not know what I am to do with him.

DR. BHAI MAHAVIR: What if he is a bachelor?

SHRI LOKANATH MISRA: It is estimated at Rs. 10 crores. Now, Sir, I am not a chartered accountant. Therefore, if I cannot give the figures, let the Minister here furnish the information.

MR. DEPUTY CHAIRMAN: Now you will have to wind up.

SHRI LOKANATH MISRA: I am winding up. But, Sir, whenever I get up

to speak on any subject, you can see the amount of disturbance in this House. I have to meet the interruptions.

MR. DEPUTY CHAIRMAN: You should not get diverted

SHRI BHUPESH GUPTA: Sir, I didn't want to divert him. I got up only when he brought in the question of widows because it is completely irrelevant here.

DR. BHAI MAHAVIR: What about bachelors?

SHRI BHUPESH GUPTA: Sir, the widow could be a relevant issue in connection with widow marriage or *sati daha* or that kind of thing. How does it become relevant here?

SHRI LOKANATH MISRA: It is relevant here, Mr. Bhupesh Gupta, in this sense that if somebody has been killed in war his widow back home definitely needs all the attention.

SHRI BHUPESH GUPTA: There are widows and widows. Maharani Gayathri Devi also is a widow.

SHRI DAHYABHAI V. PATEL: The Prime Minister of India is also a widow.

SHRI A. G. KULKARNI (Maharashtra): Mr. Bhupesh Gupta is a bachelor and his interest in widows is to that extent only. *(Interruptions)*.

SHRI LOKANATH MISRA: All right; I am leaving the cause of the widows to be taken up by you.

SHRI BHUPESH GUPTA: You will never be a widow I hope.

SHRI LOKANATH MISRA: More so I hope.

Sir, as I was saying, there are many widows, teachers, professionals and others and many common men. May be there are persons who are clerks.

SHRI A. G. KULKARNI: I just want to put one query.

MR. DEPUTY CHAIRMAN: There is no time left for him, Mr. Kulkarni, unless he wants to yield.

SHRI LOKANATH MISRA: Unless you permit it I am not going to yield.

MR. DEPUTY CHAIRMAN: Then you continue.

SHRI LOKANATH MISRA: Now, Sir, there are Lower Division Clerks who would be earning about Rs. 200 or Rs. 230.

SHRI BHUPESH GUPTA: How many shares will he be having?

SHRI LOKANATH MISRA: He will be having two shares probably and two shares are good enough. When Mr. Bhupesh Gupta earns Rs. 51 per day he may not be caring for it.

SHRI RANBIR SINGH (Haryana): He is working for that.

SHRI LOKANATH MISRA: As much as you are working. (*Time bell rings*).

MR. DEPUTY CHAIRMAN: Please continue your speech because so many Members will be diverting your attention and you will be losing your time.

SHRI A. G. KULKARNI: He unneces-sarilj brought in the widow.

SHRI LOKANATH MISRA: Please leave my time to me; I have to speak on a lot of things and the Chair is already ringing the bell.

SHRI RANBIR SINGH: In that case you . . .

SHRI LOKANATH MISRA: If you go on interrupting me I shall go on replying to your questions and I shall not sit down. I am not worried about that. I can go on talking for hours but what I intend to do is to stick to the time and act according to the Chair's wishes. If I have to act according to the wishes of the Members opposite I would keep on talking for the whole day.

MR. DEPUTY CHAIRMAN: We do not have that much time.

SHRI LOKANATH MISRA: Sir, as I was saying, the other people who would have invested money is the poor people who can hardly sacrifice Rs. 10 or Rs. 20 because they are so lowly paid and by curbing the amount of compensation what the hon. Minister is doing is that he is robbing these people of their honest earning. Therefore I would urge that he should not do it; what he should do is to at least give an amount of compensation to the extent of the written down value of the shares because that would have been available to them in case the companies would have gone into liquidation. So at least he should pay them the same amount which they would have got had the companies gone into liquidation.

Now, Sir, I have only one or two more points.

MR. DEPUTY CHAIRMAN: Please wind up now.

SHRI LOKANATH MISRA: There are so much interruptions that one gets lost.

SHRI A. G. KULKARNI: I wish you are off the track.

SHRI LOKANATH MISRA: No more interruptions.

Now, the property lying under the earth belongs to the State Government. It is a corrosion of their right when Mr. Kumaramangalam takes over the mines without their permission. Their permission is also necessary when a mine is taken over or sub-leased or when it is taken by somebody else other than the lessee he has to get the permission both of (he State Government and of the Central Government also. In this case is completely overlooked that the State Government has to get royalty. The property belongs to the State Government and you are robbing both the shareholders and the State Government.

In spite of that you do not want to pay them their dues and the royalty which is

due to them. If there is a courageous Chief Minister, I would like him to take it up and to cancel the entire lease so that the new company that is coming into being will be left with nothing at all. I hope and wish that if there is a mine in Tamil Nadu, Shri Karunanidhi will show the way.

Sir, the National Coal Development Corporation has invested about Rs. 104 crores or so with a turnout which is much less. If that is so, the Minister must be realising what amount of effort the management would have to put in order to run the mines for all these days. Having taken over Bharat Coking Coal, they have enhanced the rate. They are realising at the rate of Rs. 3.50 from private steel companies and Rs. 3.25 from the public sector steel companies. How could that be done? Why was that done? Immediately after taking over, did you find that you needed to pay more? Or do you think that you could hoodwink the people by paying them more and minimising loss in the coal fields? Is it a fact or not? I would like the hon. Minister to tell me that.

I would again reiterate, re-emphasize and re-submit that the hon. Minister—an ex-Communist as he is—having the poor man's interest always close to his heart should look into the interests of the poor man and give him more compensation so that the poor shareholders' interests are safeguarded.

SHRI NAND KISHORE BHATT (Madhya Pradesh): Mr. Deputy Chairman, the present Bill has been used by the friends on the other side to express their venom, discontent and dissatisfaction against nationalisation. We all very well know that in this country there is a lobby of vested interests who are bent upon attacking nationalisation and particularly public sector because they feel very much hurt by nationalisation. I do not want to go into details of nationalisation as a whole. I would only like to concentrate on nationalisation of coking coal mines. In the 214 mines which were taken over

last year, there were 70,000 workers who were being constantly exploited by the mine owners. The mine owners *were* not paying their wages and they never deposited their contribution to the provident fund and they never enforced the recommendations of the Wage Board, though they did not have statutory force. All the same the recommendations were unanimous. On the top of it, most mine owners were using contractors and through contractors they used to avoid payment of even minimum wages. They used to exploit the workers because of their need and the poor conditions in which they were living. After nationalisation of the coking coal mines, the number of workers who were 70,000 have reached the figure of 1,28,000. Those workers who were once exploited by the contractors are all given regular jobs now. Still some friends from the Opposition say that nationalisation has done immense harm to the workers.

Sir, the Hon'ble member opposite also said something about the trade union movement. I wish he restricted his observations only to the field of activity he is engaged in. We who are in the trade union movement and the working class in this country very well know on which side their interests lie. They are all well organised and it is because of their organisational strength, it is because of the solidarity of the trade unions, that they could face the die-hard employers, that they could face the capitalists and they could face these interests who have been exploiting them, exploiting the toiling masses in this country.

It is often mentioned that with the taking over of the coking coal mines the responsibility of the Government is not at all over. Unless they also nationalise the non-coking coal mines, the problem, instead of getting solved, will become more and more difficult. There are coking coal mines in the public sector and there are the non-coking coal mines run by the private mine owners. Now, the workers in the coking coal mines are get-

[Shri Nand Kishore Bhatt] ting better wages, coal mines are very bad and no interest is better amenities, as though they are working being shown in this regard. We know that in under a model employer. On the other hand, the our country, unless we set apart some private mine owners are not paying the workers substantial money for research and their full wages and they are not exploiting the development in the technological field, these mines scientifically and are not adopting mines cannot be properly developed. It was in modern scientific and technological methods to the case of the coking coal mines that the develop the mines. On the contrary, these initiative was taken to get experts from mines are badly treated with the result that we Poland. We know that we have also experts have now only closed mines and there are fires here in this country. With the joint efforts of and the mines are flooded. All these things hap- the Polish experts and the experts in our pen. At the same time, the workers are also not country, some advance could be made and getting their proper wages and they are these mines could be restructured and becoming the victims of the contractors. It is reorganised and that has led to better true, Sir, that for the abolition of contract production.

labour we have passed a law. But, that law is not being properly implemented and the workers are put in such a difficult and dangerous position. Therefore, we see, Sir, that there is a section in this country, a section of workers, which suffers. In the coking coal mines, workers are getting better treatment and better wages. But, in the non-coking coal mines, the workers are getting step-motherly treatment since they have not been nationalised yet.

Sir, as far back as 1946, the Indian Coal Field Inquiry Committee had, in its . Report, made some recommendations and had clearly observed therein that the mine owners were not at all interested in the scientific development of the mines. They were very indiscreet in handling these mines. Therefore, it was suggested that these mines should be nationalised. Now, we see that the coal mines, excepting a few mines which are connected with the steel plants, such as TISCO, Tata collie- i lies, NCDC collieries, etc., had not implemented the recommendations of the Wage Board. It is only after taking over of the 214 mines that the recommendations of the Wage Board were implemented. The mine owners have not only deprived the workers of their legitimate dues, but also they have exploited them through the contractors as I said earlier.

Then, Sir, from the point of view of safety, the conditions in the non-coking

There is some difficulty and that difficulty is for the consumer. Today, the consumer is in a great difficulty because the price of coal has gone up and it is therefore, necessary that the honourable Minister, with the help of the Minister of Railways, should see to it that if heaps of coal are lying at the pitheads, they should be made available by quick transport to the consumer so that the price comes down and they are not put to any difficulty

I have to compliment the hon. Minister for the humane treatment or rather the objective manner in which the Bharat Coking Coal Mines have been working.

The other day it came to my notice that there is an apprehension of about 40,000 colliery workers being laid off. As a result of a circular reported to have been issued from the Labour Department of Bharat Coking Coal Co., about 40.000 workers are going to be laid off. This has been utilized for interested persons. As reported earlier, there have been some incidents of beating. But, Sir, no Congressman or anybody is involved in that. As a matter of fact, it is the rivalry between the management of private owners that such incidents have taken place. I would like the hon. Minister to take into consideration this reported matter that 40,000 workers are likely to be thrown out of employment, because that may make the situation explosive.

Sir, it has been said that about 5,000 workers were not 'workers' but they worked as the agents of private mine-owners. But I have to submit, Sir, that there are 'chaprasis', supervisors and other such staff which have already been absorbed.

So, while supporting this measure— which could have come much earlier—I do feel, Sir, that the Minister will very soon come forward with a Bill, nationalizing all the coalmines in the country, because then alone it would be possible for us to concentrate our energies on developing this vital sector of our national economy.

MR. DEPUTY CHAIRMAN: Dr. Bhai Mahavir. Please be as brief as you can.

DR. BHAI MAHAVIR: Mr. Deputy Chairman, Sir, My friend, Mr. Kalyan Roy, was making certain observations in respect of the compensation being paid to some companies. He was quoting certain figures and was saying that exhorbitant compensation was being paid to certain mine-owners. May be that he is correct. And for once I feel inclined to agree with him that it is very natural in a situation in which we are being placed for some people to feel that exhorbitant compensation is being paid to certain parties.

But, Sir, I look at the problem in a slightly different way. In this Bill, a Schedule has been given and the Parliament is being asked—the Lok Sabha has already done it, and now this House is being asked—to approve of this schedule in which amounts have been mentioned as figures which would be paid to different companies or different proprietorships, as the case may be. But the Parliament is not being told on what basis these compensations were arrived at. On what basis? In what way was *it* decided that 'A' company will get Rs. 5,000 and 'B' company will get Rs. 50 lakhs? Is it because the Government considers itself to be above all suspicion, above all reapproach. simply because the hon. Minister stands up and assures this House that Cost Ac-

countants and Chartered Accountants and these gentlemen, advisors of the NCDC, some mine-owner advisers, were associated? Therefore, nobody has a right to ask on what basis they arrived at these figures?

Sir, I beg to differ in this respect, because most of the people whom he mentioned as being represented on the body which arrived at these figures—most of them—are Government officers or associated with the working of Government concerns.

And we know, Sir, how the bureaucrats function. We are aware that they can be ordered to do a thing and they with very clear conscience carry out those orders. We are aware how some bureaucrats of our External Affairs Ministry went and filed an affidavit in the High Court of Delhi saying that the area being transferred to Pakistan under the {Cutch Border Agreement had never been an Indian territory. They could file an affidavit because they considered themselves absolved from all since they had been ordered to do so by the Minister concerned. Sir, the Parliament should not be treated in the way in which it is being treated. It is being asked to sign merely on the assurance of the Minister and not on the basis as to how these figures were arrived at. Sir, I learnt that a few days back a question was asked in the Lok Sabha about the compensation or the amounts to be given—the word 'compensation' is not the word which should be used here—to the owners of these coking coal mines and the reply that was given to the hon. Member was that the information was being collected and would be laid on the Table of the House. The Ministry does not have any information and without having the information we are being told that all the complicated facts and all the data were gone through and the Committee was able to come to a decision which the hon. Minister has certified as very reasonable under the circumstances. Of course, it is good for them to say that it is neither an over-

IDr. Bhai Mahavir] assessment nor an under-assessment. I am told Rs. 16-1/2 crores are being paid to the owners. Of these amounts I am not bothered. Whether this amount of Rs. 16-1/2 is too small an amount or too big an amount I am not bothered about that. I would be prepared to accept if you make it even Rs. 16,000 crores or merely Rs. 16-1/2. Pay only Rs. 16-1/2 but pay it on the basis of some principle and let that principle be enunciated here so that we come to know that there is no partiality, some people are not being favoured at the cost of others and some are not being penalised because of the prejudice of the officers or of the Ministry.

Sir, I do not know why the hon. Minister has not considered it advisable to take this House into confidence in this regard. I would urge upon him to tell us as to how these figures have been arrived at and how justice has been done. Sir, he has been a jurist himself, he is an authority on law and it would be presumptuous on my part to tell him that justice should not only be done but it should also appear to be done. If he is doing justice but from his actions people do not infer easily and naturally that justice is being done, it is not a healthy state of affairs. There-fore. I would like to put him this straight question. Previously there used to be the Courts and now after the 25th Amendment the Courts have been barred from interfering in the matter of the money paid for anything which is taken over by the Government. Now, if the Courts cannot interfere, is it not now the Parliament which has to satisfy itself that the schedule that has been drawn up is a correct schedule, is a fair schedule, is a schedule which has justice and where no partiality has been shown to any one, no bias has been observed in the case of anyone?

My first emphasis is on the question as to how these figures have been arrived at I because, Sir, we find that there are certain figures which cannot be understood. There

are certain amounts in the case of some assets. Mr. Kalyan Roy was giving one type of example but there are other types of examples also where the assets are patently rather much more than what are being paid. For example, if there is a mine which spent something like a crore and a half rupees during the period of the Third Plan for the purpose of improvement and installation of equipment, now it is being paid only Rs. 49 lakhs. The question arises: Is it fair? I am not saying that it is not fair. I am not saying that you have done it wrongly but I want to know, I want the people to be convinced if there is anything hanky-panky about it and that the figures have been arrived at on the basis of certain objective criteria, on the basis of certain norms and among those norms naturally the equipment, the fixed assets and the working of the funds have also been taken into account.

I agree with the hon. Minister when he says that if people have chosen wrong Directors and they have squandered away the money of the shareholders Government should not be held responsible for that wastage. Of course not; the Government should not be held responsible but I hope he will apply this rule in the case of the Government concerns also. If the Ministers choose wrong officers, if the Ministers put wrong people on duty and they squander away the assets of the country, like what is happening in Hindustan Steel, the ordinary people should not be blamed and I hope the Minister will accept responsibility for that because the people should not be made to pay for the inefficiency and for the lack of imagination of the officers in whose appointment they did not have any direct hand.

Sir, there are discrepancies of other types also. For example one company which has 1600 shareholders is given something like Rs. 49 lakhs and a company which has 100 shareholders is given Rs. 2 crores. I would like to know whether this thing was kept in view or not,

as to how much a particular shareholder is entitled to receive after a concern in which he was a shareholder is taken over by the Government. If you have any criteria, if you have any principles, come out with them, place them for the consideration of the House. Let the House be taken into confidence and let us have an opportunity to be convinced that things are being done on the basis of some fixed criteria. I am told there is a mine which was purchased some few years back at Rs. 39 lakhs and in which was invested something like Rs. 40.6 lakhs. The total comes to Rs. 80 lakhs or so but the amount being given is Rs. 12 lakhs. Let them not pay even this amount of Rs. 12 lakhs, I hold no brief for any party or individual but what I would like to know is if Rs. 12 lakhs is the figure you have arrived at why is it not Rs. 10 lakhs, why is it not Rs. 5 lakhs or why is it not Rs. 20 lakhs? If you have arrived at this figure of Rs. 12 lakhs we want to know how this figure was arrived at. I am asking this because I am concerned not only with the taking over of the coking coal mines; I am concerned with the whole process of production in our country. The other day I remember the hon. Minister in this very House stated in answer to a question that they have not yet decided to take over non-coking coal mines and he says, we have warned them, we have asked them to make investments and improve the working of the mines and produce more; otherwise he will take them over. If you are honest in what you are saying, if you really want them to improve their working the basic requirement is that they should be assured that when the Government decides to take over it will do so on the basis of certain objective, acceptable, rational, known criteria. Once they are satisfied on this they would feel impelled to accept your word and they would feel encouraged to make investments and improve the working of the mines. Otherwise if there is a feeling, if there is a suspicion that nobody knows how these figures would be arrived at, what will be the consequence? I am concerned about that consequence.

The consequence would be that investment would be scared away and when investment is scared away there would not be any improvement in the working of their mines and after two years you would come forward and say, we warned these people but they have not listened to our warning, their working has not improved, they have not made any investment and therefore we are taking over. If that is what is going to happen two years hence I would suggest let that happen today; there is no use delaying the execution of a person on whose head you are hanging the Damocles Sword and you are telling him if you do not improve you cannot live. He does not even know on what principle he will be doomed to die and in what way his execution would take place. I would suggest that if the hon. Minister and the Government are convinced that they have to take over the other mines let them decide now. At least the country would be spared of the loss which inefficient and indifferent management will put the country to during the course of two or three years. That is the reason why I am suggesting that justice should not only be done but it should also appear to be done.

Sir, it has been said, Mr. Kalyan Roy was observing that this hon. Minister has often assured that he would not allow any coal mine to be closed, well, in the interests of the nation. When our assets are in danger of being spoiled or lost, such an assurance is very welcome; no coal mine should be allowed to be closed. But I would put to him another aspect of the question. I remember, some time back there was a coal mine which was owned and managed by the N.C.D.C., and it was a mine which the N.C.D.C. was unable to run, and the mine was closed, it was kept closed. I happened to know of some people who had applied for a lease to work that mine on a cooperative basis and the Government had refused to permit them to work that mine. It was Giridih coal mine and that Giridih coal mine was owned by the N.C.D.C. but its work was kept suspended because the

[Dr. Bhai Mahavir] N.C.D.C. had worked it inefficiently and it did not want its inefficiency to be exposed by allowing any other party, even by a cooperative party of workers and some other people who were associated with it. It did not want to allow that party to work it well, to work it successfully and thereby expose the inefficiency and nepotism that was prevalent in the N.C.D.C. I would ask the hon. Minister where is the relief in such a case if the Government can stop others from closing down their mines? If the Government concerns close down their mines against national interests, then whom shall we go to for relief in the case of such complaints? I would request the hon. Minister to apprise us of this also.

Sir, I am rather disappointed; after going through this Bill I find that, if there are arrears of workers' wages the Government is not going to accept that liability, and the workers are advised to file suits against the previous owners for the realisation of their wages and their Provident Fund. That should have been the first charge and the Government should have taken it upon themselves for the purpose of satisfying and allaying the fears and suspicions of the workers, for seeing to it that any claims of the workers against the managements would be the first to be honoured by the Government, the new owner. Sir, that assurance has not been forthcoming, and that is why, when I hear that the number of workers on the pay rolls has increased, I am very happy and I can understand that the previous owners must have been indulging in malpractices, and if because of the change of ownership those malpractices have been put an end to, it is very good. But then, Sir, is it not a fact that over this period of nine months since the Government took over the losses have increased? Are all the losses due only to the regularization of the working conditions of the workers? Or, are there any losses which are due to the inefficiency and corruption that has increased there? These are things which the Government now owes

to the country to explain to the people. Therefore, unless this is done, it would be something which would not satisfy either this House or the people, the national people in any case. The whole thing was sought to be laughed away or smiled away through digressions, but I still think of and feel for the small shareholders. Now the Government must be having a complete list of all the people who have even the smallest ownership lights in the case of these companies. If there are any people who are small shareholders, those shareholders may not have had the time to go into the antecedents or the capacity or the competence of the owners, see how they were working the mines. An ordinary shareholder is like an ordinary voter in our country. He j hardly has all the wisdom to go into what I is being claimed by way of slogans and what is actually the intention of a particular party. Because of that, Sir, the Government now is in a position and it can find out. If there is any hardship in the case of small investors, people who have invested their lifelong savings, the pensioners who had looked upon this as a source for support in their old age, if the Government finds such cases, I hope the hon. Minister will be able to see his way to showing them not only justice but a little more than justice, what I may say liberal treatment in the matter of settlement of their claims.

I would like to conclude by saying that *mere* wording of the proposed Bill is not sufficiently transparent unless we are also made sharers in the information regarding the basis on which all this thing has been ¹ done because, without that, some people may say it is very usual for the hon. Minister to take refuge behind this.

These people say it is too much. Others say it is too little. Therefore, we are correct. That is the cheapest solution. I think the hon. Minister should try to think of something else. That is not the way to settle any particular issue. Therefore, let him come forward with the criteria on the basis of which this thing was

settled. That would be the best way of reinforcing his argument" with logic and with a convincing reason.

SHRI THILLAI VILLALAN (Tamil Nadu): Mr. Deputy Chairman, I will be very brief in my remarks on this Bill. After hearing the speeches of Mr. Kalyan Roy, Mr. Lokanath Misra and Dr. Dhair Mahavir, I do not want to repeat the same criticisms which they have offered.

I want to add one or two more points. First of all, I welcome this Bill whole heartedly. This Bill is intended to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry. In clause

2 it says:—

"It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution."

We are for implementing the Directive Principles enshrined in our Constitution. Therefore, we are very happy to welcome this measure. At the same time, I want to draw the attention of the hon. Minister to three more provisions in this Bill. I would request you to read all the three clauses and come to a conclusion that this Bill mainly attempts to show that Government's intention is only to do some fireworks in the name of nationalisation. At the same time it is not prepared to accept the consequences. I would like to draw the attention of the hon. Minister to clause 9. It is captioned: Central Government not to be liable for prior liabilities. Clause 9 f2) says :—

"For the removal of doubts, it is hereby declared that:

(a) save as otherwise provided elsewhere in this Act no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a coking coal mine or coke oven plant in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company;"

The Government disowns the responsibility to see to the future of the workers who are taken by the Government as its own employees. They are not prepared to accept the responsibility to pay the arrears. It is not just. It is unjust. The same Minister probably announced that we are in a position to nationalise the coking coal mines with the help of the workers, but he is coming forward with a provision saying that we are not prepared to pay arrears of the labourers, the employees of the coking coal mines, let them go to the previous mine owners. I will come later to the other clause also, clause 23, which says we have appointed a Commissioner for payments and he must go and file his petition before the Commissioner for his arrears. This is not tolerable. This is not nationalisation. This is not the way in which our laudable principles of nationalisation should be implemented.

Under clause 17 there are provisions to classify the workers. I have collected figures from the speech of the hon. Minister in the other House. At the time of taking over the coking coal mines the figure he gave in the other House is 70,000 workers. On the 1st April, 1972 it has risen up to 1.28,400. Due to malpractices, that is, keeping workers as casual labourers and some of them as permanent labourers, they are only having 70,000 workers. Now all these things have been corrected and rectified.

Therefore, the number has increased. Now there are more workers and he

[Shri Thillai Villalan]

has given the number of increase as 58,400. My humble submission would be after taking them as your permanent employees you want them to beg and cringe and crawl before the mine owners who are already standing before the Commissioner of Payments with their petitions of claim. You want the labourers, your own employees, to join in the queue after the mine owners with a begging bowl saying, "Please pay the arrears, please pay the arrears", because they are already begging, they are already before the Commissioner of Payments for their claims, they are fighting before him. Now Government have set up another set of people, their employees who are responsible for production, who are responsible for the future functioning of the mines, and are sending them behind the mine owners who are already there before the Commissioner.

Under clause 17 the provision says we are taking such persons as our own employees and all that. Clause 23 is about the claims, and our Dr. Mahavir has dealt with it, with the question of compensation very elaborately. He has raised a very relevant question. You have given a schedule here. You have fixed certain figures, very odd figures. Certain wrong figures you have given. What is the criterion adopted to arrive at the figures?

The House has got every right to question the figures given in the Schedule because the Government wants the approval of this House.

(Time bell rings)

Sir, I have raised only one point. I do not want to go into any other point because I am very conscious of the time allowed.

Even for getting these claims settled there is a process. The Minister would say that we are paying of course in cash but we are not directly paying, we are depositing the amount. The Commissioner will receive the petitions for claim and will go through them. He will sit

both as a civil court and a criminal court and decide things. And then only will the disbursement come. He can say so. But, Sir, I am only concerned with the workers—how the workers will go and will get their arrears. Under clause 23, the owners may file petitions, they may go in appeal and all that. But the workers are not able to do in this way. Therefore I would like to highlight this because the time is very limited. I welcome this Bill because we are for nationalisation. This is an attempt to nationalise a part of coal mines. Here we are having the coking coal mines; they have been nationalised. But to implement these provisions, there must be natural justice which should be given to those who are responsible for the production, that is the employees. Therefore, I am not approving clause 9 by which the Government disowns the responsibility for paying the arrears to the workers.

Then, Sir, there is only one point that I wish to make under clause 23, which reads—

"Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts . . ."

There are two kinds of debts. One is secured debts and the other is unsecured debts. Now, the arrears become unsecured debts. Arrears come only after the payment of the secured debts. If the compensation amount is sufficient for the payment of the secured debts, then only the workers will get the arrears. So the employees are not only left in a complicated position, but there is every possibility of no money being left for him for getting his arrears.

Then, Sir, not only the employees but also the States are in the queue. They come third, I think. Clause 23(2)(e) says—

"all sums due to the State Government as royalty, rent or dead rent, as the case may be."

That also is classified as unsecured debts. Therefore the States which are receiving royalty or anything, their dues will be treated as unsecured debts. This also is not proper. So, these things should be removed or rectified or reconsidered.

With these comments I welcome this Bill.

SHRI MONORANJAN ROY: Mr. Deputy Chairman, Sir, I would have welcomed this Bill as one of the steps taken by the Government to nationalise part of the collieries, those collieries which have coking coal, but for certain provisions within the Bill itself which are meant to deprive the workers of their legitimate dues. This is a butchery on the workers, I would say. May I ask the hon'ble Minister why any compensation should be paid to those who have butchered the mines by lifting coal at random thereby causing irreparable damage to collieries who have cheated the Government by showing fictitious accounts, by indulging in manipulation of accounts and by lifting more coal and showing lesser sales, by showing a number of employees not actually employed and various other ways, without caring for any safety for the miners, without caring to pay the dues to the workers, without caring to deposit the provident fund under the category "obligation"? These very mine owners are to be paid compensation from the Exchequer which in turn is built up by taxation from the poor people. Now, Sir, this is my first question to the Minister why these people, these sharks who had been fleecing not only the miners, the workers but also the people depriving the Exchequer by various ways should be paid any compensation at all.

Sir, the term "compensation" is not there. But it is nothing but compensation, paying money to the owners. Our friends here have raised the point, namely, on what basis is this amount to be paid. We do not understand the basis of this compensation. Has the Minister

or his Department gone into the assets of the mines that are existing today and then assessed the amount of compensation? This thing is not clear in the Act itself. We would like to have clarification by the Minister.

Sir, a preposterous thing is that liabilities of the secured creditors will be paid and this Government of "Garibi Hatao" wants to deprive the poor workers of their wages, their provident fund, their other arrears. Does not Mr. Kumaramangalam know that even today that in our mines which have not been taken over, non-coking coal mines, the employers are continuing to deprive the workers of their legitimate dues and they are not depositing the provident fund that has been deducted from the wages of the workers? Does he ! not know that a number of coal mine owners are refusing and still continuing to refuse to pay the statutory bonus of 4 per cent. even? Mr. Mohan Kumaramangalam knows about those mines very well because the matter has been brought to his notice again and again. Whatever their obligations, towards the recommendations of the Wage Board the owners of non-coking coalmines are not meeting them.

They are refusing even after so many tripartite meetings. The last tripartite meeting was held here in Delhi, on 4th July last, at which the Minister himself was present. The meeting was called by the Labour Minister. There the employers' representatives said that they would pay from the current month the amount of D.A. to which the workers were eligible according to the recommendation of the Wage Board, i.e. Rs. 2.13. But up to the 15th of July, at least 50 collieries in West Bengal alone have refused to pay even the current amount, not to speak of the arrears. Not a pie has been paid by the owners as arrears. Except two or three mine-owners, none has paid the arrears. Then, why have this farce of tripartite meetings?

Now, Sir, those workers are being deprived of their dues. Their dues are not taken as a first charge. Only the

(Shri Monoranjan Roy) secured creditors get priority. Now, who are the secured creditors? After they came to know about the taking over of the coking coal mines, shall we be surprised if we find out that there were some fictitious hypothecations of the machineries and those creditors became secured creditors? As you know, Sir, regarding these coal mines, they are not required to go to the Registrar, as in the case of hypothecation of land. They have to send a certain form within six months of the hypothecation. What is the reply of Mr. Mohan Kumaramangalam for this? That man whose hypothecation is absolutely fictitious will get money out of this compensation, but not the poor workers. This *garibi liatao* Government is passing a Bill whereby the workers will be deprived of their dues and their future will also be at stake.

Sir, I would mention here about how they want to deal with the employees and workers. The workers and employees have to abide by the terms and conditions that have been laid down by some bureaucrats. There is a circular from one O. Mahipati, Chief of Industrial Relations and Personnel, dated the 10th July whereby the employees of coking coal mines at their head offices in Calcutta have been served with notice. Many of them have been working in those head offices for 20 years and 15 years and none of them for less than 10 years. They are asked to remain as probationers for one year by this Mahipati. After the expiry of the probation period of one year, the performance of the employees will be looked into and then a decision will be taken on the retention or continuation of their service. These people are completely at the mercy of that man who has been appointed by the Government of India. This is how the bureaucratic machinery functions. What is the reply of the Minister? All their past services are scrapped at one stroke of the pen. They are told, "You shall have to accept all the terms and conditions that we are giving." And all the terms and conditions given in that circular, which they have to accept or

quit, are inferior to their past terms and conditions of service under the respective companies.

What right have you got, Mr. Kumaramangalam, to be there in the name of *garibi hatao* when these poor employees are being given inferior terms and conditions? And you say this is a progressive Bill! Mere nationalisation does not mean progressivism. That is why, at the outset also I said I would have welcomed this Bill had there been some provision for workers at least. I will deal with that aspect when clause-by-clause consideration comes. Secondly, about the Central coal Washeries Organisations employees. They were under the Hindustan Steel. Now they are being put under Bharat Coking Coal Corporation and their service conditions are going to be changed without discussing anything with them. Like that I will show you a circular about the coal washeries. I just point out one thing. Here is an organisation run by the Government of India and by Mr. Kumaramangalam's Department. Regarding the total amount of investments, I will not go into those. There were only four officers two years back. Now the number of officers has gone up so much. They are: General Manager, his pay is Rs. 3500; Deputy General Manager, Rs. 2800; Deputy Superintendent (Works), Rs. 1750-2150; Personnel Manager, Rs. 1600-2000; Deputy Personnel Manager, Rs. 1400-1800; Assistant Personnel Manager, Rs. 1450-1750; Senior Personnel Officer Rs. 1250-1500; Personnel Officer—5 posts—Rs. 850-1300; Assistant Personnel Officer —4 posts—Rs. 550-1100; Assistant Labour Welfare Officer—3 posts—Rs. 450-775. No wonder that when the poor workers demanded 8-1/3 per cent bonus, the management categorically denied and refused to pay. They said they would give only 1 per cent more. The number of workers is 2000 or 2400. It remains the same. It has not been increased. But the number of officers has been increased from 4 to 18. That is how the money is being squandered and the Government of India does not look into that even.

They are just satisfied with increasing the number of their officers. They just went on adding Public Relations Officer, this officer and that officer. Like this bureaucracy grows. Top heavy administration grows while the workers will have to suffer. The workers have given a strike notice, the workers of the coal washeries under the Hindustan Steel, are going to have a general strike on 16th or 17th of this month. They have sent the s1 notice to the Labour Directorate and the Labour Minister, I suppose. One of the demands, apart from bonus and other things, is organisational changes including merger with Bharat Coking Coal Corporation, formation of holding company with all the steel plants and the subsidiaries. These things need to be discussed with the representatives of the said unions ' prior to the implementation. I would ask Mr. Kumaramangalam two questions: Whether he will take up the issue and discuss with the unions—one is in Dhanbad and another in Purulia—whether he will discuss with the coordination committee and settle that dispute or he will face the strike and send the CRP to crush them. Their demands are very legitimate. They have also demanded that before their services are terminated or transferred, some discussion should be held with them so that their service conditions may not be jeopardised. And this is the condition of other non-coking coal-mines. Why has not the question of nationalisation or take-over of these coal mines been taken up? We again and again asked Mr. Kumaramangalam: What about the non-coking coal collieries? The mine-owners are creating a havoc. I may tell you, the more you delay, the longer the time you take—as these coking coal mine-owners have been given—the worse the problem will be. The coking coal mine-owners came to know about the take-over and they replaced the machineries. They have taken away the machineries. In some collieries even machineries were not there.

You have to take time and bring some ' more machinery to run the collieries. The situation is like that.

Now, about non-coking coal mines I want to tell you that you have to take an immediate decision. They have already started lifting coal at random as in the case of coking coal mines. They have destroyed some of those mines. The same thing as in the case of coking coal mines will happen here, unless you take an immediate decision. I would again appeal to the Government of India to come to senses and take over all these non-coking mines immediately without any further delay.

श्रीमती लक्ष्मी कुमारी बूढ़ावत (राजस्थान) : उपाध्यक्ष जी, आज जो बिल प्रस्तुत किया गया है उसका मैं तहे दिल से स्वागत करती हूँ। माननीय मंत्री श्री कुमारमंगलम् से हमें यह आशा थी उनकी विचारधारा को देखते हुए और उन्होंने आते ही इस मामले में एक कदम आगे बढ़ाया। आगे जाने वाले जो कि राष्ट्रीयकरण के इस तरह के कानून बनेंगे उन कानूनों में हमारा यह बिल एक माडल के रूप में सामने आयेगा।

इस लिए मेरा निवेदन यह है कि इस कानून में जो कुछ खामियाँ रह गयी हैं उनको हमें सोच समझ कर दूर कर देना चाहिये। जो इस में कुछ कमजोरियाँ रह गई हैं या कहीं पर ढिलाई रह गई है, उन कमजोरियों और ढिलाई को हमें अभी से दूर कर देना चाहिये। इस बारे में मैं ज्यादा न कह कर संक्षेप में मंत्री महोदय को कुछ सुझाव देना चाहूँगी। मुझे अफसोस है कि मैं हिन्दी में बोल रही हूँ। क्या पता कि वे कितना समझ पायेंगे।

AN HON. MEMBER: Then speak in English;

श्रीमती लक्ष्मी कुमारी बूढ़ावत : अंग्रेजी में बोलूँगी

but I would not be able to express myself fully.

तो मेरा यह निवेदन है कि सबसे पहले मजदूरों के हितों की रक्षा इन कानून में करनी चाहिये क्योंकि इन खानों के मालिकों के द्वारा उनका एकस्प्लायटेशन हुआ है, बेचारों को बोनस नहीं मिलता रहा है, कहीं प्राविडेंट फंड नहीं मिलता रहा है और कई किस्म की सुविधाओं से वे गुजर चुके हैं। जब इन खानों का राष्ट्रीयकरण हो गया तो उनके हितों का पूरा पूरा ध्यान रखा जाना चाहिये।

[THE VICE-CHAIRMAN (SHRI V. B. RAIL) in the Chair]

[श्रीमती लक्ष्मी कुमारी चंडावत]

यह मैं मानती हूँ कि इस कानून में इस नज़र से देखा गया है और हकों को महफूज रखने के लिए कई बलाज भी बनाये गये हैं। लेकिन जो कुछ मैंने पढ़ा है या मैं समझ पाई हूँ उससे मुझे एक जगह कुछ खामी नज़र आती है। इस कानून में एक जगह कहा गया है कि खान के मालिकों को जो रुपया उधार देना है या जो मजदूरों का देना है या जो सरकार पर बकाया है, उनमें से बराबर सभी को दिया जायगा। इस बलाज के ऊपर मेरा एतराज है। मेरा निवेदन यह है कि सब से पहले मजदूरों का एक एक पैसा चुका दिया जाय चाहे किसी भी किस्म का हो। उनके बाद जो सरकार की बकाया रकम है वह ली जाय। उसके बाद उनके दूसरे कर्जों को लिया जाय। यह मुझे इसमें कमजोरी या झिझक मालूम पड़ती है। इसको कानून की गिरफ्त में ले लिया जाय।

दूसरे मंत्री महोदय, मुझे अफसोस है मुद्राविज्ञे की रकम को देखकर और मुद्राविज्ञे के देने के ढंग को देखकर। मेरी समझ में नहीं आता कि इतनी बड़ी रकम लोगों को क्यों दी गई और वह भी नकद के रूप में दी गई। जब नकद रकम देने का सवाल आता है अच्छे कामों के लिए, विकास के कामों के लिए, या दूसरे कामों के लिए तब हमारी सरकार कहती है कि फाइनेशियल डिफिकल्टीज हैं। लेकिन इतनी बड़ी रकम एक मियाद के अन्दर और कैश में देना हमें नागवार गुज़र रहा है।

पिछले दिनों सरकारी कर्मचारियों को डिपरनेस एलाउन्स देने का सवाल आया तब भी सरकार ने यही कहा था कि उस समय उस की आर्थिक स्थिति अच्छी नहीं है। अगर इन लोगों को आपको कुछ मुद्रावज़ा देना भी था तो या तो वह आप नेशनल सर्टिफिकेट के रूप में देते या फिर वह बॉण्ड्स के रूप में दिया जा सकता था और किश्तों में दिया जाना तो बेहतर था। मैं आप को याद दिलाना चाहती हूँ कि इसी बिहार में जब जमींदारों से उन की जमींदारी ली गयी थी तो उन को मुद्रावज़े के रूप में बॉण्ड्स दिये गये थे और चालीस साल के बॉण्ड्स उन को मुद्रावज़े में दिये गये थे। आज सरकार इतनी बड़ी रकम मुद्रावज़े के तौर पर उन को देना चाहती है और आर्डिनेंस के द्वारा पहली मई से उस को लागू माना जा रहा है, और जब यह कानून पास होगा, प्रेसीडेंट के हस्ताक्षर होंगे तो यह रकम उन को दी जायगी और वह लाखों में होगी तो यह बात कुछ समझ में नहीं आ रही है। एक तरफ भयंकर अकाल की हाहाकारी है और दूसरी तरफ

यह मुद्रावज़ा दिया जा रहा है। मैं आप से निवेदन करूंगी सरकार देखे, इन खान के मालिकों का काफी रुपया बकाया होगा, टैक्सेज का बकाया होगा, रायलिटी का बकाया होगा, और काफी रकम रायलिटी की होगी, इसके अलावा पानी के टैक्सेज हैं, तो मैं आप से निवेदन करूंगी कि उनको कैश न रकम देकर मुद्रावज़ा किसी और रूप में दिया जाय और सबसे पहले मजदूरों का जो उन पर बकाया है उसकी एक एक कौड़ी चुका दी जाय।

जब यह खदानें ली गयीं और उनका मुद्रावज़ा दिया गया तो क्या इस बात का पूरी तरह से अंदाज़ा लगा लिया गया था कि जिस खान को जो मुद्रावज़ा दिया जा रहा है उसकी क्वालिटी किस प्रकार की है और क्या मुद्रावज़ा उनको बिलकुल ठीक ढंग से दिया जा रहा है या वह अनइकोनामिक है। आपने अपने स्टेटमेंट में कहा है कि कई खानें अनइकोनामिक अनइकोनामिक साबित हुई हैं, मुझे विश्वास है कि आपने उन खानों के कोयले की क्वालिटी आदि को देख कर भी मुद्रावज़ा किस किया होगा, लेकिन मैं पूछना चाहती हूँ कि एक दम इतनी उदारता क्यों दिखायी गयी, 1.6 करोड़ रुपया क्यों दिया गया अगर आप इस बात को अपने उत्तर में बता सकें तो अच्छा रहेगा।

दूसरे, जब हमारी इन खदानों का राष्ट्रीयकरण हो गया है तो मैं चाहती हूँ कि वे प्रोप्रेस करे और उन में मिस्टमैटिक ढंग से, साइडिफिक ढंग से काम हो। जब किसी चीज़ का राष्ट्रीयकरण होता है तो वह चीज़ सरकार के हाथ में आती है और उसमें सब से पहले दो उम्मीदों की जाती हैं, पहली यह कि वह काम सुचारु रूप से चलेगा और दूसरे मजदूरों को ज्यादा से ज्यादा एमीनिटीज और फैमिलिटीज मिलेंगी। लेकिन जो रिपोर्ट आप ने दी है या जो कुछ हम ने सुना है उस से पता चलता है कि काम सुचारु रूप से नहीं चल रहा है। जब जब हम राष्ट्रीयकरण की बात करते हैं और जब जब हम राष्ट्रीयकरण के लिए दलीलें देते हैं, उस की आदर्श के रूप में जब हम सामने रखते हैं तो उस के साथ ही साथ एक दलील हमारे सामने आती है और उस में हम को कुछ चुभन सी लगती है और वह यह कि जो भी काम का सरकार राष्ट्रीयकरण करती है वह काम ही सुचारु रूप से नहीं चलता उसमें इन्फ़ीफिशियेंसी बढ़ती है, उस में व्योरोक्रेसी घुस जाती है और उस का जो असली, सच्चा स्वरूप होना चाहिए वह न निकल पाता। मैं आप से कहूंगी आप ने जो इन खदानों का राष्ट्रीयकरण किया है उन को

अब आप इस तरह से चलाइये कि जो हमारे पब्लिक इंटरप्राइजेज के आलोचक हैं, जो हम पर बराबर लांछन लगाते रहते हैं उनका मुंह बंद हो जाय। आपने खुद स्वीकार किया है कि रेलवे बैगन्स की कमी है। हम जानते हैं कि बैगन्स की कमी नहीं है, लेकिन उन का बाटेजनेक क्यों है इसलिए कि थ्योरोक्सेसो है, उस में करप्शन है और दूसरे जो लोग हैं उस का नाजायज फायदा उठा रहे हैं। कई जगह जब रेल के डिब्बे भर कर जाते हैं तो लोग उनको खाली नहीं करते और अपने गोदाम बनाने के बजाय उन रेल के डिब्बों में मामान पड़े रखना उन के लिए सस्ता पड़ता है। इसी तरह से उन का दुरुपयोग किया जाता है। तो यह जो विकर्त और खराबियां हैं उनको दूर किया जाना चाहिए।

अंत में मैं एक सुझाव और देना चाहती हूँ कि इस बिल में स्टैचुयेरी प्राविजन किया जाय जिस के अनुसार जो हमारे मजदूर हैं उन को इन खदानों के मैनेजमेंट में हिस्सा मिलना चाहिए, उनका पार्टिसिपेशन मैनेजमेंट में होना चाहिए। अगर आप ने यह इस में नहीं किया तो यह हमारे राष्ट्रीयकरण का बिल अधूरा ही रहेगा। मैं ज्यादा समय न लेकर कहना चाहती हूँ कि जो दो, एक प्रश्न मैंने आपके सामने रखे हैं, विशेषकर कंपेंसेशन के बारे में, उन का उत्तर मंत्री जी से सुनने की मैं प्रतीक्षा करूंगी।

श्री सुपुन्द्र नारायण मंडल (बिहार): उपाध्यक्ष महोदय, जो विधेयक अभी प्रस्तुत है उसके संघ में एक बात तो सभी मानते हैं कि समूचे हिन्दुस्तान में बिहार में सब से बेसी मिनरल प्राइवट्स है, बिहार के छोटा नागपुर और पश्चिमी बंगाल की पश्चिमी सीमा के नजदीक में कोल और स्टील की बहुतायत है और इसी पर वहां की इंडस्ट्री चल रही है। यह भी मुझे मालूम है कि जो कोल वहां पर है खास कर के जिसको कोकिंग कोल कहते हैं जिसकी जरूरत लोहा बनाने में होती है वह कोकिंग कोल इतना नहीं है कि वह बहुत दिनों तक चल सके, ताँस चालीस या पैंतालिस वर्ष तक जाय, इतना ही वहां पर है, ऐसा सुनने में आया है, इसलिये इस बात की भी जरूरत है कि उसको कंजर्व किया जाय। उसको कंजर्व करके रखा जाय इस बात की बहुत जरूरत है। इस बात के लिए पहले से भी आन्दोलन चल रहा था और आन्दोलन का दूसरा कारण यह था कि जिस ढंग से कोयला मजदूरों के साथ जो प्राइवेट पूंजीपति थे उनका जो व्यवहार था वह व्यवहार भी ठीक नहीं होता था और इस वजह से भी आन्दोलन चल रहा था

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कि राष्ट्रीयकरण होना चाहिये। अभी एक अंग का तो राष्ट्रीयकरण हुआ है, कोकिंग कोल का हुआ है, लेकिन जो उसका दूसरा अंग है, नान-कोकिंग कोल है, उसका राष्ट्रीयकरण नहीं हुआ है। उसका भी राष्ट्रीयकरण ही यह मैं चाहता हूँ और यह मेरा सुझाव है।

अभी कुछ महीने पहले राष्ट्रपति के आदेश से सरकार ने अपने दखल में कोकिंग कोल की 214 खानों को लिया और उसके कुछ कारखानों को लिया लेकिन इतने दिनों तक जा वह चला है जो उस में काम चला है उससे हमें मालूम हुआ है कि उसमें नुकसान ही हुआ है और जो वहां काम करने वाले मजदूर हैं वह भी वहां की स्थिति से संतुष्ट नहीं हैं। इसलिये इस बात पर भी ध्यान देने की जरूरत है।

जिस ढंग से यह बिल ड्राफ्ट हुआ है, इस बिल में जो लिखा हुआ है कि कॉन्स्टीट्यूशन के आर्टिकल 39 बी के मुताबिक हम काम कर रहे हैं उसको देखने से ऐसा नहीं मालूम पड़ता है कि ड्राफ्टिंग के सिलसिले में वह बात दिमाग में थी। आर्टिकल 39 बी का क्या हुआ। कॉन्स्टीट्यूशन का आर्टिकल 39 यही है कि हिन्दुस्तान में जो कुछ भी मेटेरियल रिसोर्सेज हैं उनको कंजर्व किया जाय और उनका बंटवारा इस ढंग से लोगों के बीच में किया जाय कि वह इक्विटेबिल हो और धन का कंसेंट्रेशन इस ढंग से नहीं होने पाये जिससे कि साधारण पब्लिक को साधारणतया लोगों को उससे तकलीफ हो। इस तरह की बात इस बिल में नहीं होनी चाहिये नाकिन मजदूरों के बारे में, जो इसमें एक क्लॉज दिया गया है कि जो उनके वेजेज बाकी रह गये हैं वह मालिकों से मिलेंगे सरकार से नहीं उससे यह मंशा पूरी नहीं होती है। वह वेजेज इसलिये बाकी रह गये कि बहुत दिनों से हल्ला तो हो रहा था कि इसका नेशनलाइजेशन होगा लेकिन नेशनलाइजेशन नहीं हो रहा था और इसलिये जानबूझ कर उन लोगों ने उनको नेगलेक्ट किया है और वह जब नेगलेक्ट हो गये तो सरकार ने जो कि समाजवाद कायम करना चाहती है और कॉन्स्टीट्यूशन के आर्टिकल 39 के मुताबिक काम करना चाहती है उसने इसमें यह प्राविजन रखा है, जो उनका पावना बाकी है वह उनके मामले में पीछे पड़ जायगा और हम समझते हैं कि ऐसा करना ठीक नहीं हुआ है।

जो कम्पेन्सेशन दिया गया है, कम्पेन्सेशन का जो शेड्यूल दिया गया है उस शेड्यूल में जो सब रकम रखी गई है वह भी कोई प्रिंसिपल के मुताबिक रखी गई है या नहीं रखी गई है ऐसा नहीं मालूम पड़ता है।

[श्री भूपेन्द्र नारायण मंडल]

इसमें कुछ गड़बड़ी तो इसलिये भी हमको मालूम पड़ती है क्योंकि जब कि जमींदारी वगैरह का एक्विजीशन होता था या और किसी दूसरी चीज का एक्विजीशन होने लगता है तो उसमें बांड की बात की जाती है लेकिन इसमें क्यों कैंस की बात आती है। यह बात समझ में नहीं आती है। इससे मालूम पड़ता है कि कोई ऐसा इन्फ्लूएन्स एलिमैट इसमें काम कर रहा है जिसकी वजह से इन लोगों को कैंस देने की कोशिश की जाती है।

जो घाटा हुआ है वह करीब 1 करोड़ 26 लाख का हुआ है। यह भी सुनने में आया है, पता नहीं कहाँ तक सही है, कि एक्सपर्ट्स के जरिये से इसमें सहायता ली जा रही है लेकिन जो हमारे इंजीनियर हैं, जिनको वह टेक्नीक, वह नोहाऊ हो कि किस तरह से काम किया जाए, जिससे कि कोल का कंडक्शन हो, वह कोल बर्बाद न हो, इसके लिए जो इंडियन इंजीनियर्स का एसोसिएशन उसमें होना चाहिए, आयुध उसकी तरफ ध्यान नहीं जा रहा है यह नहीं हो रहा है और उसके बारे में भी हम समझते हैं, मंत्री जी कुछ प्रकाश डालेंगे।

श्री सीता राम केसरी (बिहार) : उपसभाध्यक्ष जी मैं मंत्री महोदय को इस बात के लिए बधाई दूँगा कि उन्होंने कोकिंग कोल के जो व्यापारी थे, या जो उद्योग-पति थे, उनके कोयला खदानों को, कोल माइन्स को, राष्ट्रीयकरण किया और इसके लिए उन्होंने कुछ मुआवजा भी देने का फैसला किया। मगर अपने वक्तव्य में मंत्री महोदय जो यह कह रहे थे कि जब उन्होंने टेक-ओवर किया उस समय 70,000 मजदूर काम करते थे और आज 1 लाख 28 हजार मजदूर काम करते हैं, तो यह भी खुशी की बात है कि गरीब तबके के लोगों को काम मिला, बेरोजगार लोगों को काम मिला। यह बात अच्छी बात है, इसको हम चाहते ही हैं।

श्री प्रेम मनोहर (उत्तर प्रदेश) : और प्रोडक्शन कम हो गया—यह भी देखिए।

श्री सीताराम केसरी : मैं बोल रहा हूँ तो आप बीच में क्यों परेशान हो रहे हैं? आप सुनिए जो हम कह रहे हैं। दूसरी बात, जहाँ तक राष्ट्रीयकरण का प्रश्न है, जहाँ तक उनके संचालन का प्रश्न है, वह ठीक ही है मगर मुझे यह पता चला है कि आपका जो प्रोडक्शन

है, 42,000 टन से घट कर 36,000 टन हो गया है, जब कि मजदूर 70,000 से एक लाख बढ़ाए गए। मेरा खयाल है कि कहीं किसी जगह पर कोई गंभीर खामियां रह गई हैं जिसकी वजह से प्रोडक्शन नहीं बढ़ा। इसका असर दूसरी इंडस्ट्री पर भी पड़ सकता है।

तीसरी बात, मुझे यह पता चला है कि जब आपने टेक-ओवर किया था, 1971 में, तो नेशनलाइजेशन किया फर्स्ट मई में, इस बीच में शायद 1 करोड़ 75 लाख रु० का लीस हुआ है। तो मैं इस चीज की ओर भी आपका ध्यान आकर्षित करना चाहता हूँ कि आज देश में राष्ट्रीयकरण के खिलाफ वेस्टेड इन्टरेस्ट के लोग भंवर कर जिहाद बोलें हुए हैं और वह अच्छा उदाहरण देश के सामने उपस्थित नहीं करता। राष्ट्रीयकरण गरीब तबके के हित में हमारी सरकार के सिद्धांत का एक प्रतीक मान है और इसके हम सब समर्थक हैं और इसके लिए हम बधाई भी देते हैं मगर प्रशासन में जो कमजोरियाँ हैं, जिसकी वजह से प्रोडक्शन में यह फाल हो गया है, उससे दूसरी चीजों के प्रोडक्शन में असर पड़ेगा क्योंकि कोकिंग कोल के नेशनलाइजेशन का मुख्यतः उद्देश्य यह है कि हमारे इस्पात के जो कारखाने हैं, लोहे के कारखाने हैं, उसमें वह काम आता है, उसमें इसकी आवश्यकता है। यदि उसके प्रोडक्शन में कमी हो गई तो इस्पात के प्रोडक्शन में भी कमी हो जाएगी, उस पर भी इसका असर पड़ेगा। इसलिए मैं आपसे कहूँगा कि आप के मुस्तैद हाथों से, जब आपने राष्ट्रीयकरण किया है, तो उसके साथ ही साथ हमारा जो प्रोडक्शन घटा है, उसको बढ़ा कर कम से कम 42 हजार टन प्रतिवर्षातिशो हो जाना चाहिए।

चौथी बात यह है, हमारी बहिन ने भी कहा और एक दूसरे माननीय सदस्य ने भी कहा, वह है मुआवजे का प्रश्न और उसमें मैं अपनी राय देना चाहता हूँ। जहाँ तक मुआवजा (कंपेंसेशन) देने का प्रश्न है, उसका एक बेसिस होना चाहिए, एक आधार बनाना चाहिए, क्योंकि मुझे जहाँ तक खबर है तकरीबन 27,000 शेयरहोल्डर्स हैं, 27,000 शेयरहोल्डर्स का स्वार्थ इसमें निहित है। तो इसकी भी छानबीन करनी चाहिए और छानबीन करने में मुस्तैदी होनी चाहिए क्योंकि जो मैनेजिंग एजेंट होते हैं वे भी शेयरहोल्डर्स का उत्तना

हित नहीं देखते हैं। अगर मजदूर का हित देखने या जेयरहोल्डर्स का हित देखने तो जायद उसका राष्ट्रीयकरण करने की आवश्यकता नहीं पड़ती। अगर उसमें बहुत बड़ा खतरा था। उद्योगपतियों ने बहुत बड़ी गड़बड़ी की थी इस व्यवसाय में। अगर उनकी गड़बड़ी नयकर नहीं होती तो यहां पर ऐसे नहीं आना यह मामला और जायद हनी जल्दी इसका राष्ट्रीयकरण नहीं होता।

मगर मंत्री महोदय ने जो फोलादी कदम लिया है, मैं उसका समर्थन करना हूँ, लेकिन जो दूसरे दिशा है, जो चित का दूसरा पहलू है, उस पर भी गंभीरतापूर्वक आपको ध्यान देना चाहिए। चूंकि राष्ट्रीयकरण के संबंध में आपके व्यक्तित्व के साथ इसका एक बहुत बड़ा प्रतीक है और आपके संबंध में समझा जाता है कि आप राष्ट्रीयकरण की विचारधारा को आगे बढ़ाना चाहते हैं। इसलिए जो प्रगतिशील विचार धारा है, जिसके हम सभी समर्थक हैं, उसके आप एक प्रतीक हैं और इन्हीं शब्दों के साथ मैं अपना स्थान ग्रहण करता हूँ।

SHRI N. H. KUMBHAKE (Mahara-h-tra) : Mr. Vice-Chairman, I welcome this Bill because the Republican Party stands for nationalisation. The Republican Party stands not only for nationalisation of industries but also of agricultural lands and therefore I welcome this Bill because it is a step towards nationalisation.

In the present Bill which involves a change-over of the industry from the hands of the private owners to the hands of the Government many problems arise and according to me the problem relating to the workers is more grave and complex and I see that due attention has not been given to this problem. A better deal could have been given to the workers. Those who are already in employment with the owners of the mines find that their hopes have been belied. In the first place I would point out that the workers who were already in the employ of the private owners, after this change-over, will become new employees with the nationalised mines. I think this is going to

' create a grave problem, a serious problem. When the industry is transferred, under provisions of the Industrial Disputes Act an employee gets compensation for the service he has put in with the previous employer or in the alternative he is continued in service with his past service to his credit. As I understand the provision of this Bill, an employee who has already put in, say, twenty years of service, will neither get compensation as per the provisions of the Industrial Disputes Act, nor will he get the credit of his past service in the new Nationalised undertaking. Therefore I feel that enforcement of the provisions of this Bill is likely to lead to unrest on this score because in such an eventuality the workers will be losing their past service. I do not know why this aspect has not been tackled properly; I do not understand why this grave problem has not been given due attention. The workers naturally hoped that they will be given more rights after nationalisation they will have better conditions of employment but I find that instead of 'giving them a fair deal and better conditions of employment, the rights which were already there are being taken away and therefore to that extent as I said earlier there is apprehension of industrial unrest.

The other question is about the payment of dues. As has been pointed out by other friends here, certain managements have not paid their contribution towards the Provident Fund. Now with the enforcement of this Act, what will be the position. The employers will cease to be employers the previous managements with regard to the payment of dues on account of Provident Fund money, the poor worker will be required to run after the employer. Will he get the amount? I doubt very much because, as regards the claims of workers arising out of their employment, they will not get the priority because, if there is an employer who is not in a position to pay this amount to the workers after satisfying their other liabilities, the poor worker will lose the entire amount. That is another aspect of

[Shri N. H. Kumbhare] the ease which ought to have been examined very carefully. But this has not been done.

And then we stand for nationalisation because we feel that with nationalisation there will be efficient management, more production, and it will not allow concentration of wealth in the hands of a few and it will give more opportunities to workers to improve their lot. Now there is a slogan about workers' participation in the management. I wish the Bill should have provided an opportunity to the Government to make room for workers to participate in the working of the management. But I do not find anything here in the Bill. It would have been a good start keeping in view the present climate and keeping in view our own declarations that the time has come when the workers should also participate in the management of the industries. It would have been better if some provision had been made to that effect. Unfortunately, nothing has been done and therefore I have to say that with the enforcement of this Bill many more problems regarding workers would arise and therefore Government should give second thoughts to them. With these words. Sir. I take my seat.

SHRI DWDENDRA LAL SEN GUPTA (West Bengal) : Vice-Chairman, Sir, I say that nationalisation is a means to an end and it is not an end by itself. In that sense I find little in the Bill to congratulate the Minister. If the Bill does not take the workers' interests as a foremost consideration, what is the sense in nationalisation. The purpose is laudable: I have seen the purpose of nationalisation, but if we go deep into the matter, all the clauses are anti-labour. Before I take myself to the various items on which I have already tabled amendments, I would like to draw the attention of the Minister in charge of the Bill to a circular issued by Bharatj Coking Coal Limited, an enterprise of the Government of India. It is dated 10th July. 1972. Item No. 3 thereof is to be read with item No. 7. Item 3 says these are all old employees of private concerns.

When they were first taken over. Government took into account their continuity of service. But after some time. I should say, it is a clear breach of faith. In item No. 3 they say, "The appointment is on probation for a period of one year and during this period your services will be liable to be terminated without assigning any reason." That was never the understanding when these people were taken back. And what is item No. 7 ? "You are directed to intimate us your willingness to accept the terms and conditions hereinabove within 21 days. Now the circular was issued on the 10th of July. Twenty-one days from that date means 1st of August:

Of course, today, that is, on the 9th of August, I have got a letter from the Minister. I thank him for that. In case of those who do not exercise their option within those 21 days, clause 7 says :—

"... failing which it will be presumed that you are not interested in the offer of appointment."

Unless they say 'Yes' to this probation clause, their services can be terminated, on the basis of an understanding that the employers are not interested in the job. So, rightly or wrongly, because of a fear of losing the job most of the employees, probably all the employees, signed it. The Minister-in-charge wrote to me today. My letter to him was in July. This is why I say the whole notice is anti-labour. It is signed by one Mr. Mahipati, Chief Industrial Relations and Personnel Officer. The sooner this man goes, the better. The Minister says : "No. no. this is very wrong. I have told the other House, Lok Sabha, that in the case of those who have been taken into service, the question of probation will not arise. I have nationalised it not for causing any harm to the workers, but for ensuring the security of the employers." That was his letter. I thank him for that, but (his letter is a belated one The letter was written only yesterday and I received it today.

on the 9th. Before that the mischief has been clone. Now, it is only fit and proper that the Minister issues a statement condemning the circular, condemning Mr. Mahipati or anyone else, I do not know, but the whole thing was a bungling of the bureaucracy. What will be the position of Mr. Mahipati, if tomorrow the Minister's circular goes that this was unauthorised, that this was against the policy of the Government ? Can any worker respect such a man ? Can any worker in future respect any circular of this man ? So, in the interests of all concerned, this Mr. Mahipati should go. This is my first suggestion.

Now, Mr. Vice-Chairman, I have indicated in my amendments Nos. 5, 6, 9, 10 and 11 the position. These are my amendments for protecting the interests of the worker. The workers have been relegated to the third position. Now, you will see that even in the matter of provident fund, it is not a first charge. So far as the arrears of wage are concerned, it is not a first charge. Infec enough you will find in clause 23, page D, line 41 . . .

THE VICE-CHAIRMAN (SHRI V. B. RAJU) :
Can you not speak on it at the time of moving your amendments ?

SHRI DWIJENDRALAL SEN GUPTA : I am only indicating that they put the workers among the unsecured creditors. That is their priority. So far as the workers' dues are concerned, I want priority to be given to them among secured creditors.

They should have priority over all secured creditors. Otherwise they will get nothing. This nationalisation is being done by compensation, by whatever name jfou call it. You have given the amounts— j because that was the last Constitution Amendment where only to make it free from the domain of the courts we say, no, compensation is not a helpful word, it should be amount. So amounts have been given in the Second Schedule. Hut :

my point is this:-Why these amounts should be given to the owners ? Why the workers' dues should not be deducted from this amount ? The owners should be told that this was the legitimate due of the workers. That is only a simplification of the matter, a realistic approach to the matter. Otherwise it will only lead to litigation. Assuming for a moment that in respect of the last name. Union Angar-pathra, Rs. 184,400 is being given to colliery owner. That Rs. 184,400 will be given to that particular owner, and that owner may have a liability to the workers under the heads of provident fund, bom; D.A. and all that, to the tune of Rs. 2 lakhs. Even this Rs. 184,000 would not cover that. At least let them get this Rs. 184,000. Why the employers or their associates should be considered as more important than the workers for whom we here are championing throughout ?

As a matter of fact this nationalisation of the coking coal mines has affected the other workers of the non-coking coal industry also. There were some employers who were doing business in both coking coal and non-coking coai. One was prosperous, another was not prosperous. For both put together they were mainiaining an establishment. Why both the coking coal and the non-coking coal should not be nationalised together ? In that event this problem would not have arisen. Otherwise many non-coking coal mines will he closed because they will be declared to be losing concerns and people will be retrenched. I urge upon the fiovermment to take a realistic view of the whole situation and for the very reason that they are nationalising coking coal mines they should nationalise the non-coking coal mines also. We in Delhi all know what is the price of 40 kg. of coal. It is Rs. 7. Fantastic. This is u hat we are paying everyday. Why the Government should not nationalise the coal industry and fix a price at which the consumers can *get* their needs ?

Mr. Vice-Chairman, I thought I shall not have to speak on my amendments and so I wa< trying to develop the points. Any-

[Shri Dwijendralal Sen Gupta]

waj I shrill lake up my points in the Second Reading.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Mr. Chinai. Five minutes.

SHRI BABUBHAI M. CHINAI (Ma full Yon
harashtra) : I shall have my time. Otherwise I will not speak. can take my time. (*Interruption*)

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : You please go on.

SHRI BABUBHAI M. CHINAI : It is not a question of getting angry.

SHRI MONORANJAN ROY : Mr. Vice-Chairman, is that the way to get more time ? Then we shall adopt the same method.

SHRI BABUBHAI M. CHINAI: I was submitting to your ruling. If you restrict me to five minutes, I cannot develop my points. Therefore, I submit I must have my full time. I am the last speaker of the day, you know it. Not being connected with any party naturally I get my turn last. I am not sorry for that. I will not take much time of the House.

THE VICE-CHAIRMAN (SHRI V. B. RAJU.) : Please go ahead.

SHRI BABUBHAI M. CHINAI: Mr. Vice-Chairman, Sir, this morning when the Bill was taken up for consideration, I raised a point of order and that point of order was ruled out by the Deputy Chairman without giving me a proper opportunity to have my say. What I was saying was that in the Constitution (Twentyfifth) Amendment Act which we have recently passed, an amount has been mentioned to be paid if a **thing is to be** nationalised and if that amount according to the Bill does not come even to a rupee, then I thought that is nothing but expropriation and therefore this Bill is not in order and that the Government should bring forward a Bill where at least rupee 1 one is provided to be paid to the mine-owner. That was the point that I
'Ping.

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[Mr. DEPUTY CHAIRMAN in the

Chair] And in doing so, I had stated and I had made out three examples, one a big company, the other a middle company and the third a small company. What I am just pointing out is this. About the first company 'A', the fixed assets at the written down value on the 31st December, 1971 were Rs. 3.26 crores: stocks of stores, coal Oil the 31st December, 1971 were Rs. 0.92 crores. The total is Rs. 4.18 crores *less* the amount proposed in the Bill Rs. 1.98 crores. So the deficit to the company is Rs. 2.20 crores. Then *add* losses during period of management by the custodians appointed by the Government which will be Rs. x crores. Therefore the net deficit

of this company will be Rs. 2.20 crores plus Rs. x crores.

Now, about the middle company 'B' fixed assets at written down value on the March, 1971 are Rs. 109 crores. Stock of coal and stores > Rs. 0.55 crores. The total is Rs. 1.64 crores. Deducting the amount proposed in the Bill of Rs. 0.92 crores, the deficit comes to Rs. 0.72 crores. And add the losses during the period management by the custodian appointed by the Government which is Rs. \ crores. The net deficit would come to Rs. 0.72 crores plus Rs. x crores.

Then take company 'C', the small company, whose fixed assets at the written down value on the 31st December, 1971 are Rs. 12.45 lakhs and the stock of coal and stores amount to Rs. 21.70 lakhs. The total comes to Rs. 34.15 lakhs. *Less* the amount proposed in the Bill which is Rs. 16.86 lakhs. The deficit comes to Rs. 17.32 lakhs. Add the losses during the period of management by Custodian appointed by the Government—Rs. x lakhs. The net deficit comes to Rs. 17.32 lakhs plus Rs. \ lakhs.

These are the three companies taken at random from the top, middle and the bottom groups.

Naturally, the poor sharers have done nothing wrong. I am

not pleading for any management or anybody who has done anything wrong. The hon. Minister this morning said that if the management has done anything wrong and if the shareholders had tolerated this management for all these years, then the shareholders should also suffer. I cannot subscribe to that view of the hon. Minister, because, after all, when the shareholders bought these shares they had bought them in good faith, they never thought that these people would mismanage or do something by which the company would suffer. Therefore, to say that because the shareholders got the management which they deserved is not a correct thing.

Then, Sir, off and on this august House is being asked by the Government to ratify the ordinances issued or pass legislation in respect of take-over of management and nationalisation of industry. In a period of 14 months, four major enterprises have been either taken over or nationalised or both. The management of General Insurance Business was taken over on the 13th May, 1971. The Nationalisation Bill in this behalf is before the Select Committee now. I need not go into the story of this Bill. The management of the coking coal collieries numbering over 210 was taken over on the 16th October, 1971. The management of the Indian Copper Corporation met the same fate on the 10th March, 1972. This was followed by the Indian Iron and Steel company as a victim on the 14th July, 1972. Announcements have also been made on the floor of Raiva Sabha and Lok Sabha that during the Fifth Plan period which will commence soon many more enterprises will be nationalised. Is this exercise in line with the basic premise of our Five Year Plans, a premise which seeks to secure rapid economic growth, expansion of employment, and generally, creation of the values and attitudes of a free and equal society? The answer is an emphatic "No". Mere transfer of management and ownership does not in any way add to the wealth of the nation, or create

new employment opportunities. A transfer in favour of Government, as experience shows, only results in the deterioration of value of assets, increased cost of operation, reduced savings and brings about a complex of consequences which go against the best interest of the nation.

The procedure followed by the authorities after the amendment of the Constitution lends itself to speculation, shocks and suspicion. The principles of payment are not enunciated. Only the amount to be given to each industrial enterprise or business is announced. How these amounts are arrived at is either a matter of guess or an exercise in futility.

I would like the Treasury Bench to realise the incalculable harm that is being generated, a harm which goes deeper than financial loss to the private citizens either as shareholders or taxpayers or both. The harm consists in creating an environment of fear on the one hand and corruption on the other. More than fear and corruption is the dragon of suspicion about the motives of people. If this continues, we might as well say 'good bye' to the values and attitudes of a free society.

Sir, the total share capital of the 214 coking coal mines and 12 coke oven units is estimated at Rs. 10 crores subscribed by over 27,000 shareholders and the reserves of the companies are estimated at Rs. 15 crores making in all a net worth of Rs. 25 crores.

The stock of coal/coke and stores account for another Rs. 11 crores and fixed assets Rs. 25 crores making in all a total of Rs. 36 crores.

The amount of Rs. 16.37 crores provided in the Bill covers the cost of stores, coal stock and coke in addition to the fixed assets. After adjusting the value of the stock of stores and coal and coke stock of Rs. 11 crores, the amount left over is only Rs. 5.37 crores against fixed assets.

[Shri Babubhai M. Chinai]

Compensation of Rs. 5.37 crores works out to Rs. 3.85 per tonne in the case of private collieries, whereas in the case of the N.C.D.C. mines producing an almost equivalent quantity of coal it works out to Rs. 110 per tonne.

The above sum of Rs. 5.37 crores against fixed assets works out to, less than 20 per cent, of the net depreciated value of Rs. 25 crores for the fixed assets.

Companies will not be left with any money because of the burden of the loss during the takeover period. In other words, 27,000 shareholders will be deprived of their hard-earned money invested by them in the shares of the coking coal mines.

I am given to understand that in fixing up compensation development rebate allowed for tax purposes is adjusted from written down value of the assets. The House would like to know whether this is a proper procedure. I am of the view that only tax benefit should have been deducted, if at all.

Surely, under the Twenty-fifth Amendment to the Constitution the Government can take over any asset at any price without disclosing the principle on which the amount of compensation is determined. But the point is that we are a democratic country and believe in democratic principles. The House should be taken in confidence and it should be convinced, that there has been no unfair dealing seeking refuge under the Twenty fifth Amendment to the Constitution. And with a word of appeal to the hon'ble Minister who has the good luck of having the eyes and ears of the Prime Minister, Sir, I would beseech to kindly consider the whole case on merit. It is not as if you are going to take away the money of the monopolists, say about 70 or 75. You are going to penalise the 27,000 shareholders who are involved in this.

The same is the case with the 40,000 shareholders in the insurance companies and the same will be the case in all other

i cases of nationalisation, if you are going to take this attitude of giving compensation or amount, whatever you call it. I beseech the Minister to kindly reconsider it I know that my words are going to on deaf ears because the stage has been reached where nothing can be done. But even then for the future, I would request him humbly to take into consideration all these aspects. Take care of the workers. I am one with him in that; I have no dispute. He must take care of the poor workers. But along with the workers, please do not forget the shareholders. You forget the owners, you forget the proprietors; I am not worried about it. You nationalise whatever you want in the interest of the country; I am not against it. But please do not do it at the cost and risk of the shareholders. As you take care of the workers, please take care of the shareholders also. Thank you.

SHRI BHUPESH GUPTA : One question, Sir. I should like to know how many letters the hon. Minister has received from the shareholders holding less than five shares. Let him kindly tell us, because that might help Mr. Chinai.

SHRI BABUBHAI M. CHINAI : That would help me and that would help you also.

SHRI S. MOHAN KUMARAMANGALAM : Mr. Deputy Chirman. Sir, I must first of all thank all the hon. Members who have participated in (his discussion which obviously reflects the deep interest the House has in the provisions of this Bill and in the decisions of the Government in relation to the nationalisation of the coking coal mines. The first and most important point to which I would like to refer is one that has been covered by quite a number of hon. Members, of course, slightly in a different manner "by different Members, that is, the basis for compensation. We have had, on the one hand, very sharp criticisms regarding any compensation being paid at all and, on the other, complaints that adequate compensation is not being paid. I have

explained, when I introduced the Bill and asked the House to take it up for consideration, that the basis for compensation was really a proper and correct evaluation of the assets of the mines. Now, so far as these 214 coking coal mines are concerned, hon. Members will appreciate that the accounts of all these mines have not been kept in a very proper manner. In the case of some of the bigger companies who had proper auditors and so on. their accounts, by and large, were, I would not say acceptable but at least understandable. But the accounts of a large number of the smaller mine-owners were entirely unde-pendable, and in quite a number of cases, no proper accounts were available at all. Therefore, we could not proceed, as we have proceeded in the case of either the nationalisation of banks or the nationalisation of general insurance, on the basis of the accounts of these particular companies. What, therefore, we did was to assess exactly the value of the assets of these 214 mines. We did so, as I mentioned when I introduced the Bill, on the basis of sending teams of experts, both accountants, on the one hand, and mining engineers and technologists, on the other, who went mine by mine and made an evaluation of the different assets of the mines. We did not, of course, include in the assets of the mines the minerals, that is to say, the coal that is still lying underground. We did not consider it as the property of the mine-owners. We consider it as the property of the nation. Therefore, that was not included.

What was included in the assets which we valued were the actual physical assets in terms of whatever equipment, machinery, buildings, cars, both what we may call moveables as well as immoveables, whereby we got B certain figure. Now, I would like to assure the honourable Members, particularly Dr. Bhai Mahavir . . .

SHRI MONORANIAN ROY : My question was whether you had assessed since the inception . . .

SHRI S. MOHAN KUMARAMANGA-
1AM : I think it is better if you permit^

me to continue so that I do not lose track of the point that I was trying to make before the House.

We came to a certain figure and I can

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assure Dr. Mahavir particularly who was a little worried about whether we have adopted the same principle in relation to everybody, whether the same principle has been adopted, our teams that went from mine to mine were given similar guidelines and instructions when asked to assess the value of each item of property. After we had made the entire assessment, they again sat together and the whole [Batter was gone through once more by the teams themselves in Dhan-bad. After that was done, then all the material collected was brought to Delhi and further checked both by the Ministry of Finance and by the Department of Mines. I think honourable Members should give some credit also to our officers that they are not particularly interested in this particular mine or in that particular mine and that they took a lot of pains in order to be able to come to what they considered to be a proper valuation of the assets. And I would also like to assure honourable Members that we checked and crosschecked and that is why in fact we took far more time than we originally intended to when I introduced the Coking Coal Management Take-Over Bill which is quite some time back, nearly a year ago. I had hoped to come, as I told the honourable Members a little earlier, before this House within three or four months. But it is this painful and laborious process of evaluating the assets of these 214 coking coal mines that really led to this delay which I feel and I admit has been committed by us before bringing forward this Bill. Now, ordinarily and in most of the nationalisation Bills that have come before the House the numbers have been laid down — actual fixed amount — as in the second round of the Nationalisation of Banks Act. The actual amount has been fixed. Because, in the Banks it would be possible to know what were the assets and what were the liabilities; deduct the liabilities from the assets and you

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come to a figure and you settle on that figure. But here just as we were not in a position to have a reliable assessment of the assets, we also were not able to come to a definite conclusion as to what are the liabilities. Therefore, the scheme of the Bill so far as payment of compensation is concerned is that whatever has been found to be a reasonable amount payable to these people, which is based on the valuation of the assets, taking into consideration that it is not necessary for us to settle the full market value and what we consider to be a reasonable proportion alone should be paid, it is that reasonable proportion that honourable Members will find listed out in the Schedule. Now, this amount now will be deposited to the credit of the Commissioner of Payments...

DR. BHAI MAHAVIR : Excuse me. I mentioned one or two cases where there appeared to be discrepancies. We wanted to be taken into confidence about the principles on the basis of which...

SHRI S. MOHAN KUMARAMANGALAM : I mentioned it and I do not think there is any difference or further need to go into any more details of the principles because one cannot go into them again and I do not think it is necessary to do so. I have explained the basis on which mine by mine we came to the conclusion about the value of the assets. Having come to the particular value of the assets...

DR. BHAI MAN WIR : I am not going mine by mine. I asked about the two cases...

SHRI S. MOHAN KUMARAMANGALAM : I am talking of the general question. What more do you want me to explain?

Having come to a particular position as to what is the value of the assets—the value of the assets is obviously arrived at on the basis of checking item by item among the assets of the mine, each mine, and totalling up what is the value—by persons who are competent to value those assets—on the one hand accountants and

, on the other hand technical people, engineers, who know about the value of different equipment in the mines—having come to this particular value, that is to say, the total sum, then we took a proportion which we considered to be reasonable in relation to that—not the full market value—and we have put that inside of the Schedule.

Now the next step is for the claims to be filed before the Commissioner of Payments. Whatever claim anybody has against a particular company if it is a company, or against a partnership if it is a partnership or against an individual owner if he happens to be an individual, has to be filed before the Commissioner of Payments and it will be the duty of the Commissioner of Payments to adjudicate between these different rival claims. I would submit to the hon. Members that this is a very fair way of going about the matter. Intentionally we have not given individual owners market value compensation. We have not given that because no longer does the Constitution make it necessary for us to give market value compensation. Therefore the sum that is put against each one of these companies in the Schedule is not the market value of the assets, but something proportionate to the market value and that is below the market value. It is a question for the Commissioner of Payments to have to decide how much ultimately should go to the owner after deducting the charges, the claims against him.

My friend, friend Shri Kalyan Roy raised certain points. I do not find him here and I should not ordinarily have to reply to all that he had said. Still I will his points so that he can read them later. The hon. Member has quoted from the Amrita Bazar Patrika certain figures. In the case of East India the payable compensation has been fixed at 93.20 lakhs which is more than double the company's paid-up capital of Rs. 42 lakh. Since the net worth of assets is Rs. 1.5 crores, the compensation was still far below what could be considered reasonable.

This is what is put in the Amrita Bazar Patrika. We have fixed this 93.29 lakhs on the basis of the assets, but we have not deducted from that figure, even when we have put it inside the Bill, the amount of liability and the net worth, whatever the Amrita Bazar Correspondent may understand by that term. means assets minus liabilities. Even that according to this correspondent is as much as Rs. 1.52 crores, that is nearly Rs. 60 lakhs more than what is fixed by us according to the Schedule in the Bill. I only instanced this particular point in order to show to hon. Members that we have not given any grossly exaggerated compensation. We have been very careful to evaluate it properly and at the end it will be found that we have looked after the interests of the country and the workers in fixing this compensation.

Now I will go to the second point and that is the general allegation made sometime, in stronger language and sometimes in mild language that we have cheated the workers. I think it was Shri Sen Gupta who said that we have brought this Bill in order to cause harm to the workers. The allegations were in different language, differently according to the wishes of the speakers.

The first thing that I would like to make clear on this point is that there is no question of any amount going to the owners until the dues of the workmen have been paid. This Bill is clear on that. Hon. Member Shri Sen Gupta did not probably follow what the procedure is. I would request him to read the Bill more carefully and then he will find that clause 23 lays down that all the dues of the workers will have to be met before a pie rack to the owner. If that is causing harm to workers, I do not understand English language or what is put inside the Bill under the said clause. I thought that that is the greatest safeguard so far as workers are concerned. After all what is it that we have done ? What is it that the Government has committed itself to

do when it came before the House last year.' The commitment made was that so far as the workers' dues are concerned, not a pie of compensation will be allowed to be paid to the owners before the workers' lines are honoured. Clause 23 is the implementation of that commitment of the Government, namely, whether it will be provident fund or previous dues in terms of wages or any other item, sub-clauses (a), (b), (c) and (d) of clause 23(2) clearly look after the interests of workers and make it impossible for an employer to walk off with a pie of money until the workers' dues are honoured.

Now, I think that is the safeguard and I do not think that is betrayal of the workers and I do not think that it is causing harm to the workers. I should think that that is the best protection that the workers could have had, because ordinarily that would not be there. Ordinarily, compensation would be paid out to the owner and then, all the workers will have had to run after the owners in order to get whatever was due to them from the owners. That is not the scheme now. In this scheme, not a pie will be paid by the Commissioner of Payments to the employers until all the dues of the workers are honoured. Of course, there is the possibility—and I appreciate the anxiety of the honourable Members on this score—that the secured creditor will take such loans that the workers will not get any money. But I would like to assure the honourable Members that I do not think it is likely in many cases, if I am cast at all there, to know, as Mr. Kahan Roy also mentioned, that there are cases of what might be called *benami* loans, etc. and the question of *benami* mortgages also was brought in. My friend, Shri Babubhai Chinai knows—I think he raised this point—that in business it does harm. But *benami* loans have been secured by some of the owners and money of that character is there.

SHRI BABUBHAI M. CHINAI : I did mention that.

SHRI S. MOHAN KUMARAMANGA-LAM : I thought it was you who made that point. All right. I withdraw. Do not be too sensitive about all these things.

SHRI BHUPESH GUPTA : How can he believe that? He is well aware of that

SHRI BABUBHAI M. CHINA! : I am aware of all these things more than Mr. Bbupesfa Gupta.

SHRI S. MOHAN KUMARAMANGA-LAM : I withdraw it so that I can continue my speech. Why do you interrupt now ?

Now, such things have happened. But, the number of such cases is only a few. I would, therefore, say that it is our best effort to see that the workers' interests do not suffer. The Government has not committed itself in this Bill and I do not think that it should commit itself to make up for what might not be possible for the work sel out of what is deposited by virtue of compensation. I do not think that in principle it would be right for the Government to commit itself to such a position. And, why do I say that? There are many amendments and my friend, Shri Sen Gupta, has brought for-, ward an amendment. Why I do say that? Because, what would it mean? It means j that the Government which represents the i people of the country as a whole is going to take money from the people, take the money of the people of the country as a whole and pay the workers. Ts that right ' Is that proper ? Now, the workers' interests' arc in relation to the industries where thej arc working. We are seeing to it that in relation to the industries where the) are working, the workers will get every right as regards that industry and nobody will get before the worker except the secured creditor.

Now, why do we protect the secured creditor ? Because, so long as we have a society in which we have this Section, Section 73 of the Transfer of Property Act. by which the secured creditor has a

riegt over and above all other creditors. We have to respect that Section and we cannot withdraw and repeal and modify that Section, as it were, by a sleight of hand, in some other enactment and we do not think, that is correct. That is the law of the land as it stands today if we start undermining Section 73, then, we will undermine the particular business relationship which does exist in our society today and we have not yet decided to do away with that. That day may come . . . *[Interruptions]*.

SHRI BALACHANDRA MENON (Kerala) : Why don't you include that here ?

SHRI S. MOHAN KUMARAMANGA-LAM : So far as I am concerned — I am sure Shri Balachandra Menon agree- with me — that the day will come when we do not have such secured creditors, we do not have Section 73 of the Transfer of Property Act and when the whole property will be owned by the society.and when socialism is established in our country. That day will come. But, today, we are still in a state o\ mixed economy and as you know, mixed economy demands a certain business relationship which we have for the moment, for the time being. May be it is for a short time, may be it is for a long time, depending upon how strong you and I and all those who believe in socialism become. But, we arc still in a situation when this is a part of the law of the land and that is why the secured creditor- still has a right over and above the worker.

I did feel a little regretful that some honourable Members should attack us for one thing. "For one thing" — that was the expression used by Shri Sen Gupta— that is. for trying to deprive the workers of their provident fund, wages, bonus and so and so forth. I do not see any sign in this " one thing" to deprive anybody of anything. On the contrary, honourable Members should look at facts sometimes. So far as the Government is concerned, we have not done anything to deprive the worker of anything.

It is a fact that at least 30,000 workers, who were contract workers, have become regular workers. It is a fact that at least 30,000 workers in the coal mines who were not paid wages according to the Wage Board recommendations, are being paid wages according to the Wage Board. It is a fact that the provident fund which was not being paid regularly is now being deposited. All these facts go to refute the charge that we are indifferent to the interest of the workers, which charge you have been repeating day in and day out, for years and years. You have been singing your song for the last 20 years, without realising that there is some change in the situation. We are as anxious to protect the interests of the workers as you are. The difference between us is that we have protected them and you have not.

So far as the conditions in section 17 are concerned, I would like the hon. Members who have criticized us, to appreciate that section 17 really guarantees to the worker that he will have his employment in the new concern. Now, why is it that we have not said "all the rights"? Why have we reserved to ourselves the power to modify this, if necessary? The reason is that 214 different employers, with different conditions of service, there. In one place it may be a fortnight privilege leave, 10 days sick leave and ten days casual leave. In another place it may be 20 days privilege leave, 5 days sick leave and 5 days casual leave. Now we want to standardise all these conditions. If we do not do that, we will be in difficulties because somebody will have less and somebody will be having more. Both of them can go to a court and say, "We must get 20 days' privilege leave plus 20 days sick leave and 20 casual leave". We would be in difficulties. We have done this so as to standardise it at a reasonable level. We have taken power to be able to fix the wages and service conditions for all these workers in such a way that no harm is done to them. The Government did this in the case of Life Insurance Corporation.

The Government did this in the Bank Nationalization Act, if I am not wrong. We did not do it in order to harm the workers. I would challenge hon. Members who criticize us on this account to show us a single instance where workers have suffered in the Life Insurance Corporation or in the nationalized banks as a result of proceeding like this. When we have to standardise these conditions, naturally we ought to have these powers. We do not intend to use it against the workers. We intend to see that justice is done to the workers.

The same thing, I think, is also covered by clause 17(21). We want the power to be able to take officers on terms which we consider reasonable and just and in the interest of the nation, because there have been many officers who have been paid fantastic salaries, as hon. Members must be aware. In coal mines we want to be in a position, where possible, to reduce these salaries.

Then, some hon. Members — I think Mr. Kalyan Roy was one. Mr. Sen Gupta was another and there were some others — complained that we are pushing the workers to go to the Commissioner of Payments because there will be a long-delaying procedure and they will be a long-mercy of the Commissioner. We have been that to get justice it takes days, if not days it takes months, and if not months it takes years. But I may only say that we should try to see to it that the Commissioner of Payments functions as effectively and as speedily as possible. But I would also like the hon. Members to appreciate that living as we do in a society, a democratic and free society, where, as Dr. Bhai Mahavir mentioned, "Justice should not only be done but justice should appear to be done", we have to go through this rather difficult procedure because the worker has to prove his claim. He has to prove his claim somewhere. We in the Government do not know whether his claim is genuine or not. Officers in the coal mines do not know whether his claim is genuine or not. So

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some authority has to be created before whom he will have to go, present himself and prove his claim.

Now, whether it is the Commissioner of Payments appointed under the Bill or whether it is a Government officer who does it on behalf of the Government makes little difference because in any event he will have to go and prove his claim. I can only hope that hon. Members who are so active on behalf of the workers in this House will inform their friends in the trade union movement to be equally active on behalf of the workers before the Commissioner of Payments, and considering the vigour of the defence of the interests of the workers in this House I have no doubt that they will try to do their best. If you shake your heads feeling that you cannot do anything then I am not responsible for that. But so far as we are concerned, we are not shaking our heads. We can do something and we will look after the interests of the workers. This covers the main points.

I would just like to reply to some of the minor points that have been raised by different hon. Members. Shri Kalyan Roy, you will remember, attacked the Government rather strongly—as he usually does; that is his custom; and we appreciate it also — that we are going forward with a scheme of reconstruction without the participation of the Director General of Mines Safety. I am afraid that he has been wrongly informed because the Polish team that is to come here to help us is yet to come and undoubtedly all the officers including the Director General of Mines Safety will be involved in the working out of the plans for reconstruction. We are sending a team to Poland but that is not going to discuss the details of reconstruction but only the arrangements, how the Poles are going to come here and also to learn something of the manner in which the Poles themselves reconstructed their coal mines in the Katowich region which is not similar to the problems that we have got in Jharia.

Dr. Bhai Mahavir, I think it was he, criticised the NCDC closing down that mine, if I am not mistaken. This is a very small unit. It was not really a very small unit but taken over by a workers' co-operative. And so far as I am aware, between that workers' co-operative and the NCDC an agreement was signed and the co-operative was allowed to start work. As I am aware, that co-operative is still running that mine.

DR. BHAI MAHAVIR : So I know the NCDC refused to lease out that mine to the workers. I do not know if there were any developments later.

SHRI S. MOHAN KUMARAMANGALAM : These are the facts so far as I am aware. I am using a qualified expression—so far as I am aware—because I am not absolutely sure; I do not want to tell you that it is definite or categorical. When I know I will do so. But I think this is a correct statement of

My friend, Shri D. P. Singh, was very voluble on the question of the rights of the State of Bihar. He feels that not adequate attention is being given to them. First of all I thought that there is substantial concession in favour of the State of Bihar because the State of Bihar is the main State involved in the collection of royalty. It was made so by putting the State of Bihar on the same level as the workers, giving them equal priority as the workers. And I do not know whether he has listened to the criticism of a number of hon. Members that we should not put the State anywhere . .

(Interruptions)

SHRI D. P. SINGH : My claim is because you have nationalised it...

(Interruption!)

SHRI S. MOHAN KUMARAMANGALAM : Let me assure the hon. Member that so far as sales tax is concerned there is no difficulty about it because the Bt Coking Coal also will be selling just like

any other corporation and the State Government will get the sales tax. So far as income tax is concerned, I think the hon. Member is aware, much better than I am, of income tax law — that it is collected by the Central Government and not the State Government. Now you will be entitled to that. But I am surprised that with all the law that you have taught me at various times why you do not appreciate that with the transfer of the headquarters of the Bharat Coking coal to Dhanbad the share of the income tax that will fall to the State of Bihar will be much more — which *used* to go to Bengal. My friend, Shri Pranab Mukherjee, is already looking at me a little disgruntled, that the revenues which used to go to Bengal will now go to Bihar. But I think we should not look at these problems in too narrow and, shall I say, chauvinistic a manner.

There is, as Shri Kalyan Roy raised during the course of the debate, this slogan which has been advanced possibly by some of the ex-mineowners of "Bihar for Biharis". And that by itself does not necessarily conduce to a better atmosphere in which we can build up these mines. It is, of course, historically proved that Biharis, and particularly Bihari officers and sometimes even Bihari workers were not given much of a chance in the coking coal mines earlier. But I would also like to appeal to my friend from Bihar to appreciate that tens of thousands of workers came from all over India and started working in Bihar just like tens of thousands of Biharis went out of Bihar, particularly to Bengal and even today are working there.

I was myself interested to see when I went to the mines of the India Coking Corporation in Ghatsila there were about 2500 Tamil families there from North Arcot District who had settled down there about 25 years ago, who speak Tamil of course in their family circles and among themselves, but have become a part of the Bihari population in that area and I would most earnestly request that this anxiety in

relation to a particular area should not be stretched too far. I have to deal with public sector undertakings in a number of different States and there has been a tendency growing recently for a demand that only officers from the particular region should be appointed. I do not want to mention the State but in a particular major undertaking which is going to cost the States something like Rs. 175 crores we had a particular General Manager who belonged to the IAS (Retired). I brought in a new General Manager, a very good technologist, whose work in terms of technology I can certify fully but that gentleman happened fortunately or unfortunately not to belong to that particular State where this Rs. 175 crore project is situated. Immediately I got a letter from 15 Members of the Assembly of that particular State protesting against the appointment of this gentleman and demanding that only a gentleman should be appointed who belonged to that particular State. I would appeal most sincerely to hon. Members not to look at matters through spectacles of this character but to appreciate that if we are to have a single country — and I think we are all citizens of one single country called India — then we should look upon these things from the point of view of the country as a whole. Of course when it comes to recruitment at the base we do see to it and it is the policy of the Government to see to it, that all recruitment of persons to jobs of less than Rs. 500/- a month should be from that particular area through the local Employment Exchange but when it comes to appointments above that surely we should go by merits, surely we should go in for persons who are most competent to discharge the responsibilities attached to that particular office and I would most earnestly appeal to hon. Members to support the Government in this broad policy and to set their faces — I would appeal particularly to Members of Parliament because in a sense Parliament represents the nation and Members of Parliament should fight — against this tendency, which I do not say is growing but which is certainly unfortunate, to put

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the State above the country particularly in posts of such high and onerous responsibilities demanding a high level of technical capability, the tendency to put what may be called the provincialism of the particular person above his merit and capacity to do that particular job.

Now I think I have covered most of the points that hon. Members have made but I would just like to say a word or two about the allegation that has been made regarding the losses suffered by the Bharat Coking Coal Corporation. It is true that since the take-over we have suffered losses. The final accounts have yet to be drawn but I think it would be in the region of a crore or something more than a crore but we have had certain difficulties and hon. Members should bear with us on this account. The first and principal difficulty has been that we are now running the Bharat Coking Coal Corporation on the basis of paying wages to the workers according to the Wage Board whereas the previous owners, a very high percentage of them, did not pay these wages. We are running the Bharat Coking Coal Corporation also on the basis of transforming the contract workers into non-contract workers, that is, permanent workers and at least 30,000 of them as I have mentioned earlier have been so transformed. Thirdly we are reorganising the Bharat Coking Coal Corporation: that is to say, a number of difficulties are there in what may be called the gestation period and when we are rebuilding and reorganising the entire structure of the Bharat Coking Coal Corporation that necessarily does lead to certain losses being suffered. These are the problems that we are facing but I think we will be able to get over them.

DR. BHAI MAHAVIR : What about production ? Has it remained constant, has it increased or has it fallen ?

SHRI S. MOHAN KUMARAMANGALAM : I think I have made the position clear and we need it pursue it any more.

Shrimati Chundawat raised the question of workers' participation in management and as hon. Members are aware we are really deeply concerned over this.

What we have done immediately in Bharat Coking Coal is to set up a consultative committee, which includes representatives of all the four Central trade unions. I think they are the INTUC, the Hind Mazdoor Sabha, the AITUC and the UTUC—and we are trying to involve them in a discussion of all the problems facing this new organisation. But of course it has to go further than that. We have to go mine by mine and in every mine be able to have a joint management-workers committee which will be able to help to involve the workers in the very vast and difficult task which faces us in both reorganising and reconstructing these mines as well as in taking up production to twice what it is, by the end of this decade. I would appeal to hon. Members to appreciate that the take-over of the coking coal mines was no easy task. Hon. Members, some, who are the most critical of our attitude to the workers, are also the ones most anxious for us to take over, the rest of the mines. I suppose, therefore, all their criticisms they do not really believe in very strongly because, if they believed in them very strongly, then they should be the last persons to ask us to take over the rest of the mines. After all, having betrayed the workers in the coking coal mines, do you want us to betray the rest of the mines also ? I do not think so. Therefore I take all their criticisms—shall I say?—not with a pinch of salt but with a bucket of salt and leave them where they are. So far as the rest of the mines are concerned, I do not want to say anything more than what I have said in this House only recently, namely, that, certainly, if we find that the mine-owners are not conducting themselves in a manner which we expect them to, then the question of nationalisation of those mines will also be taken up. *(Interruptions)* My friend may allow me to finish. Only a minute more.

SHRI BHUPESH GUPTA : We even asked Mr. Morarji Desai to nationalise the banks.

SHRI S. MOHAN KUMARAMANGA-LAM : I did not follow. I am sorry.

SHRI BHUPESH GUPTA : We even asked Mr. Morarji Desai to nationalise the banks.

SHRI S. MOHAN KUMARAMANGA-LAM : I know. I wonder why now you are still barking as if it was the same tree and the wrong tree. But I would only conclude by asking for the co-operation of hon. Members in seeing to it that this new organisation, which would be given birth to as a result of the passing of this Bill, and which will really take over the entire coking coal industry in our country, is able to discharge its duty by the nation.

SHRI SITARAM KESRI : I have nothing to speak, but to one question he did not reply and that is with regard to the fall in production. Insofar as there has been an increase in the number of workers, I appreciate it. But you have said in your statement that the number of workers has increased from 70,000 to 1,28,400.

SHRI S. MOHAN KUMARAMANGA-LAM : It is not correct to say that (he number of workers as such has increased. What the increase means is, as I said, that transformation of contract workers into permanent workers, and therefore it is not that we have provided employment for an extra 40,000 workers, and if that is the impression I gave, I am sorry; it is wrong. So far as the fall of production is concerned, the fall has not been anything very substantial. I think it is, if one talks in terms of figures,...

SHRI DWIJENDRALAL SEN GUPTA : What about that circular ? You have nothing to reply ?

SHRI S. MOHAN KUMARAMANGA-LAM : If we talk in terms of figures, whereas the monthly average before the 10 RSS, 72—10

take-over was somewhere around 1,195,000, the monthly average after the take-over has been about a 100.000 tonnes less. But then, one must also appreciate that the coal stock, which was about 13,000 tonnes or so in November, 1971, has increased to 17.000; that is to say if we increase production, we are only increasing the stocks at the pitheads. That is our problem really. I am not saying that the responsibility is that of the Railways because the responsibility is that of the Government. One does not shift responsibility as if it were from one department to another. But this is a fact that we have not been able adequately to solve the problem of wagon shortage, and if the railways were to do so. I think we will be able to bring up production quite fast,

SHRI DWIJENDRALAL SEN GUPTA:

Max I ask the Minister. what about the circular issued by Mr. Mahipati saying that the workmen should remain on probation for a year? Unless the workmen exercised their option within 21 days, their services would remain terminated.

SHRI S. MOHAN KUMARAMANGA-LAM: One circular was issued and it has now been clarified by a statement which I made recently. There was a circular saying that the workmen would be deemed to be on probation. I think that was the point. I am sorry and I should have replied to Mr. Sen Gupta. There is no question of any permanent worker being on probation at all. Secondly, so far as the terms and conditions of service are concerned. I have already explained that we certainly do not want any worker to be on terms of conditions which will be worse than what they were. It may need certain adjustment in respect of leave, superannuation benefits and things of that character. so as to standardise them.

SHRI MONORANJAN ROY: I want to ask . . .

MR. DEPUTY CHAIRMAN: I am sorry, I cannot allow. The Minister has

replied. The question is:

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clause 2 was added to the Bill.

Clause 3—Definitions

SHRI DWUENDRALAL SEN GUPTA:

Sir, I move:

2. "That at page 2, line 11 after the word 'coal' the words 'and includes coal washeries' be inserted". *The question was proposed.*

SHRI DWUENDRALAL SHN GUPTA:

Clause 3 (c) says:—

"coking coal mine" means a coal mine in which there exists one or more seams of coking coal, whether exclusively or in addition to any seam of other coal;

I want to add the words 'and includes coal washeries'. Now, in sub-clause (b) (v) you have said:—

"all lands, buildings and equipment belonging to the coke oven plant where the washing of coal is carried on."

If this means coal washeries, then I have nothing to say.

SHRI S. MOHAN KUMARAMANOA-LAM:

Yes. We were advised that this entirely covers the phrase 'equipment for a coal washery'.

I SHRI OWLir.NDR.M \l SI i\ (,! II \j If you say 'washery', then it is covered, but when you say 'lands, buildings and equipment belonging to the coke oven plant, we I are not sure of it. That is why I am raising this question. I have had a very sad experience in the case of the Santaleh coal washery which is under Hindustan Steel Limited. The workmen of that company claimed bonus, but per cent minimum. The company which is a public sector company has gone to the Supreme Court on the issue that it is not part of Hindustan Steel Limited. Of course, it is owned by Hindustan Steel Limited. For all practical purposes it is a part of Hindustan Steel Limited. Since you are the Minister for both, you may kindly see that such things do not happen.

MR. DEPUTY CHAIRMAN: Are you pressing it?

SHRI DWUENDRALAL SEN GUPTA:

No. Sir. I beg leave to withdraw my amendment.

Amendment (No. 2) was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand pari passu of the Bill." *The motion was adopted.*

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 8—Properties vesting in Central Government to be freed from moratoriums, etc.

MR. DEPUTY CHAIRMAN: [There is one amendment of Shri D. L. Sen Gupta.

SHRI DWUENDRALAL SEN GUPTA: Sir, I move:

*For text of the amendment vide col. 2 of the Bill.

5. "That ;ii page 5. line 28. after the
woi ! 'company' the following be inserted.
namely:—

'excepting the dues payable to the
workmen by way of wages. bonus,
provident fund, pension, gratuity and
leave wages:

Provided that in matters of payment of
mortgage money or other dues of the
creditors referred to in this clause, the
claims of the workmen secured or
unsecured shall have priority.'

Ih, question was proposed.

SHRI DWIJENDRALAL SEN GUPTA:
Mr. Deputy Chairman, will you kindly permit
me to take some of my other amendments
together because they would be all connected
with the same matter?

MR, DEPUTY CHAIRMAN: There are 00
other amendments on this clause.

SHRI DWIJENDRALAL SEN GUPTA: If
you allow me to finish my speech, I shall take
amendments Nos. 5, 6, 9, 10 and 11 together.
Of course I shall reserve No. 12 for a
subsequent stage. In clause 8 you will find this
is in connection with the pioper-j ties vesting
in Central Government to be freed from
mortgages, etc. Here by my amendment No. 5,
at page 5, line 28. after the word "company". I
seek to add the following, namely: —

"excepting the dues payable to 'he
workmen by way of wages, bonus, pro-
vident fund, pension, gratuity and leave
wages:

Provided that in matters of payment o\
mortgage money *or* other dues ot the
creditors referred to in this clause, the
claims of the workmen secured or un-
secured shall have priority."

lor the purpose of workers' claim under the
Company Law it is up to two months' wages
which are treated as secured. But here for the
removal of doubts, clause 8(3) says:

"For the removal of doubts it is hereby
declared that the mortgage of any property
referred to in sub-section (!) or any other
person holding any charge, lien or other
interest in or in relation to, any such
property shall be entitled to claim payment
of the mortgage money or other dues, in
whole or in part, out of the amount
specified in relation to such property in the
First Schedule or the Second Schedule, as
the case may be, but no such mortgage,
charge or lien or other interest shall be
enforceable against any such property of the
Central Government or the Government
company."

I say if this remains, then the workers will not
gel anything because everything will go in
favour of the so-called secured creditors. That
is, the mortgage money and other dues are
there.

Consistent with my amendment No. 5 I
have deleted clause 9. That is my amendment
No. 6. Clause 9 says:

"livery liability of the owner, agent,
manager, or managing contractor of a
coking coal mine or coke oven plant, in
relation to any period prior to the appointed
day, shall be the liability of such owner,
agent, manager or managing contractor, as
the case may be, and shall be enforceable
against him and not against the Central
Government or the Government company."

Under the ordinary law, even under the
Industrial Disputes Act, this Government is a
successor company. But here the Government,
though a successor company, want to make
their position clear that they should not be
touched.

So, by means of my amendment No. 6, I
want to delete clause 9.

Then I take you to clause 18, on page 9,
which reads—

"(1) Where a coking coal mine or coke
oven plant has established a provident
fund for the benefit of its

I Shri Dvijendralal Sen Gupta] employees, the monies relatable to the employees, whose services have become transferred, by or under this Act, to the Central Government or a Government company, shall, out of the monies standing on the appointed day, to the credit of such provident fund, stand transferred to, and vest in the Central Government or the Government company, as the case may be."

"(2) The monies which stand transferred, under sub-section (1), to the Central Government or a Government company shall be dealt with by that Government or company, as the case may be, in such manner as may be prescribed."

By means of my amendment No. 9 I am only adding a new sub-clause (3) reading, "In case . . . (Interruptions) This amendment has got to be read along with the other provisions in the Bill. Otherwise, the amendment will have no meaning . . . (Interruptions) Mr. Deputy Chairman, I do not like to be disturbed like that.

MR. DEPUTY CHAIRMAN: You finish.

SHRI DWUENDRALAL SEN GUPTA: My amendment is—

"That at page 9, after line 35, the following be inserted, namely:—

'(3) In case any company defaults in depositing the entire provident fund amounts due, the same shall be recovered from the compensation payable.'"

(Interruptions)

It is a new tactic adopted by the ruling party that they are going on disturbing and disturbing. I know that there will be no voting and they will be succeeding. If their impression is that by this . . .

MR. DEPUTY CHAIRMAN: You speak on the amendment.

SHRI DWUENDRALAL SEN GUPTA: I am speaking on the amendment with your permission, you gave me permission.

MR. DEPUTY CHAIRMAN: Please be brief.

SHRI DWUENDRALAL SEN GUPTA: Why don't you see the noise from that side?

MR. DEPUTY CHAIRMAN: If you are not brief, there will be noise. (Interruptions)

SHRI DWUENDRALAL SEN GUPTA: Sir, then you find amendment of mine No. 10 to clause 23.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, what procedure are you following? Clause-by-clause consideration has to be gone through. Just because . . .

MR. DEPUTY CHAIRMAN: He is speaking on clause 8, amendment No. 5.

SHRI BHUPESH GUPTA: Sir, there are different clauses. Let this be first disposed of. Hence is clause 15 and he is speaking on his amendment No. 9 to this clause. Then clause 23 comes.

MR. DEPUTY CHAIRMAN: That is finished. He is just trying to coordinate the amendments.

SHRI BHUPESH GUPTA: That is not the way.

SHRI DWUENDRALAL SEN GUPTA: I shall take my chance then.

MR. DEPUTY CHAIRMAN: Yes, have you finished?

SHRI DWUENDRALAL SEN GUPTA: If I am on amendment No. 5 . . .

MR. DEPUTY CHAIRMAN: You finish whatever argument you want to advance.

SHRI DWUENDRALAL SEN GUPTA: clause 23(2)—the hon. Minister piloting the Bill said that well, the transfer of property is there . . .

SHRI BHUPESH GUPTA: Sir, it is absolutely a wrong procedure. Such a procedure is absolutely wrong. I will not allow it.

When you take up clause-by-clause consideration, the amendments are to be invited to that particular clause. After that clause has been disposed of, you pass on to the next clause and deal with the relevant amendments to that clause. Before a clause has been disposed of along with its amendment, if there is any, you cannot pass on to the other clause, to the amendment relating to that clause.

The hon'ble Member can speak on whatever he likes. That is a different matter.

MR. DEPUTY CHAIRMAN: That is what he is doing.

SHRI BHUPESH GUPTA: You may say I can speak. But suppose I give amendments to hundred clauses. Am I to understand that I can stand up and speak on hundred clauses?

MR. DEPUTY CHAIRMAN: He is speaking on his amendment to clause 8. He is giving his arguments in relation to other amendments.

SHRI BHUPESH GUPTA: That is all right. He can cite even Mahabharata. I am not objecting to it. But the only thing is you did not ask him to move amendment No. 10.

SHRI MONORANIAN ROY: How long will the House continue?

MR. DEPUTY CHAIRMAN: It is up to you. You can go on raising objections.

SHRI MONORANIAN ROY: If in the Lok Sabha amendments can be taken up the next day why not here?

MR. DEPUTY CHAIRMAN: It does not mean that we should follow the Lok Sabha.

SHRI MONORANIAN ROY: What is the time schedule? Up to 6.30?

MR. DEPUTY CHAIRMAN: Yes, if you do not finish earlier.

SHRI DWIENDRALAL SEN GUPTA: The Minister referred to the Transfer of

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Property Act and said that there is a certain sanctity which has got to be attached to the provisions of that Act, and that great favour he has shown to the working class is by providing a proviso in clause 23(2). It says:

—
"Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts; not being the amounts advanced by the Central Government or the Custodian appointed under the Coking Coal Mines (Emergency Provisions) Act, for the management of the Coking Coal Mine or Coke Oven Plant as the case may be..."

I want to know from the Minister if notwithstanding anything contained in any other law if the workers have priority to unsecured claims why should he not give workers priority to secure claims? If he could give priority to unsecured claims he could give them priority to secured claims also.

Last one is clause 24 which says:—

"Where the total amount of the claim admitted by the Commissioner does not exceed the total amount of the money credited to the account of a Coking Mine or Coke Oven Plant every such admitted claim shall rank equally among themselves and be paid in full, and the balance if any, shall be paid to the owner, but where such amount is insufficient to meet in full the total amount of the admitted claims, every such claim shall abate in equal proportions and be paid accordingly."

There I say "subject to the proviso to clause 8."

Mr. Deputy Chairman, my amendment relates to the protection of the working class. The workers have been unintentionally sacrificed. I have great respect for the Minister in his personal capacity. But he has no time to look into the drafting. Therefore, discrepancies creep in. I would request the Minister to correct it.

(No reply)

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 5, line 28, after the word 'company' the following be inserted, namely:—

'excepting the dues payable to the workmen by way of wages, bonus, provident fund, pension, gratuity and leave wages:

Provided that in matters of payment of mortgage money or other dues of the creditors referred to in this clause, the claims of the workmen secured or unsecured shall have priority.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—Central Government not to be liable for prior liabilities.

SHRI MONORANJAN ROY: Sir, I move:

7. "That at page 5,—

(i) line 29, for the word 'Every' the words 'subject to the provisions of clause 9A, every' be substituted,

(ii) line 36, the words 'wages, bonus,' and 'provident fund, pension, gratuity' be deleted."

SHRI MONORANJAN ROY: Here we are asking, particularly the trade unions, where the workers put their claim before the Commissioner the claims should be settled in an expeditious way, and as soon as possible.

As if that depends on the trade unions. I then said, of course, not in words but by indication, by showing my hand, that

the trade unions cannot help in the matter. We have got some experience in that matter. In the case of the Payment of Wages Act, the Commissioner takes two years, five years and even seven years to give an award on the question of payment of the dues of the workers. That is our experience. I do not think the friends in the Congress bench who are shouting now have any experience about the fate of the workers, about the miseries of the workers. That is why these friends can enjoy themselves, but unfortunately we cannot. So, it is not a question of advising the trade unions to help the workers. It is a question of how the Government of India looks into the matter and on which basis. Otherwise, the workers will be ditched. There is no doubt about it. Why should they go to the Commissioner at all? That was my question. That has not been answered. Why should the claims of the workers not be taken as the first charge? Why should they not first pay the workers from whatever money they are paying to the owners or the secured creditors? Why should the workers also not be treated as secured creditors and their dues paid first? This was not answered. He only said that there are some provisions, that they have got some obligations to the creditors and so the creditors should be paid. But what about the unfortunate workers? What is their experience? I have spoken in this House in the past also. But nothing has been done. The Indian Steam Navigation Company was taken over by the Government of India. The claims of the workers were not paid, but the claims of all others and all other liabilities were paid. The workers went to the High Court and the Government of India, represented by the new company, opposed the workers' claims. The workers got a decree from the High Court, and the Government of India went to the Supreme Court. That is how they treated the workers. That is how they want to treat the workers and employees of this new undertaking also. That is our apprehension. That is why I have moved these amendments that a new clause, clause 9A, should be added and in clause

9(1), line 29, for the word "Every", the words "Subject to the provisions of clause 9A, every" should be substituted.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 5—

(i) line 29, for the word 'Every' the words 'Subject to the provisions of clause 9A, every' be substituted;

(ii) line 36, the words 'wages, bonus' and 'provident fund, pension, gratuity' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 9 stand part of the Bill.

The motion was adopted.

Clause 9 was added to the Bill.

SHRI BHUPESH GUPTA: Sir, I suggest adjournment of the House. Hon. Members of the Congress seem to be tired. They do not listen to anything.

SOME HON. MEMBERS: No, no.

SHRI BHUPESH GUPTA: Then listen. Either they are tired or they are not. If they are tired, I suggest that the House should be adjourned. If they are not tired, they should have the patience to listen to another point of view. It is a reasonable suggestion. After all, we are exceeding the time-limit.

MR. DEPUTY CHAIRMAN: No, it is up to 6-30.

New Clause 9A

SHRI MONORANIAN ROY: Sir, I beg to move:

8. "That at page 5, after line 47, the following be inserted, namely:—

'9A. Every liability of the owner, agent, manager, or managing contrac-

tor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of and be enforceable against the Central Government or the Government company, in so far as such liability relates to or arises out of claim or claims of workmen employed in such coking coal mine or coke oven plant—

(a) for wages, bonus, provident fund, pension, gratuity or other dues;

(b) under any award, decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day;

(c) under any agreement or agreements entered into by and between or on behalf of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant and the workmen employed in such coking coal mine or coke oven plant or on their behalf, including any recommendation of any authority appointed by the Central Government"

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:—

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

(Interruptions)

Clauses 10 to 17 were added to the Bill.

Clause 18—Provident Fund.

SHRI DWIJENDRALAL SEN GUPTA:

Sir, I move—

9. "That at page 9, after line 35, the following be inserted, namely:—

'(3) In case any company defaults in depositing the entire provident fund amounts due, the same shall be recovered from the compensation payable.' "

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the Bill.

Clause 23—Claims to be made to the Commissioner

SHRI DWIJENDRALAL SEN GUPTA:

Sir, I move—

10. "That at page 11, line 41, for the word 'unsecured' the word 'secured' be substituted.

The question was put.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes—
11; Noes—46.

AYES—11

Gupta, Shri Bhupesh
Kumbhare, Shri N. H.
Mahavir, Dr. Bhai
Mandal, Shri B. N.
Menon, Shri Balachamlra
Mullick Choudhuviy. Shri Suhrud
Prem Manohar, Shri
Roy, Shri Monoianjan
Saraswati Pradhan, Shrimati

Sen Gupta, Shri Dwijendralal
Yadav, Shri Shyam Lai

NOES—46

Abid, Shri Qasim Ali

Alva, Shri Joachim

Amjad Ali, Sardar

Arif, Shri Mohammed Usman

Bhardwai, Shri Jagan Nath

Bhatt, Shri Nand Kishore

Buragohain, Shri N. C.

Chettri, Shri K. B.

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Gujral, Shri I. K.

Hathi, Shri Jaisukhlal

Himmat Sinh, Shri

Joseph, Shri N.

Kalania, Shri I. K.

Kalyan Chand, Shri

Kapur, Shri Yashpal

Kesri, Shri Sitaram

Koi'lur, Shri M. L.

Kulkarni, Shri A. G.

Kulkarni, Shri B. T.

Lakshmi Kumari Chundawat, Shrimati

Mahida, Shri U. N.

Mehta, Shri Om

Mukherjee, Shri Pranab Kumar

Munda, Shri B. R.

Ntirul Hasan, Prof. S.

Panda, Shri Brahmananda

Pratibha Singh, Shrimati

Punnaiah, Shri Kota

Raju, Shri V. B.

Ramaswamy, Shri K. S.

Roshan Lai, Shri

Saroj Purushottam Khaparde, Miss

Sarojini Krishnarao Babar, Dr. Kumari

Savita Behen, Shrimati

Shah, Shri Manubhai

Shashtri, Shri Bhola Paswan

Singh, Shri D. P.

Singh, Shri Ranbir

Singh, Dr. V. B.

Tiwary, Pt. Bhawaniprasad

Trivedi, Shri H. M.

Vyas, Dr. M. R.

Wajd, Shri Sikandar Ali

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24—(Disbursement of money by the Commissioner)

SHRI DWIJENDRALAL SEN GUPTA: Sir, I move:

11. "That at page 13, line 15, after the word 'accordingly' the words 'subject to the proviso to clause 8' be inserted.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clauses 25 to 36 were added to the Bill.

The First Schedule

SHRI DWIJENDRALAL SEN GUPTA: Sir, I move:

12. "That at page 21, line 41, for the word 'Equitable' the words "Horilla Dih" be substituted.

SHRI DWIJENDRALAL SEN GUPTA: There is one mistake in the Schedule. I would request the Minister to correct that mistake. On page 21, line 41, in column 4, Equitable Coal Company is shown as the owner of the three collieries shown in column 2. This is not correct. My amendment is intended to correct the mistake.

The question was proposed.

SHRI BHUPESH GUPTA: The Schedule relates to compensation. I have some suggestion to make.

I know they will not be accepted. But, they should go on record.

DR. BHAI MAHAVIR: Then, why waste them?

SHRI BHUPESH GUPTA: Well, by now I know the mind of the Government.

DR. BHAI MAHAVIR: Then it is very good.

SHRI BHUPESH GUPTA: It has been stated in the course of his speech that market value is not being paid. It is good. But it has been contended on the other hand by Shri Babubhai Chinai that the compensation is inadequate and he wants more compensation to be paid. Then, Mr. Lokanath Misra came out with a brief, evidently prepared by some people who did not explain to him everything properly, and I came to the conclusion that he was thoroughly confused by the brief given to him. But, Sir, by and large, there has been pressure on the Government to get higher compensation. I am glad that the Government has not so far yielded to that pressure and the Bill is being passed without augmenting the compensation. I am glad so far as it goes that way. But, even so, what has been stated is, in my view, too high. In fact, if you ask me, these people should pay some compensation to the nation and that is how it should be viewed, if you view it morally, because they have been responsible for the criminal negligence and all kinds of atrocities and malpractices and these are the people who are claiming compensation and now computations are made as to what should be paid and the scale is being held in their favour in order to see, in order to assess, what should be or should not be paid to the 'thugs' of the industry, responsible for all kinds of corruption. For this we did not pass the 25th amendment to the Constitution. Since there is a provision for compensation, pay them and pay them only a nominal, token amount in order to be on the right side of the law. Morally and economically also, no compensation whatsoever is justified as far as these people are concerned. Therefore, a very small

[Shri Bhupesh Gupta]

amount, a nominal amount, should have been given to them. But, the Government has been still very generous towards them by making a provision of more than Rs. 5 crores or so, well, more than that, as compensation. Sir, we are not in agreement with this thing.

I think Mr. Kumaramangalam said that since we are living in this society, it should be done. Well, I agree with him. We will have to compromise some of the things and we cannot jump suddenly into other things straightaway. But, does it mean that we can only pay Rs. 5 crores and not less? When has it been decided? If the 25th amendment had not been passed, Mr. Palkhiwala would have appeared in the Supreme Court to force out of us and the public exchequer perhaps Rs. 15 crores, Rs. 20 crores or Rs. 30 crores as compensation. Even in this society he would have got it. Even in this society, by dint of passing the 25th amendment to the Constitution, we are in a position to pay much less as compensation. Then, why can't we do it in accordance with the principle embodied in the 25th amendment of the Constitution to pay less compensation than what we have sanctioned in this Bill? That is what I am suggesting.

Besides that. Sir, I should like to say one more thing. Compensation should not be paid in cash. Pay them whatever you have decided or whatever you like. I am not a party to this compensation. The nation is not bound by this compensation. I am quite clear about it. But, pay it in bonds, forty-year bonds, and it should not be paid in cash. I do not know how many widows will suffer. Mr. Lokanath Misra did not mention the name of one single widow who will suffer on account of this. He shed all his tears and left the House when the compensation clause came up for discussion. If there is any widow, he will look after her. But, pay them in bonds and their money should be invested for national development or other purposes. Cash should not be paid. I think

we can issue securities instead of paying them in cash. This should be seriously considered and it would be perfectly within law. Sir, since I am not going to speak at the time of the Third Reading of the Bill, my friend, Shri Balachandra Menon, is here to say a few words.

The only thing I would like to say that we feel very strongly about it. I again say that there is no justification whatsoever to stop half-way. Now having nationalised the coking coal mines, you should stop at that. You should now nationalise the non-coking coal mines. This is a logical step, economically justified, politically warranted, ethically sound and morally called for. This is what I say. And there should not be any hesitation on the part of the Government to take this step. Time lost, time delayed will be not only a waste of time but it will create more difficulties for you, when you come to take the step, as indeed you will be forced to take this step some day or other. And I believe it will not be long before this step is taken by some people in authority. Therefore, Sir, I would urge upon the Congress party in control of the Government to implement the wishes of the people of West Bengal, and the people of Bihar, and the people of the whole country. If there were a referendum within the Congress party today, like the one in the American elections, I am sure the majority of the Congress party will be in favour of nationalization, leaving out the small lobbies that function on ceilings and other things. There will be an overwhelming majority for nationalization of non-coking coal mines. Is there a soul here, barring one or two, who will not be in favour of this nationalization? If there is any, let him stand up here . . . (*Interruptions*) . . . I am sure there is none . . .

DR. BHAI MAHAVIR: Only one person is standing, that is, you . . .

SHRI BHUPESH GUPTA: You are against it, I know. Therefore, you stand up first.

There is none really. I don't think even the Minister himself, except for his pollution in the Treasury Benches, is against it. Nobody is against nationalisation. Therefore, this matter should be taken up. I am not questioning the *bona fides* of anyone . . .

SHRI OM MEHTA: Nobody is polluted by coming to the Treasury Benches...
(Interruptions)

SHRI BHUPESH GUPTA: You know, this is not the atmospheric pollution that takes place . . .

SHRI OM MEHTA: What about Achhuta Menon? . . .

SHRI BHUPESH GUPTA: These Treasury Benches have proved the graveyard of many a leading men. Many people have risen there and they have also fallen there. But let us not go into that.

I am not questioning the *bona fides* of anybody. The credit goes to you; it does not come to me. It is a good step. It is a welcome step that you have taken and I have no hesitation in acclaiming it. I am not a petty minded person. I will not grudge the credit that is due to you. Only I am suggesting that you follow up your action consistently and logically by taking the other step that is called for in the situation.

MR. DEPUTY CHAIRMAN: The question is . . .

SHRI DWIJENDRALAL SEN GUPTA: The Minister may reply.....

MR. DEPUTY CHAIRMAN: No reply is needed.

The question is:

12. "That at page 21, line 41, for the word 'Equitable' the words 'Hurriladih' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

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

SHRI S. MOHAN KUMARAMANGA-LAM: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI BALA CHANDRA MENON: I am sorry that the Minister was not able to tell us about the arrears of wages and the provident fund money that had been compulsorily taken from the worker. You are not treating it as a secured debt. If you wanted, if the Government wanted to bring about a change in the Transfer of Property Act, nobody would have stopped you. I do not know why it should not be treated as a secured debt. After all, it is something which has been forced from me and the same must be returned to me, but you would not do it. As a successor management, at least you should respond by saying that the money which has been taken from me would be paid back to me. That also you would not do. That is something horrible. Certainly, some of these colliery managements would not be able to pay. The secured debt would be so much that they would not have anything remaining. You are morally and legally bound to pay back the provident fund money which you have deducted com-pulsorily. I did not give it to you of my own. Your Act forced it out from me. The deductions were made and not deposited with the authorities. The provident fund authorities should have seen to it that the money was deposited. That money at least should be returned to me. That you would not do. This is bad. At least the Government which succeeded the private managements must accept that these

[Shri Balachandra Menon] amounts which have been deducted

and which are due to me would be paid back to me and not deposited with the Provident Fund authorities. If you could not do it, you should have made it a secured debt; you could have strengthened our hands. We could have then fought it out. Why are you refusing to treat it as a secured debt? Why are you refusing to give sufficient importance to it? Why cheat the workers of his arrears of wages and provident fund deductions !

MR. DEPUTY CHAIRMAN: Yes, Mr. Kumaramangalam.

SHRI DWIJENDRALAL SEN GUPTA: Sir, I want to speak.

MR. DEPUTY CHAIRMAN: No, no.

SHRI DWIJENDRALAL SEN GUPTA: Have I not the right to speak on the third reading?

MR. DEPUTY CHAIRMAN: If you want, you can speak for the whole day. You have already spoken a lot on this Bill.

SHRI DWIJENDRALAL SEN GUPTA: I want to speak for two minutes.

MR. DEPUTY CHAIRMAN: All right, I give you one minute.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Deputy Chairman, Sir, the Bill is now passed. It will now be acted upon. I have only two concrete suggestions to make. Firstly, there should be participation of the workers to make the national institution a success. That participation of the workers should be both in policy matters and in executive matters. The second thing is that it is not possible for the Minister to guard against bureaucracy at all stages. There should be a small committee consisting of not more than ten members out of the Members of Parliament or experts from outside who will be watch dogs to see how these institutions are functioning. These are the two important suggestions that I wanted to make. MGIPRRND/Sec. VI 10 R.S.S./72—19-1-73

' SHRI S. MOHAN KUMARAMANGALAM: Mr. Deputy Chairman, Sir, I just wanted to bring to the notice of the hon. Member that with regard to provident fund and other welfare funds we already have provisions in clauses 18 and 19 of the Bill. I think they are really adequate and I do not want to add anything more.

SHRI BOLOCHANDRA MENON: I should like to know about the provident fund which has been collected from me and not deposited.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

STATEMENT RE CURRENT SUGAR SITUATION

STATEMENT *RE* CURRENT SUGAR MINISTRY OF AGRICULTURE (PROF. SHER SINGH): Sir, I beg to lay on the Table a copy of the statement regarding current sugar situation.

SHRI A. G. KULKARNI: Sir, he is placing a statement on the Table which relates to sugar situation. We want to ask some clarifications.

MR. DEPUTY CHAIRMAN: It has been laid on the Table. You can read it tonight.

(Interruptions)

SHRI A. G. KULKARNI: Can we ask questions tomorrow?

(Interruptions)

MR. DEPUTY CHAIRMAN: Let the Statement be circulated.

The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at thirty-four minutes past six of the clock till eleven of the clock on Thursday, the 10th August, 1972.