

THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT AND VALIDATION BILL, 1971.

THE MINISTER OF STEEL AND MINES/इस्पात और खान मंत्री
(SHRI S. MOHAN KUMARAMANGALAM) : Sir, I beg to move :

That the Bill further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, and to validate certain acquisitions of land or rights in or over land under the said Act, as passed by the Lok Sabha, be taken into consideration.

As this House is fully aware, the Industrial Policy Resolution of 1956 laid down that the future development of coal industry in the country was the responsibility of the State, and all new units in this industry would be set up only by the State except in exceptional circumstances as laid down in the Resolution. Accordingly, under the Coal Bearing Areas (Acquisition and Development) Act of 1957, powers were taken *inter alia* for the acquisition by the Central Government of unworked coal bearing areas covered by private leases or prospecting licences. This Act provided for acquisition of virgin lands including underground minerals or rights in or over such land in the same manner as the Land Acquisition Act of 1894.

Under the Land Acquisition Act the practice was to issue a single notification under section 4(1) of the Act indicating that land in a locality was or was likely to be needed for public purpose. This was followed by one or more declarations under section 6 of the Act in respect of different portions of land specified in the original notification to the effect that such portion of land was required for a public purpose or for a company.

However, in 1966, the Supreme Court held that once a declaration under section 6 of the Act was issued, whether it be in respect of a part of the land comprised in the notification under section 4(1) or in respect of the whole of it, the effect of the initial notification is exhausted and no further land can be taken by further issue of declarations under section 6 of the Act. That is to say that only one notification can be issued under section 6 arising out of an earlier declaration under section 4.

The Government can issue a fresh notification in respect of some area under section 4, again followed by another notification under section 6. In such cases, the compensation will have to be paid on the basis of market value prevailing on the date of the second notification or the third notification or the fourth notification, as the case may be.

Now to overcome this, the Land Acquisition Act was amended in 1956 by the Land Acquisition (Amendment and Validation) Act 1967. This amendment provided that more than one declaration under section 6 may be issued from time to time in respect of different areas of any land covered by the same notification under section 4(1) of the Act.

So far as the Coal Bearing Areas (Acquisition and Development) Act 1957 is concerned, the terms of the Act are more or less the same as in the Land Acquisition Act. What we were doing now really is to amend the Act to bring it in line with the amendment that we have made in the Land Acquisition Act. By doing so, a single notification under section 7(1) of this Act which corresponds to section 4 of the Land Acquisition Act, can be followed by as many notifications as necessary covering those particular areas mentioned in section 7(1) followed by more than one declaration under section 9(1) of the Act. It is neither possible nor desirable to reopen all these cases as otherwise it will dislocate the working of National Coal Development Corporation. Also fresh notifications will involve higher incidence of compensation payable under the Act. Therefore, we are proposing to bring it in line with the Land Acquisition Act. That is the substance of the amending legislation that is now being brought before the House.

I would like to mention another point under the Coal Bearing Areas Act. When rights under a mining lease are acquired compensation is payable to persons interested and entitled and royalty and other dues to the State Government. Where, however, virgin land including underground minerals is acquired under the Act, the same vests in the Central Government free from encumbrances and no compensation becomes payable in respect of the minerals lying in the said land. The State Governments have, therefore, been representing from time to time against the loss of royalty

[Shri S. Mohan Kumaramangalam] in such cases. So we have decided that the State Governments should be paid such sums as they would have been entitled to receive by way of royalty had these areas been granted on lease to private parties. So a section is also introduced here by which such dues will be paid on an *ex gratia* basis from time to time. There are a few formal unimportant amendments of a procedural nature and I would request the House to consider the Bill.

The question was proposed.

SHRI KALYAN ROY (West Bengal) : Sir, while I support this Bill, I want to point out certain facts and certain developments which very much affect the coal mines and particularly the Industrial Policy Resolution to which the hon. Minister had already referred. As per the Industrial Policy Resolution all coal units must develop in the public sector. I want to know whether it is not a fact that even today very big monopoly houses like Andrew Yule, Bird, Karamchand Thapar, etc. have vast areas under their control and lease which they have not developed so far and which they have no intention of developing and they also contain very good coking coal. If that was the Industrial Policy Resolution what prevented the Government from actually implementing it so far ? Why were they hesitant. The other day I asked a question to which I did not get any reply whether the Western Bengal Coal Fields Co. which belonged to the Birlas had applied for mining licence in Rajasthan. It is stated that these applications are today pending in the Ministry. I do not think what was intended in the Industrial Policy Resolution is being properly implemented. Of Course I must congratulate the Minister of Mines. Today this should have been done 20 years back—he has taken courage in both his hands and has actually moved in to correct the mistakes and crimes of the past by taking over 214 coking coal mines but while I praise him, while I congratulate him, I must have to say that even today half the total coal production is in the hands of the private sector. If his arguments for taking over the coking coal mines are that they were not conserving coal, that they were not running the mines in a proper, scientific and rational manner, are they not equally true of the non-coking coal which is actually important for our power houses, for our railways and

for our industries ? If the coking coal mines were not run properly, if the mines were being destroyed, if reckless slaughter mining was being done, is it not also true of the non-coking coal mines whose number today is over 400, whose production today is roundabout 40 million tonnes and which control over 100,000 workers. So if he stops at this stage and does not take over the non-coking coal mines India will face a very serious famine of coal in the near future which may completely throttle all our plans to develop power houses, thermal power stations etc. So the time has come to take over not only the coking coal mines but all sorts of coal mines which the Government, perhaps because of the pressure of mine owners have not touched. This is not enough. Has he got the time to see what is happening in the national coal sector ? It is all right that the Government has taken over 214 coking coal mines but I am afraid although some progress has been made things are not as good as is being painted. I find today although the Government assured on that the contractors who control about 40 per cent of the workers in the coal mines will be removed and direct payments will be made, in a large number of cases the contractors are there. In some cases the contractors are the managers or their relatives are managers. Even today when Mr. Kumaramangalam and Mr. Chari are supposed to look into the affairs of the coal-mines, the workers in the nationalised coal-mines in the coking sector are not getting the wages they should get and which he was promising that they would get. In between there are vested interests who are trying to sabotage both from within and from without the take over of the coking coal-mines. I find there are agents. The agents have been kept in the Karamchand Thapar coal-mines and in the other coal-mines who are creating labour unrest by not paying the workers their due wages. I am surprised and I do not want to attack the Custodians. They have taken over just now. They are doing a good job. Even so sometimes they are not as alert as they should be. In the case of one colliery Gonudih, colliery, it was found that the Manager was colluding with his brother-in-law, who was a contractor, and was not paying the wages which should be paid to the workers. It is being shared between the Manager and the contractor and some

other people. Those who are supposed to manage the nationalised concerns dismiss the workers and then contractors come and attack the workers. Is the scuffle one contractor was killed. It is unfortunate that Mr. Bose-Mullick is the Custodian and he has not taken any steps in this regard. This is a very serious development which might affect industrial relations in that area. The entire working-class, the AITUC, the INTUC and the HMS, all the central trade unions have clearly stated that they will give whole-hearted support to this nationalisation, but their support has not been taken properly. I have not seen any meeting taking place to solve the difficulties. On the other hand I am afraid the Government and particularly the present set-up is in some ways directly and indirectly succumbing to the pressure of the private sector, which is responsible for the looting. I can give you one example. In the Beganja colliery, the agent Mr. Boudha, was responsible for removing all the Godrej almirahas, the rails and other things from the colliery. Today I am surprised that he is being kept as an agent of the colliery. The railway lines which are needed for the movement of coal underground were removed. He is today being kept as an agent. There are 31 workers in that colliery. Suddenly I found that the Custodian has dismissed all of them, except 13. Is this the result of the co-operation of the workers and the trade unions? Out of 31 workers only 13 have been kept. This is how sabotage is going on. Again I am drawing the attention of the Minister to this. What sort of people have you kept in the Purchases and Sales Department? Those officers, the top tycoons of Bird and Company, are given the entire job to look after the sales division. Why? Could you not find better young technicians, young people, who have fought for nationalisation and who are willing to give you co-operation? Mr. Kumaramangalam may know that every step will be bitterly opposed by the vested interests and a large number of them unfortunately are from your party. I am quite sure and I do want to give a warning that there are elements in the ruling Congress Party in Bihar who are most unhappy about this nationalisation. Certain slogans have been raised which are dangerous and which will disrupt the entire nationalisation scheme in the name of Bihar for the Biharis.

Other types of slogans have been raised. I find that behind these slogans is the shadow of the big tycoons who are not reconciled to their loss of the coking coal-mines. They are desperate today. From Dhanbad the Bihar politics was corrupted. It was from the Dhanbad black money that a number of Bihar politicians, a number of trade unionists built their big houses, and bank balances. They are so fantastic and so big that I cannot find any word. You have to be cautious about this. In the proposed Corporation that you are going to set up, will you take those people whose record is absolutely black in relation to workers, in relation to safety, etc.? Would you bring in those hated IAS officers to head this Corporation. This House and the other House have so long opposed this. The public sector is losing because at the head we find IAS and ICS officers. But here is the biggest challenge. 214 coking coal mines of all shapes and sizes are there. Will you hand them over to the IAS officers, to the bureaucrats selected by the Bihar Government, to the discredited officers who have been thrown out of other public sector enterprises? Or will you take the cooperation of the trade unions, of the scientists, of the technicians and of really efficient people so that they can really do a good job and run these mines which have been nationalised?

Lastly, I should say that labour trouble is being fomented by the vested interests, and your Custodians, they were good and alert at the beginning, but they are not as alert today as at the beginning. It is for the Union Steel and Mines Minister to be more vigilant and more alert so that the good work is not spoiled because a great attempt is being made to disrupt production by the capitalists and by the corrupt politicians who so long got money from the coal mine owners, under the garb of various slogans such as "jobs for Biharis only" and others. I would support that local people must get first preference. There is no doubt about it. But at the same time these private mine owners and others should not be allowed to slide back into top positions in order to show after a few years that nationalisation has not improved matters. I can assure you, nationalised mines could work better. This year's production is a little better than the production which was achieved when the mines were under the private sector. I thank

[Shri Kalyan Roy]

the Cusodian, Mr. Chari. But the time has come to be more alert and for that, the trade unions will cooperate. I want to know whether the Minister will cooperate with the trade unions. That is the question that he should answer.

SHRI MOHAN LAL GAUTAM (Uttar Pradesh) : I support the Bill, and would offer a few remarks. When the Industrial Policy Resolution of 1956 was passed, I think it was in the minds of the framers of the Resolution that due importance to coal should be given. Coal is an article which is required for the development of industry, agriculture and for all social service activities. And the NCDC was formed to take charge of the public sector undertakings so that enough coal may be supplied to all concerned and that there should be no scarcity of coal. I need not dilate upon the importance of coal and its requirements. But I want to draw the attention of the Government and especially the Minister in charge of coal, that the supply position of coal today is not satisfactory at all because firstly, the NCDC is a junior partner in this sector of producing coal. The private sector is a major partner. And coal is not produced really, it is wasted. Coal-raising is limited by the off-take that takes place. If there is enough of demand for coal and there is enough of capacity to carry the coal from the pit-heads to the consumer, then coal will be raised in sufficient quantities. This position existed before. In 1962, there was scarcity of coal and I think within a year or so the whole picture changed. Within a year the position was like this that there was enough of coal, enough of transport facilities but not enough of consumers. Today the position is that the demand is there, the supply can be there but transport facilities are not there, and therefore, there is the scarcity. The removal of the scarcity of coal will depend upon the success of our development, upon our economic growth. Industry will be hampered. Agriculture will not be able to develop as much as it can. Social services like roads buildings and everything will not be able to reach the targets fixed. Take, for example, the coal price. The coal price has gone up by nearly a hundred per cent. The price of bricks which was nearly Rs. 34 per thousand is today Rs. 110 per thousand. If we plan for four

rooms we can hardly construct 2½ rooms. The furniture required, the men required all will be cut down and our development will not be to the extent we want. The money will be spent according to the plan but the targets will not be achieved in terms of commodities, in terms of achievement so far as the projects are concerned. Therefore, my question is that in spite of the fact that responsibility was thrown on the N.C.D.C. after 1956 to meet the requirement of coal, we find there is great difficulty in getting coal these days. Sir, I may say that today the responsibility of supplying coal is not that of the Ministry of Steel and Mines. The demand of coal cannot be met by the Ministry because they have not got the necessary control and necessary means to carry coal from the pit-head to the consumer. Their difficulty is that coal can be raised as much as is required. But if the transport facilities are not there, then the Ministry of Steel and Mines will be helpless. This has happened after the decontrol of coal. Coal was a controlled item previously and coal could move according to the instructions of the Coal Controller and his offices. After decontrol the Coal Controller and his offices go out of the picture. Now the responsibility of carrying coal is that of the Railways. The Ministry of Steel and Mines has no say in the matter. Therefore, it is a very serious matter. The Government or the Parliament has given the responsibility of supplying enough coal to the Department of Coal and the National Coal Development Corporation, a public sector undertaking. But they are helpless. Therefore, my suggestion is that the Government and the Ministry of Steel and Mines will have to think whether it is not time to control coal so that the responsibility thrown on them can be met and coal can be supplied by the Coal Department to the consumer, so that progress in agriculture, in industry, in the C.P.W.D. in so far as roads, building and every thing is far as roads, building and everything is the things that I want to bring to the notice of the Government. The Ministry of Steel and Mines and the public sector were started mainly for this purpose. The Industrial Resolution was passed that the entire future development of coal would be in the public sector. But they are not able to meet the demand and they find themselves helpless. I do not know what the

thinking of the Ministry is. But the question is they will have to answer Parliament. If they find any difficulty I think they must remove it. One of the suggestions that I want to make is that unless the Department takes the responsibility and brings about control again and decontrol is done away with, they will not be able to discharge the responsibility entrusted to them.

Previously there was a committee for coal distribution set up by the Ministry of coal. That committee was a good forum; all the concerned interests, the colliery owners, the merchants, the consumers, the Government, the Railways and shipping, were all represented. It was a good forum and they could discuss things there, with the result that if there were any difficulties, they could be removed. I remember one thing, that previously it took 28 days for a wagon to come back for loading to the pit-head. After the clearing of the obstacles that stood in the way by mutual discussion, the number of days was reduced to perhaps 10. It means that the carrying capacity of the Railways was practically three times. Therefore, something has to be devised to remove this scarcity of coal that exists to-day and which is retarding the economic progress of the country.

Sir, this is only a measure for the unworked areas, i.e. those areas which have not been worked. But as my friend, Mr. Kalyan Roy said, these private-sector wallahs who are major partners and who produce more coal than the public sector or the NCDC, do all sorts of mischief and create all sorts of difficulties. They do not pay the wages that are recommended by the Wage Board; they do not give facilities that they should give, with the result that their cost of production is less. But the public sector undertaking has to abide by all these things, they cannot afford to neglect the recommendations of the Wage Board, they have to provide all the facilities to the workers; they have to prove that they are ideal employers. Therefore, their cost of production goes up. Now, one point that I would submit to the Government is that when the public sector undertakings like the Railways or semi-Government undertakings like Electricity Boards want coal, they ask for tenders. Naturally the tenders of the public sector undertaking will be a little higher because their cost is higher. Because they are ideal employers,

they give full wages and full facilities, their cost is bound to go up, whereas the cost of those who are unscrupulous, who do not pay full wages, who do not give all the facilities that they should give under the Act, is less and, therefore, their tenders are less than the tenders of the public sector undertaking. And the Chairman of the Electricity Board or the others will say, "How can I accept a higher tender when a lower tender is available?" May I suggest that in Government undertakings and in semi-Government undertakings, there should be a rule that collieries which have not fulfilled their obligations, i.e. which have not implemented the Wage Board award or have not given the facilities that they should give, should be black-listed as tenderers. They should not be allowed to tender because they have not fulfilled their obligations and they are cheating the labour. Therefore, they should be blacklisted. If this is done, then naturally the public sector undertakings and one or two or three private sector collieries who have given all the facilities that they should give, will get a chance. Otherwise, these small colliery owners will be excluded. What we see to-day is that because they supply cheaper coal, their tenders are accepted and the NCDC is a loser in spite of the fact that it is a public sector undertaking and a public sector undertaking has to supply commodities to another public sector undertaking like the Railways or a semi-Government undertaking like the Electricity Board. But they are excluded because their tenders are higher. My suggestion is that public sector undertakings may supply coal to other public sector undertakings without any tender or without any competition, at a fixed price to be agreed upon by the parties. Secondly, public sector undertakings employ middlemen to supply coal to other public sector undertakings. I do not know why money is paid in lakhs to these middlemen by way of commission. Why not one unit of the Government supply to another unit of the Government any commodity at a fixed price to be agreed upon by both. Arbitration can be made by the Government. Therefore, I suggest that these middlemen between public sector undertakings and public sector undertakings should go and they should not be paid lakhs and millions of rupees by way of commission.

[Shri Mohan Lal Gautam]

The difficulties will remain so long as the private sector is a major partner. If you want to develop the country, if you want to supply this most essential article for the development of the country, then we have to nationalise all the private sector coal mines. Without that, I do not think that the responsibility that is given to this Ministry will be fully discharged. With these words, I support the Bill

چودھری آئے - محمد (بہار) :

وائس چیرمین صاحب - ابھی حو بل ہاؤس کے سامنے ہے میں اس کا سواگت کرنا ہوں - سرکار کو اس بل کو پہلے لانا چاہئے تھا - اس کے دو کارں ہں - ہمیں کول مائنز میں اس باب کو دیکھا ہوگا کہ آج کول مائنز میں کس طرح پرائیویٹس کھڑی ہیں حو پرائیویٹ لوگ تھے انہوں نے مائنز کو کس طرح سے ڈیمسج کیا - خبر اس دس کی دولت کی کافی بریادی ہوئی - مجھے اس بات کی خوشی ہے کہ بہت دنوں کے بعد سرکار کی مدھی کھلی اور میں مبارکباد دیتا ہوں کمارا سنگم صاحب کو کہ انہوں نے بڑے ڈٹرمینیشن کے ساتھ اس کام کو کیا ہے لیکن مجھے ایک بات سمجھ میں نہیں آئی کہ سرکار ہمیشہ ادھورا کام کیوں کیا کرتی ہے - اس سرکار نے کچھ مائنز کو تو نیشنلائز کیا اور کچھ مائنز کو ابھی تک سرکار نے چھوڑ دیا ہے - یہ ایک بہت بڑی کمپلکشن ہوگی اور میں سمجھتا ہوں کہ جس حوصلہ کے ساتھ اور ہمب کے ساتھ کمار سنگم

صاحب نے اس کام کو کیا ہے - مجھے تو ہسی آتی ہے کہ ان کی پارٹی خود اس کی مخالفت بہار میں کر رہی ہے - میں نہیں سمجھتا کہ اس کے پولٹیکل موٹو کیا ہیں لیکن میں سمجھتا ہوں کہ یہ اچھا کام ہے -

†[چوہدری ۴۰ موہممد (بیہار). جناب وائس چیرمین صاحب، ابھی جو بیل ہاؤس کے سامنے ہے میں اس کا स्वागत کرتا ہوں۔ सरकार کو اس بیل کو پہلے سے لانا चाहिए था। इसके दो कारण हैं। हमें कोल माइन्स में इस बात को देखना होगा कि आज कोल माइन्स में किस तरह की प्राबल्स खड़ी हैं जो कि प्राइवेट लोग थे उन्होंने माइन्स को किस तरह से डेमेज किया। खैर इस देश की दौलत की काफी बर्बादी हुई। मुझे इस बात की खुशी है कि बहुत दिनों के बाद सरकार की बुद्धि खुली और मैं मुबारकबाद देता हूँ कुमारमंगलम साहब को कि उन्होंने बड़े डिटरमिनेशन के साथ इस काम को किया है। लेकिन मुझे एक बात समझ में नहीं आती कि यह सरकार हमेशा ही अधूरा काम क्यों करती है। इस सरकार ने कुछ माइन्स को तो नेशनलाइज किया और कुछ माइन्स को अभी तक सरकार ने छोड़ दिया है। यह एक बहुत बड़ा कम्प्लीकेशन होगी और मैं समझता हूँ कि जिस हौसले और हिम्मत के साथ कुमारमंगलम साहब ने इस काम को किया है, मुझे तो हर्स भी आती है कि इनकी पार्टी खुद मुखालिफत बिहार में कर रही है। मैं नहीं समझता कि इसके पोलिटिकल मोटिव क्या हैं। लेकिन मैं यह समझता हूँ कि यह एक अच्छा काम है।]

श्री कल्याण राय : दोनो के आइडेंटिकल मोटिव्स हैं

श्री चोदहरी आئے - محمد . چوں

کہ آپ دونوں کے پارٹری ہیں اس

†[] Hindi trans.lite.ation.

لئے آپ جانتے ہیں تو مجھے یہ
کہنا ہے کہ سرکار کو اس کے اوپر
کافی دھیان دینا چاہئے۔

سب سے بڑی بات یہ ہے کہ ابھی
جتنی میسٹر آرگنائزیشنس ہیں۔ آئی۔
این۔ ٹی۔ یو۔ سی اور اے۔ آئی۔ ٹی
یو۔ سی۔ سب نے اس کا سواگت کیا۔
منسٹر کمارا منگلم صاحب جب دھنبا
گئے جو وہاں کے مزدوروں نے ان کا کافی
سواگت کیا لیکن اب اس کا پھل
مزدوروں کو کیا مل رہا ہے۔ مزدور
نکالے جا رہے ہیں اور جو وہاں پر کل
مزدور نیتا بھی کہلاتے تھے وہاں پر
کول مائنز کے دلال بھی تھے۔ ان
کے آدمیوں کو وہاں پر اپوائنٹ کیا
جا رہا ہے انگوٹھا ٹھہہ لگوا کر۔ تین
وو چار سو پانچ سو روپیئے کے اوپر۔ اب
وہاں کے مزدوروں کے یہ سمجھ میں
آ رہا ہے کہ نیشنلائزیشن میں سرکار
کو اس مائنز کے لینے سے مزدوروں کی
سیکورٹی آف سروس نہیں ہے۔ اس لئے
میں سمجھتا ہوں کہ اس پر منسٹر صاحب
کو کافی دھیان دینا چاہئے۔

میں تو برابر کہتا آیا ہوں کہ سرکار
جو بھی اچھی بات کرے گی اس کو
میں ضرور سپورٹ کروں گا۔ ابھی ٹائٹل
کیولری ہے جس کو سرکار نے نیشنلائز
نہیں کیا تو ٹائٹل کی کیولری کو بھی
نیشنلائز کرنا چاہئے۔ اگر تھوڑی سی
چیزوں کو آپ لیں گے تو اس کا نتیجہ
وہ ہوگا جو آج کل ہوتا رہا ہے۔

آج دھنبا میں آگ کیوں لگتی ہے۔
وہاں آگ لگنے کے کارن کیا ہیں۔ جو
آئرس ہیں مائنز کے وہ اپنے بزنس
پوئنٹ آف ویو سے اوپر اوپر سے کوئلا
نکال لیتے ہیں اور اندر اندر چھوڑ دیتے
ہیں۔ نتیجہ یہ ہوتا ہے کہ مائنز
دھنس جاتی ہے اس کی ٹیمبرنگ ٹھیک
نہیں ہوتی۔ نتیجہ یہ ہوتا ہے کہ مائنز
بھر جاتی ہے ہمیشہ کے لئے ڈسٹرائے ہو
جاتی ہے۔ اس کو ری اوپن کرنے کے
لئے کافی پیسہ دوسرے کو خرچ کرنا
پڑتا ہے۔ اس لئے میں آپ سے کہنا چاہتا
ہوں کہ آپ نے جو قدم اٹھایا ہے وہ
بہت اچھا قدم اٹھایا ہے۔ لیکن اس
قدم کے اٹھانے کے ساتھ ساتھ اور بھی
کول مائنز ہیں ان کو نیشنلائز
کرنا چاہیے۔ آپ نے بہت کریج دکھایا
کول کے بعد کوپر بھی بہت
اسپورٹینٹ چیز ہے۔ میں اس بل کے اوپر
دو تین باتیں آپ سے کہنا چاہتا ہوں۔
میں برابر کہتا آیا ہوں کہ انڈین کوپر
کوآپریشن کی طرح آپ کو مائنز کو بھی
نیشنلائز کرنا چاہئے۔ جو مائنز
ہندوستان کوپر کوآپریشن کی ہیں ان
پر آپ لاکھوں روپیہ خرچ کرتے ہیں۔
ہندوستان کوپر کی بغل میں ایک مائن
ہے بہار گورنمنٹ اس کو کوٹھاری
صاحب کو دینے جا رہی ہے۔ ہندوستان
کوپر کارپوریشن کو دینے کے بجائے اس
کے بارے میں آپ کے پہلے جو منسٹر
صاحب تھے ترگنا سین صاحب ان کو
میں نے چھٹی بھی لکھی تھی۔ دوسری

[خودھری اے۔ محمد]

باب میں یہ جاسا چاہتا ہوں کہ آپکو بڑی ذمہ داری سے آپ کو کیٹگریکللی جواب دینا ہوگا کہ جب آرڈینس ہوتا تھا تو اس آرڈینس کے پہلے کسی مائنز آنرز کو نہ لگ گیا کہ یہ مائنر نیشنلائز ہونے والا ہے۔ ان لوگوں نے تمام سامان اٹھا لیا حتیٰ مائنز برابری بھی صاف کر لی۔ آپ کو تمام حالی ملا۔ اس کے بارے میں آپ کو انکوائری کرنی چاہئے۔ گورنمنٹ آف انڈیا آرڈینس کرنے جا رہی ہے اور جسے مائنز آنرز ہیں ان کو پہلے حل نکالا تو انہوں نے رابوں راب تمام ٹوٹا اٹھا لیا تمام رجسٹروں میں نام ادھر ادھر کر دیئے۔ کسی کو کچھ بنا دیا کسی کو کچھ۔ اس کی آپ کو انکوائری کرنی چاہئے۔ نہ بڑی ذمہ داری کی بات ہے۔ اگر اس طرح سے نیشنلائزیشن کا طریقہ رہا کہ جس کی فیکٹری کو آپ نیشنلائز کریں اس فیکٹری کے نیشنلائزیشن کے آرڈینس ہونے کے پہلے راشٹری بھون کے کمیونیکے نکلنے سے پہلے مائنز آنرز کو پتہ چل جائے تو میں سمجھتا ہوں اس سے ناکارہ سرکار ہندوستان کی نہیں ہو سکتی ہے اس کے بارے میں انکوائری کرنی چاہئے۔

دوسری باب میں آپ سے یہ عرض کرنا چاہتا ہوں کہ آپ نے جن سینیٹیمینٹس کے ساتھ نیشنلائز کیا اگر وہ پرائیویٹ آنرز کے طریقے پر چلانے کی کوشش کی گئی اور آفیسر گری چلی تو مزدوروں کو بڑی مایوسی ہوگی۔ مزدوروں نے جو سہنا دیکھا تھا نیشنلائزیشن

کا مزدوروں نے جو سوچا تھا نیشنلائزیشن سے ہم کو فائدہ ہونے والا ہے اس کے بجائے اگر مزدور سمجھیں کہ دل ہماری روٹی نہیں رہے والی ہے۔ بڑا ڈس اسوائٹمنٹ ہوگا۔ نیشنلائزیشن کے معنی یہ ہیں کہ ویلڈ جائس مائنز کا کوٹلا جائس اور پروڈکشن ٹھانسن لیکن اگر آپ نے بگسک سے ہی مزدوروں کے دل میں ڈس کنٹنٹمنٹ پیدا کر دیا اگر ان کے دل میں نہ بات آگئی کہ ہماری سکوریٹی آف سروس نہیں رہے گی تو میں سمجھتا ہوں کہ جو آپ نے سوچا مائنز کو لسنے سے ویسا نہیں ہوگا۔

اس لئے میں آپ کو مارک یاد دیا ہوں۔ آخر میں میں کہوں گا کہ کویر بھی بہت امورٹینٹ ہے۔ اس کو بھی ہمیں نیشنلائز کرنا چاہئے۔ اب اگر اس کا مارنگلم صاحب نہیں کر سکے تو میں سمجھتا ہوں کہ کوئی نہیں کر سکے گا۔ میں سمجھتا ہوں کہ کویر ہمارے دیس کی بہ بڑی دولت ہے اس کو بھی آپ نیشنلائز کریں۔ انا کہنے کے بعد میں اس بل کو سپورٹ کرتا ہوں۔

†[चौधरी ए० मोहम्मद . चूँकि आप दोनो के पार्टनर हैं, इसलिए आप जानते हैं तो मुझे यह कहना है कि सरकार को इस पर काफी ध्यान देना चाहिए। सबसे बड़ी बात तो यह है कि अभी जितनी सैटल आर्गनाइजेशन है, आई० एन० टी० यू० सी० और ए० आई० टी० यू० सी० सब ने ही इसका स्वागत किया है। मिस्टर कुमारमंगलम

†[] Hindi transliteration.

साहब जब धनवाद गए तो वहां के मजदूरों ने इनका काफी स्वागत किया, लेकिन अब इसका फल मजदूरों को क्या मिल रहा है ? मजदूर निकाले जा रहे हैं और जो वहां पर कल मजदूर नेता कहलाते थे, वहां पर कोल माइन्स के दलाल भी थे । उनके आदमियों को वहां पर एपवाइंट किया जा रहा है । अंगूठा ठपका लगवा कर 300-400-500 रु० के ऊपर अब वहां के मजदूरों को यह समझ आ रहा है कि नेशनलाइजेशन ने सरकार को इन माइन्स को लेने से मजदूरों की सिक्यूरिटी आफ सविस नहीं है । इसलिए मैं समझता हूं कि इस पर मिनिस्टर साहब को काफी ध्यान देना चाहिए ।

मैं तो बराबर कहता आया हूं कि सरकार जो भी अच्छी बात करेगी, उसको मैं अवश्य सपोर्ट करूंगा । अभी टाटा की कोलियरी है जिसको कि सरकार ने नेशनलाइज नहीं किया तो टाटा की कोलियरी को भी नेशनलाइज करना चाहिए । अगर थोड़ी सी चीजों को आप लेंगे तो इसका नतीजा वह होगा जो आज कल होता रहा है ।

आज धनवाद में आग क्यों लगती है ? वहां आग लगने के कारण क्या हैं ? जो ओनर्स हैं माइन्स के वे अपने बिजनेस के प्वाइंट आफ व्यू से ऊपर-ऊपर से कोयला निकाल लेते हैं और अन्दर-अन्दर छोड़ देते हैं । नतीजा यह होता है कि माइन्स धंस जाती हैं । उसकी टेम्बलिंग ठीक नहीं होती । नतीजा यह होता है कि माइन्स भर जाती है । हमेशा के लिए डेस्ट्रॉय हो जाती है । इस को रि-ओपन करने के लिए काफी पैसा दूसरों को खर्च करना पड़ता है । इसलिए मैं आपसे कहना चाहता हूँ कि जो आपने साहस से कदम उठाया है, वह बहुत अच्छा उठाया है । लेकिन इस कदम के साथ-साथ और भी कोल माइन्स हैं, उनको नेशनलाइज करना चाहिए । आपने बहुत करेज दिखाया है और जिस हिम्मत से आपने यह काम किया है, उस हिम्मत से और भी करना चाहिए ।

कोल के बाद कापर भी बहुत इम्पॉर्टेंट चीज है । मैं इस बिल के ऊपर दो-तीन बातें आपसे कह देना चाहता हूँ । मैं बराबर कहता आया हूँ कि इंडियन कापर कारपोरेशन की तरह आपको माइन्स को भी नेशनलाइज करना चाहिए । जो माइन्स हिंदुस्तान कापर कारपोरेशन की हैं, उन पर आप लाखों रुपया खर्च करते हैं । हिंदुस्तान कापर की बगल में एक माइन है । बिहार गवर्नमेंट इसको कोठारी साहब को देने जा रही है ।

हिन्दुस्तान कापर कारपोरेशन को देने के बजाय इसके बारे में आपके पहले जो मिनिस्टर साहब थे, त्रिगुन सिंह साहब, इनको मंने चिट्ठी भी लिखी थी । दूसरी बात मैं यह जानना चाहता हूँ कि आपको बड़ी जिम्मेदारी के साथ आपको कंटेगिरीकली जवाब देना होगा कि जब आर्डिनेंस होता था तो इस आर्डिनेंस के पहले कैसे माइन्स ओनर्स को पता लग गया कि यह माइन्स नेशनलाइज होने वाला है । इन लोगों ने तमाम समान उठा लिया जितनी माइन्स की प्रापर्टी थी माफ कर ली । आपको तमाम खाली मिला । इसके बारे में आपको इन्क्वायरी करनी चाहिए । गवर्नमेंट आफ इण्डिया आर्डिनेंस करने जा रही है और जितने माइन्स ओनर्स हैं, इनको पता चल निकला तो उन्होंने रातों रात तमाम कोयला उठा लिया । तमाम रजिस्ट्रारों में नाम इधर-उधर कर दिये । किसी को कुछ बना दिया तो किसी को कुछ । इसकी आपको इन्क्वायरी करनी चाहिए । यह बड़ी जिम्मेदारी की बात है । अगर इस तरह से नेशनलाइजेशन का तरीका रहा कि जिसकी फैक्ट्री को आप नेशनलाइज करें तो उस फैक्ट्री के नेशनलाइजेशन के आर्डिनेंस के आर्डर से पहले राष्ट्रपति भवन के कम्प्यूनिक निकलने से पहले माइन ओनर्स को पता चल जाय, तो मैं समझता हूँ कि इससे नाकारा सरकार हिन्दुस्तान की नहीं हो सकती है । इसके बारे में इन्क्वायरी करनी चाहिए ।

[चौधरी ए० मोहम्मद]

दूसरी बात मैं आपसे यह अर्ज करना चाहता हूँ कि आपने जिन सेंटिमेंट्स के साथ नेशनलाइज किया, अगर वह प्राइवेट ओनर्स के तरीके पर चलाने की कोशिश की गयी तो और आफिसर-गिरी चली तो मजदूरों को बड़ी मायूसी होगी। मजदूरों ने जो सपना देखा था नेशनलाइजेशन का मजदूरों ने जो सोचा था, नेशनलाइजेशन से हमको फायदा होने वाला है, इसके बजाय अगर मजदूर समझें कि कल हमारी रोटी नहीं रहने वाली है, तो बड़ा डिसएपाइंटमेंट होगा। नेशनलाइजेशन के माने ये हैं कि बैल्य बचायें तो माइन्स का कोयला बचायें और प्रोडक्शन बढ़ाएं। और अगर आपने बिगनिंग से ही मजदूरों के दिल में डिस-कंटेंटमेंट पैदा कर दिया। अगर उसके दिल में यह बात आ गयी कि हमारी सिक्यूरिटी आफ सर्विस नहीं रहेगी तो मैं समझता हूँ कि आपने सोचा माइन्स को लेने से, वैसा नहीं होगा।

इसलिए मैं आपको मुबारकबाद देता हूँ। आखिर में कहूंगा कि कापर भी बहुत इम्पॉर्टेंट है। इसको भी हमें नेशनलाइज करना चाहिए। अब अगर ऐसा कुमारमंगलम साहब न कर सके तो मैं समझता हूँ कि कोई भी नहीं कर सकेगा। मैं समझता हूँ कि कापर हमारे देश की बहुत बड़ी दौलत है। इसको भी आप नेशनलाइज करें। इतना कहने के बाद मैं इस बिल को सपोर्ट करता हूँ।]

श्री निरंजन वर्मा (मध्य प्रदेश): श्रीमन् जहां तक कि कोल का प्रश्न है यह मध्य प्रदेश से बहुत अधिक संबंधित है। कोल के बारे में देश में जो स्थिति हो रही है, उसके बारे में अभी हमारे मित्रों ने हमारे मंत्री जी का ध्यान आकर्षित किया है। लेकिन इस विषय पर ज्यादा न बोल कर मैं यह चाहता हूँ कि बिल के सम्बन्ध में ही कुछ शब्द जरूर कह दूं।

हम उनका ध्यान इस तरफ आकर्षित कराते हैं कि मध्य प्रदेश के हाई कोर्ट के

एक निर्णय के अनुसार लैंड एक्विजीशन ऐक्ट में जो तब्दीलियां करने के लिये मंत्री जी को बाध्य होना पड़ा था, उसके अनुरूप यहां पर अब कोल बिगनिंग ऐक्ट में भी संशोधन कराने वे आये हैं। हमारा यह निश्चित मत है कि धारा 4 के अंतर्गत जब कोई नोटिफिकेशन जारी होता है और धारा 6 के अंतर्गत वह लिया जाता है तो उन स्टेट्स को धीरे-धीरे लेना संभव है कि मंत्रालय अच्छा समझता हो, लेकिन हम इसे अच्छा नहीं समझते और उसके परिणाम भी होते हैं।

किसी वस्तु को ग्रहण करने की इच्छा व्यक्त की तो उसको धीरे-धीरे लेने से उससे जो लाभ उठाने वाले व्यक्ति हैं वह समझते हैं कि आगे चल कर सरकार पूरी तरह उस संपत्ति पर अपना कब्जा कर लेगी और इसलिए वे उसमें कोई उन्नति नहीं करते और इस प्रकार उस भूमि की उन्नति का जो मूल है वह रुक जाता है। इसमें भी उन्होंने यह किया है कि इस कानून के अंतर्गत उन्होंने सबको नहीं ले कर धीरे-धीरे उसको लेना चाहा है और वह बतला कर कि जो उसके मालिक हैं वह उससे लाभ उठाते रहें जब तक कि शासन को उसकी आवश्यकता न पड़े और जब शासन को उसकी आवश्यकता पड़ जाये तो शासन उसको अधिग्रहण कर लेगा तो इस प्रकार के अधिग्रहण से लोगों को बहुत नुकसान होगा और सरकार को भी नुकसान होगा। सरकार तो यह समझती है कि हम धीरे-धीरे उस पर कब्जा कर लेंगे और उसका जो मालिक है वह यह समझता है कि सरकार किसी न किसी वक्त अपना कब्जा करने के लिए आ ही जायेगी और संभव है कि अगर वह उस पर कोई फसल भी लेने की इच्छा करे तो सरकार के आ जाने से उसकी खड़ी फसल भी धरी रह जायेगी और वह उसकी उन्नति के लिए कुछ नहीं कर सकेंगे और इसलिए वे उसकी उन्नति के लिए कोई प्रयास नहीं करते और विशेष कर इस दशा में जब कि कांस्टीट्यूशन में अमेंडमेंट की बात

चल रही है और इस बात की भी संभावना है कि सरकार किसी संपत्ति का मूल्य उस के बाजार भाव से न दे कर अपनी इच्छानुसार उसका मूल्यांकन करे, तो इस दृष्टि से लोगों को कठिनाइयां पैदा हुई हैं और सरकार के इस भाव को जनता शंका की दृष्टि से देखेगी तो ऐसी हालत में इस प्रकार के कानूनों को लाने से कोई बहुत अनुकूल प्रभाव पड़ने की संभावना प्रकट नहीं होती तो ऐसा मेरा खयाल है कि यह धीरे-धीरे किस्त बन्दी से संपत्ति का अधिग्रहण किया जाय और वहां के ओनर्स जो हैं उनके लिए उद्देश्य और कारणों में बताया है कि उनके लिए, किसानों के लिए या जो उसके मूल स्वामी हैं उनको भविष्य में कोई कार्य करने से रोका जाय तो यह दोनों बातें अपने स्थान पर सही नहीं हैं और इस बारे में मंत्रालय ने बहुत गंभीरता से सोच-विचार कर के कोई कदम नहीं उठाया है ऐसा मेरा खयाल है।

SHRI DWIJENDRA LAL SEN GUPTA
(West Bengal) : Mr. Deputy Chairman, Sir, I rise to support this Bill except one Clause, rather the proviso to Clause 6. The proviso reads :

"Provided that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal."
There are two categories of people. One category of people who are docile enough, they accept the compensation without protest. There is another type of recalcitrant people, litigation-minded people, and they receive compensation with protest. Now, by virtue of this proviso the docile people will be denied the opportunity open to the recalcitrant people to prefer the claim before the Tribunal. So, some people only will get the benefit of this Clause. I am opposed to giving any concession to those also who receive compensation under protest. A mere protest should make no difference. Otherwise, it will amount to discrimination. "Under protest" or any other words, they will only encourage, in future, people to accept all compensation under protest or without prejudice, and this type of encouragement should not be allowed by a proviso like this.

Now coming to this Bill itself, this is a simple Bill on acquisition of coal-bearing land. There were some defects but the defects have been regularised. But what is more important is the legislation that will be coming in future and I shall mainly deal with that just with a request to make a comprehensive Bill in relation to the coal industry. This type of piecemeal Bill is not the need of the hour. The need of the hour is a comprehensive Bill. This piece of legislation relates to land acquisition, land which bears coal. Next we shall have a Bill on the management of the coking coal industry. Then possibly we shall have a Bill for management of the non-coking coal industry. Possibly, thereafter we shall get a Bill for nationalisation of the coal industry. Why all these Bills? There might be reasons I do not deny. But there are some actions which could be taken together. So far as the nationalisation aspect is concerned, of course there is the question of paying compensation to the nationalised industries. Why should you not take over the management of the coal industry as a whole including those uneconomic units and amalgamate them?

Mr. Deputy Chairman, Sir, the coal industry, in my respectful submission, cannot scientifically be said to be the coking coal industry and non-coking coal industry. After this Ordinance it has come to our notice that there were some companies whose coal was never considered as coking coal for the purposes of the steel industry but they have been included and there were some companies whose coal was supplied to the steel industry but they have excluded. Then what is the test? Secondly, there are industries where non-coking coal and coking coal were used together profitably from the management aspects—I mean the employees. Now, if you take over this profitable part of it, there are very good and valid reasons; I would not object to its being taken over. But then, what becomes of that section of the coal industry if you do not take over the non-coking coal industry? They will be closed eventually and people will be thrown out of employment. Can we not plan it comprehensively, ourselves?

All the vices we find in the coal industry are present not only in the coking coal industry but also in the non-coking coal

[Dwijendra Lal Sen Gupta]

industry. If we take away one set of vices by taking over the management here, why should we allow the same set of vices or a different set of vices to continue in another section of the same coal industry? In Calcutta, these coal management firms, —call it Turner Morrison, call it Andrew Yule or Karamchand Thapar or Bird— they have management agencies for many coal companies. The managing agency system is gone but in spite of that the head offices of those coal companies are there in the offices of these management houses and they are managing things by some arrangement. After this coking coal industry has been taken over, there has been a commotion created in Calcutta proper, particularly in the sensitive Dalhousie Square area where the employees are passing sleepless nights about their future. Where do they belong? They belong to the mine itself. If you take over the mines, and not these employees how these employees will maintain themselves? Tomorrow when you will say that the other units of the industry will be taken over, those employees related to the same will be thrown into the street. Even if the coking coal industry goes to the Government, how can you help them? That is the position there and demands an answer.

I understand several representations came to meet the Minister, and I would request the Minister to bear this aspect in mind. This is a human aspect without which this question of taking over of the coking coal industry or non-coking coal industry cannot be considered complete. In this connection, may I remind the Minister that when the Gold Control law was enacted by an Ordinance and thereafter by an Act in 1963 and in consequence the goldsmiths became all unemployed, the then Finance Minister, Mr. Morarji Desai, on the floor of the Lok Sabha said "I considered this subject for long eight months but I had never considered this human aspect"? That is the aspect concerning these employees here. Let Mr. Kumaramangalam not repeat like that. Let him not say that I considered everything but not the human aspect of the employees
3 P.M. now working in the head offices of these companies or those who are employed by the same forum in the management of those coal companies which are being managed by these big firms.

How to understand that aspect? For that, he should invite the trade union leaders concerned with those companies. They should not believe the employers because they might have overt or covert reasons, they might have motives. So the Minister should, before he prepares the Bill, hear the union leaders and he should make a clear provision safeguarding all the interests of the employees in the Bill that is to come.

Sir, the other aspect with which I should like to deal in this connection is that it is very good and I must congratulate the Minister for taking a bold step of taking over this management. But we have seen even bigger things than this. Following nationalisation of Life Insurance industry, they have created only 75 monopoly houses. Thereafter we have seen nationalisation of 14 big banks, but that has not brought much change in the society. Thereafter there has been nationalisation of the General Insurance Companies. Even if we hear tomorrow about the coal industry being nationalised, that will not be helping the poor people of this society so much unless there is a scheme or imagination behind it and for that also the experiences of the National Coal Development Corporation should be taken into consideration. With this N.C.D.C. the coal industry was partially nationalised and therefore the experiences of the NCDC, its merits and demerits should be applied to that scheme. They have taken a big project in hand but where is the personnel to run it. The existing management personnel is very old and outdated. Unless the employees of the old private sector management who are there are trained and given the opportunities to take up the new responsibilities, I doubt whether they will succeed in this project.

In this connection, let me add by contrast here that the Minister has gone ahead with this project but in respect of the Ministry of Petroleum and Chemicals, the position is different. On 16th November, last Tuesday, in reply to my Unstarred Question No. 105, Shri Sethi, Minister of Petroleum and Chemicals, said that the Smith Stanistret Company Ltd., Calcutta, has been reported by the State Government to be mismanaged and malpractices are alleged and that it is on the verge of closure and about 1100 of its men are

going to be retrenched but in the end he has said that the Government was considering the matter. How long the Government was considering the matter? I wonder if there is anything yet to be considered after that reply. Sir, I have doubts about all this. The Government makes Ordinances to take over concerns immediately, as and when required and in those Ordinances they make provisions to rob some of the existing rights of the employees, even the Industrial Disputes Act is not applicable in their respect. If they have to do so they should at least not touch the existing rights of the workers. They say, well that can we do to keep the industry going? If it is so, at least after this reply, they should have stepped in they should have taken over this management immediately and save it from further deterioration. Mr Deputy Chairman by contrast also I congratulate this Minister and I hope this Petroleum and Chemicals Ministry will take note of it.

SHRI BHUPESH GUPTA (West Bengal) Sir, I also support the measure which is before us but I have got up to mention one or two points. First of all I do not see as to why the Government should have stopped halfway instead of nationalising the entire coal industry. There is no reason as to why the other non-coking coal mines should have been left out of the scheme of a measure of this kind. For the last several years we have been pleading in this House that such a vital industry as the coal industry should be in every way in the hands of the nation not only in the matter of some regulation and control but also in the sense of ownership, management and so on.

Now, Sir, the growth of monopoly capital in our country has been largely contributed to by the tycoons in the coal industry and the allied industries. Everybody knows how the British started these industries in our part of the country with a view to exploiting not only the resources of the country but for building up a vast system of empire, plunder and exploitation. The managing agency system as it was called was closely associated with the development of the coal industry in our country in order to enrich the foreign exploiters and also to drain away the resources of our country. Therefore I think

when you are going to take a step of this kind you should have wiped out that aspect of the dark legacy of the British regime. That has not been done but I hope the Government will soon do so.

In this connection, however we are getting a little disturbed by certain trends in the ruling party and in the ruling circles. It is good that on the one hand we see such industries as coking coal are nationalised, it pleases us but at the same time when we see the same monopolists are coming back with their patrons—those in the undivided Congress who left the party are now being taken back in all parts of the country and put into the so-called *ad-hoc* committees we have our apprehensions. Are we to understand that they left that side to come to this side for a picnic for a few days and then to be taken back in the Congress Party and put in the *ad hoc* committees in the name of reorganisation of the Congress? If so, then why this farce? This is a point which we must make because after all the coal industry, even the nationalised sector depends very much on how the Congress Party is organised. It cannot be separated. I am sure after the 1972 elections or even before that we shall see some of those discarded, discredited and defamed politicians coming again on the top in the ruling party and occupying later on after 1972 leading positions in some of the State Governments. We have the spectacle of Gujarat

The other day Shrimati Indira Gandhi, Prime Minister of the country and supreme leader of the party went to Gujarat and made a speech. I have carefully studied the speech, there are good points in it and there is also electioneering in it. I can understand elections and the need for making election speeches but what about the monopolist and pro-monopolist elements being taken back into the Congress(R) again? I do not see any warning against this kind of thing. Mr Om Mehta, I am told, has got several lists in his pocket of applicants of prodigal sons and daughters seeking to return to the ruling party. I should ask him to throw away these lists. After all many of these people had left with a view to staging almost something like a political coup in the country. The coup having miserably failed, now they thought it would be wiser to get back again. These Trojan horses of Indian

[Shri Bhupesh Gupta]
counter-revolution and reaction should not be given shelter.

MR DEPUTY CHAIRMAN. You must speak on the Bill which is about coal.

SHRI BHUPESH GUPTA I am hauling them over the coal. Now, Sir, they should not be taken back, these people who sabotage. My friend, Mr. Kalyan Shankar Roy referred to their sabotage. Who does it? I ask you, who does it? Who are behind it? Who are now able to pressurise you for giving us articles 31(c) in the Constitution (Twenty-fifth Amendment) Bill? Even I have been approached by some people saying: Why do you not compromise on it? Otherwise, it would be difficult to pass the Bill in Rajya Sabha because it would not be supported by many and if we are pressed then these people would be against this Bill. This is going on. You are, Sir, free from all this trouble. Now, we know it. Therefore, I have to bring it to your notice. This is one of our functions. What is the use of bringing it to your notice after the mischief is done? I see that some seminar was held in Andhra Pradesh. I have gone through the speeches. Every speech was in spirit and letter, as I read it, in accordance fully with the mandate of the electorate and what the Congress Party itself has pledged at the time of the elections. All of them, Mr. Chandraseet Yadav and others who spoke, spoke on the lines on which the elections had been fought and won on the basis of the commitment that had been made to the nation, but the rightist elements are now charging, Mr. Raghunatha Reddy.

Know it for a fact that Mr. Raghunatha Reddy is their target. I have no fancy for any Congress Minister, whether he is Mr. Mohan Kumaramangalam or Mr. Raghunatha Reddy or Mr. Dixit or whether she is Mrs. Nandini Satpathy. I have no particular fascination, but it is a question of principle. If I see that the Ministers are trying to implement the pledge given to the nation, if I see that the Ministers are trying to implement some of the good policies enunciated in Parliament and promised by Parliament to the nation and then if I see that these people are being subjected to McCarthyism and witchhunt by

certain people, surely it is not a party question. In the national interest I have to bring it to the notice of the House and I have no doubt about it.

It is a scandalous thing that they are doing those people who are conducting a calculated witchhunt against Mr. Raghunatha Reddy because he, having been put in charge of the company law affairs, seems to have annoyed some people, monopolists and others. I can understand their annoyance. I can understand even their attacks against him, but I am surprised that Mr. Parthasarathy, a member of the Congress Party, takes up the cudgels for them and carries on an attack against him. I should like to know where Mr. Parthasarathy belongs to. Does he belong to the Syndicate unofficially? Is he the Trojan Horse of the right reaction in the Congress Party or is he supposed to implement the pledges which the Congress gave at the time of the election? I ask this question (*Time-bell rings*). Do not ring the bell. Let me finish, because I will say something interesting and new. Therefore, this thing should stop. You know it very well and you have been here with me. I never make it a party issue when a Minister goes wrong. If Mr. Mohan Kumaramangalam goes wrong and he went wrong on the mini-steel plant, our voice was raised here against it, irrespective of the fact that I have been associated with him since my student days. That did not deter me. Now, again Mr. Raghunatha Reddy and others of the Congress Party are being attacked by them for the Andhra Seminar. Now, they are telling us that Mr. Raghunatha Reddy is Mr. Brahmananda Reddy's man, some such story. It is cooked up. When Mr. Brahmananda Reddy was the Chief Minister it was we who demanded the resignation of Mr. Brahmananda Reddy many months ago. You will remember it. Now, suddenly they have taken a dislike to Mr. Brahmananda Reddy. Why should they be accused of by you? Then, those fallen, discredited and discarded men are sought to be brought back. These are the dirty tactics which Mr. Nyalingappa, Mr. Atulya Ghosh and others introduced in the Congress Party. I say...

THE MINISTER OF STATE IN THE
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND IN THE MINISTRY OF

SHIPPING AND TRANSPORT/

संसदीय कार्य विभाग तथा नौवहन और परिवहन मंत्रालय में राज्य मंत्री (SHRI OM MEHTA) : None of them is there. They have all gone. Nobody is there

SHRI BHUPESH GUPTA : Sir, these people now at the parliamentary level are completely crestfallen. Now they believe in subversion. Much of their activity is outside. You saw how the benches were filled and then they have retreated. But I tell you, do not think that they have retreated. They are entrenched in our social life, they are entrenched in our economic life and they have even at this time contacts in your party. Today funds are created with a view to carrying on the old game under new ways, under new conditions. Therefore I say, nationalisation by itself is not enough, much more should be done, and conditions should be created in Parliament and in the polity of the country, in the administration and especially in the ruling party, to see that the forces that stand for progress and nationalisation are not weakened. They should not be allowed to be ambushed and smashed all the time as has been done in the case of Mr. Raghunatha Reddy and others. The Prime Minister should tell these people that these who attack the people who stand by the electoral mandate and who seek to implement them openly or below the belt, they are the saboteurs of the mandate of the election. That view should be taken. Mr. Om Mehta, I hope, has been good enough to note down my friendly advice in regard to this matter.

Sir, now I must say that nationalisation is good. But what about the bureaucrats? I cannot understand why some of the Ministers love the bureaucrats more than they love their wives. I do not know why they are fond of the ICS bureaucrats there? They are absolutely a misfit. Their advice is not good. I can tell Mr. Mohan Kumaramangalam and others, "If you like, you can write and hang in your bed-room; 'Never trust an ICS officer'." Take a paper,

SHRI OM MEHTA : I would like to know why it should be written and hung in the bed-room only.

SHRI BHUPESH GUPTA : Bed-room I say advisedly because the ICS fellow may be sitting in your sitting room. Therefore, that which is a private guidance for you should not be in public exhibition. That is what I say. And what is more, the wife will also remember that. And you know very well that the wife is always a good guide and perhaps she will also remember the motto, and that is in front of her. Therefore, this is an advice. If you like some other room, I have no objection.

Now, about the ICS people and others, it is a rotten thing. I know for a fact that there are ICS and other officials in the Government of India who, of course, always run down the Communists and the leftists, and it is their pastime, profession and hobby. That is their second nature. But who does not know that they are running down Prime Minister Indira Gandhi and some of the Ministers, making fun of them. And the ordinary officers of Class IV, Class III and Class II, they come and tell their friends, and they come to know like that. It is happening. They are trying to persecute honest officers. That also I knew. It is going on, all over Delhi it is going on. They know that it is not possible to do the frontal attack. They have resorted to this kind of subversion, trying to persecute and harass good officers and men, Government employees, while trying to foster themselves. The ICS coterie is responsible for this. I say, the Minister must take note of it, and they should not be guided by these people. In fact the ICS should be disbanded. They should be compulsorily retired. Why not an amendment to the Constitution for the retirement, compulsory retirement, of the ICS officers be there? Why should they remain? If the princes and the Maharajahs can go, if the privy purses can go, surely this horrid legacy of the British rule, once called as 'kept services' by Nehru can also go. Why they are there, I do not understand. That is a very important point and I hope that the nationalised sector would be left in the hands of others.

Mr. Kalyan Shankar Roy has made a suggestion. May I make a concrete suggestion? Management should be reorganised. The traditional way of managing the nationalised sector should be given

[Shri Bhupesh Gupta]

up Surely, you can prepare a list of these high officials who, under private ownership were on the side of the monopolists big business people and were indulging in anti labour activities helping them make ill gotten money at the cost of the people. The names of these officers should be easily available by the Minister in consultation with the trade union leaders and their representatives. They should not be kept in key positions. Secondly, Sir, when they are removed others from the bottom should be taken in. It is said that they have no experience. Mr Mohan Kumaramangalam did not have experience in the Cabinet. It is good that they did not have experience. If they can carry on nicely with the Cabinet responsibilities without any previous experience, why can we not apply this rule here also? Why should we go after the so called experience? They have experience in thuggery. They have experience in fraud. They have experience in double book keeping. They have experience in cheating the Government. They have experience in helping accumulation of wealth in a secret way. These are their experiences. We do not want such people. Let these experiences go. Let us start anew on a clean slate.

MR DEPUTY CHAIRMAN That is enough.

SHRI BHUPESH GUPTA Therefore, I say labour also should change its policy. The Industrial Policy should change. I know that bigger things cannot be taken up. Surely the Minister can within his limited sphere work out model labour management pattern which will inspire others. This sort of thing can be done.

Sir, the key to democratisation is vigilance against those who try to subvert from within after the whole administration is taken over. We should guard against them.

(Time bell rings)

Finally before I sit down only one word. What has happened to my Press Bill? Who is sabotaging it? It was said that the Press Bill would come up during this week. I understand some editors' touts of the big money, met the Prime Minister and built up pressure. They met the Minister. Now we see no Bill is coming. Now my friend, Mr Mehta says that the Bill will not be introduced. All that

we have got is a committee to discuss it, a sub committee of the Cabinet, which, I understand Mr Dikshit will also join. These are not good things. Yes what do you want to say, Mr Krishan Kant?

MR DEPUTY CHAIRMAN Nothing. He says that you should conclude now.

SHRI BHUPESH GUPTA Am I wrong Sir, I am an informed man. I tell you. Can any one here deny that what I am saying is wrong? Can they challenge what I say? I had even talked to the Prime Minister that this Bill should come. I have written a letter also and in principle it was accepted. But now they have sabotaged it. The Press Bill wanted the press to be delinked from the industrial houses ensuring diffusion of ownership. It is a measure according to the recommendations of the Press Commission which was passed before the House in 1954.

MR DEPUTY CHAIRMAN All right. Please conclude.

SHRI BHUPESH GUPTA What is happening to all of you when clandestine forces are working in order to sabotage whatever they can. Today you are passing the Constitution (Amendment) Bill because the commitment is big and you cannot get out of it.

MR DEPUTY CHAIRMAN Mr Barbora.

SHRI KRISHAN KANT (Haryana): What about coal?

MR DEPUTY CHAIRMAN He has already said about it.

SHRI BHUPESH GUPTA Mr Krishan Kant, you have not understood. Coal does not live outside their territory. But why are you opposing such things? Why do you not raise your voice against this?

MR. DEPUTY CHAIRMAN Now please sit down.

SHRI BHUPESH GUPTA I say once again nationalisation of the coal industry is essential. Also the foreign oil industry should be nationalised at once. Sir, we are almost in a war situation. The country cannot be left in American hands. At the time of the Indo-Pakistan war in 1965, the Americans wanted to put pressure on India through the oil concerns and

some of the oil officials concerned later on wrote in a book as to how the Americans tried to sabotage the whole thing, put pressure on India and weaken our defence arrangements and so on. I say, even if you do not nationalise, follow Mr Mohan Kumaramangalam's example in this matter, that is, take over at least the management of the foreign oil concerns here and how. If you feel that we are in an emergency situation the first economic step for the sake of national defence should be the take-over of the foreign oil concerns. Thank you.

श्री गोलाप बरबोरा (आमाम) : उप-सभापति महोदय, जिस दिन कोकिंग कोल की यनिट्स सरकार ने अपने हाथ में लिया था मैं चाहता था कि] मोहन कुमार-मंगलम् साहब को उसके के लिए बधाई दू, लेकिन कोई भी अधूरे काम के लिए किसी को बधाई कैसे दी जा सकती है। सन् 1949 और 1956 के कांग्रेस सरकार के 2 इन्डस्ट्रियल रिजोल्यूशन के बाद आज तक भी कोल सम्पूर्ण राष्ट्र के लिए नहीं है, क्योंकि अभी तक कोकिंग कोल की कई खदानें देश में हैं जिनको सरकार के अधीन नहीं लिया गया है। तो किसी इन्डस्ट्री का एक हिस्सा आप राष्ट्र के हाथ में लेने हैं और बाकी छोड़ देते हैं, यह तो उनकी बर्बादी मोल लेना है। इसी लिए मेरा यह मुझाव है कि सम्पूर्ण कोल इन्डस्ट्री को हाथ में लिया जाय।

जब भी हम कोल के बारे में सोचते हैं तो पहले जिस इलाके को हिन्दुस्तान की रीढ़ हम लोग कहते हैं—झरिया, राँचीगंज, धनबाद—इन्हीं एरियाज की बात हम सोचते हैं, लेकिन हमको दूसरे इलाको के बारे में भी सोचना चाहिए, जहाँ पर कहीं-कहीं कोयले की खदानों में मजदूर काम करते हैं, जैसे आसारन में 70 आर० एंड टी० कम्पनी कोलियरी की है। 19वीं सदी के आखिर में वह ब्रिटिशर्म ने वानाई थी और अभी तक उन लोगों का काम वहाँ चालू है, लेकिन कोई पूजा उन्होंने कोयला खदानों में इस्तेमाल नहीं की है, यहाँ तक कि चाय बागान से पहले पैसा

इकट्ठा करके महीनो बाद कोयला वे लोग देते हैं। वैसे ही मेघालय में कोलियरीज हैं, उन कोयलीरीज की हालत भी खराब है। आपका नेशनल कोल डेवलपमेंट कार्पोरेशन है, लेकिन हम देखते हैं कि इस नेशनल कोल डेवलपमेंट कार्पोरेशन के जगिण भी जिन कोलियरीज की हालत खराब है, उनको सुधारने का खाम प्रयत्न नहीं किया जाता।

कुछ दिनों पहले मैं आंध्र प्रदेश गया था, सिगरैनी जैसी कोलियरी वहाँ है, सरकार उस कोलियरी को चलाती है। लेकिन सिगरैनी कोलियरी की हालत रोज-ब-रोज खराब होती जाती है। ऐसी परिस्थिति में देश में कोयले की इन्डस्ट्री को बचाने के लिए और आगे बढ़ाने के लिए कोई काम्प्रिहेन्सिव नेजिस्लेशन होना चाहिए। कुछ देशों, जैसे ब्रिटेन में या जापान में, अलग मिनिस्ट्री है, मिनिस्ट्री आफ पावर, मिनिस्टर आफ एनर्जी, जिसके अन्तर्गत कोयला ही नहीं, उसके साथ हाइड्रोइलेक्ट्रिक भी रखते हैं और अपनी पालिसी बनाते हैं। हम लोग यहाँ पर अलग-अलग मिनिस्ट्री रखे हैं और अपने सब्जेक्ट का भी पूरा ज्ञान रखते हैं, फिर पालिसी क्या बना सकते हैं। मेरा यह मुझाव है कि सारे हिन्दुस्तान की सारी कोलियरीज को सरकार अपने हाथ में ले ले और उसके साथ ही साथ उनको सुधारने की कोशिश करे। सिर्फ उद्योग अपने हाथ में लेने से ही राष्ट्रीयकरण का मतलब पूरा नहीं होता है, साथ ही साथ मजदूरों के बारे में भी सोचना चाहिए। मैं देखता हूँ कि कोई भी उद्योग सरकार अपने हाथ में ले लेती है, उसके बाद भी मजदूरों की हालत जो पहले थी वैसे ही रहती है, मजदूरों और मालिकों के झगड़े पहले जिम ढग से चलते थे उसी तरह में सरकार के जो कस्टोडियन बगैरह हैं, उनके साथ मजदूरों के झगड़े चलते रहते हैं। इसलिए मैनजमेंट को भी नये ढग में बनाना चाहिए। संगठित मजदूर यूनियनों के नुमायंदे उसमें रहने चाहिये, ताकि मजदूर और सरकार मिल कर ऐसी पालिसी

ब्रानर जिमसे उद्योग फायदेमंद हो आर उससे समाज की भी भलाई हो।

SHRI S MOHAN KUMARAMANGALAM Mr Deputy Chairman first of all I would like to thank all the hon Members who have supported the passing of this Bill which, of course covers a very limited area indeed. But the speeches in the debate ranged over a very wide area from coal to the press and everything possible that could have been said about the Government's policy. I am sure, you will excuse me if I confine myself to the points that have been raised regarding the provisions of this Bill itself.

Firstly the only real point that was made about the Bill was in relation to section 17, that is to say the amendment that we have proposed in clause 6 of the Bill. I think my friend Shri Sen Gupta who raised it has not exactly followed what is meant here. The amendment to section 17 only inserts a new proviso which enables every person who claims to be an interested person whether such persons has been admitted to be interested or not, including the person referred to in the previous proviso which is already existing to prefer claim for compensation before the Tribunal. What we are doing is to widen the right of a citizen to prefer a claim. That gives nobody any right beyond that of submitting a claim. I think it is giving any citizen in any way affected by the decision to take over any property under this Bill to prefer a claim before the Tribunal. I would ask the House to support it as a reasonable provision to widen on the scope of rights of citizens who have difficulties as a result of decision to take over their property.

Many remarks have been made about the question of nationalisation of the coking coal mines. I would defer my detailed comments to the time when we have introduced a Bill to replace the ordinance under which we have taken over the management. Perhaps in deference to what the hon Members have said I would make one or two observations. Firstly, there is a difference between coking coal mines and non coking coal mines. So far as coking coal mines are concerned I think well over 25 years ago the conclusion was reached that these mines have not been exploited

in a proper scientific and rational manner. We have attempted to compel the mine owners to amalgamate so as to ensure rational and scientific exploitation. But we had no success in this field. Therefore, it became absolutely essential from the point of view of preservation of the limited coking coal reserves to see to it that they are taken over. The total coking coal both prime and blendable, will not be more than 4,000 million tonnes whereas a non-coking coal will be about 100,000 million tonnes. Thus we can see that there is substantial difference between the two. That is why we have taken over the coking coal mines. We have not nationalised them immediately because before that is done it is necessary to know what is the value of the asset, of these mines on the basis of which we have to fix some reasonable compensation. As soon as we are able to evaluate the assets of these mines we will come to the next stage of fixing the compensation rates and finally taking over the administration of these mines. So far as the question of management is concerned I would like to assure the hon Members that certainly we shall see to it that the most efficient management is provided for these mines. At present, the Custodian General of the Mines is one of our most experienced officers in the field of mining engineering and I must also mention in relation to what my friend Shri Bhupesh Gupta has said that every IAS and every ICS officer need not necessarily be no good at a particular job. One has to see what that job is and what his qualifications are for that particular job. There are many IAS officers who have gone into the public sector and who have been successful. There are some who have not been successful. It is a question of choosing the proper person. But, while on that subject I might ask him also one thing because he has been talking so much and for so long about the nationalised sector. Perhaps he can come over and help us just as there are other people who have come forward to help us like Mr Tulpule who has taken over a General Manager at Durgapur. Perhaps Mr Bhupesh Gupta also can do that and help us.

(Interruptions)

SHRI BHUPESH GUPTA Sir, I have no intentions of this nature. I am not prepared Sir.

SHRI S. MOHAN KUMARAMANGA-LAM : We never interrupt you. We patiently listen to you. So, you also please listen. So, Sir, it will be good if, instead of throwing stones from that side, he can come and take some responsibility in the evening of his parliamentary career which, I think, he has to cut short if he takes over and does something useful in this respect and we will welcome it. But, apart from making a joke about it, quite seriously I say that we do want to associate the representatives of labour also in the administration of our public sector projects and we would welcome their co-operation. We know that without the whole-hearted co-operation of the workers it is impossible to run the public sector properly and we want it. But it is not enough if those who are representatives of the workers just to sit in judgment. It is necessary also for them to show in a concrete form how they can help as really their co-operation will make a substantial difference to the working of these mines which is no small task, as you all know. 214 coking coal mines have been taken over at one stroke and amalgamating them, re-structuring them technologically, is going to be a very, very big job and I warmly appreciate and express my appreciation for, the offer of co-operation that is being made and I can assure the hon. Members that we will do our best in the matter.

Sir, there are one or two points that have been raised and perhaps I will deal with them.

SHRI A. D. MANI (Madhya Pradesh) : Sir, I want to raise one more point.

MR. DEPUTY CHAIRMAN : Mr. Mani, why do you want to interrupt him?

SHRI S. MOHAN KUMARAMANGA-LAM : Sir, one is regarding the point made by my friend, Shri Mohan Lal Gautam, regarding the control of coal prices. I do not think that it is really going to take us very far. We have got adequate amount of coal so far as raisings are concerned. The problem is really to tackle transportation effectively and that is a matter to which the Government is giving its more serious attention at the moment and we hope that within the next six months we will be making a decisive improvement in this field. It is not a question of limitation on coal raising, because

our coal raisings have been as much as we expect them to be. But it is more a question of being able to see that the coal reaches the consumer, whether in industry or the domestic consumer and for that purpose we are doing our best to improve the position.

Then, so far as the question of the private collieries which have not implemented the recommendations of the Wage Board is concerned, I may assure the hon. Members that all public sector organisations which are consumers of coal are taking steps to see that those who sell them coal do implement the Wage Board recommendations and it is a part of our policy to ensure that the workers do get their just rights. But, I would also like to mention that so far as the collieries that have been taken over, the management of which has been taken over by the Government, under the recent Ordinance, are concerned, we are doing our best to see that the recommendations of the Wage Board are implemented and in respect of the instances brought to the notice of this House by my friend, Shri Kalyan Roy, we will find out the extent to which the statements in the allegations he has made are correct and what the remedial steps are that must be taken in order to see that the workers get justice. We know, Sir, that in the mining areas the workers have had a raw deal for many years and I would not say that about all companies, but there are quite a substantial number of mine owners, who have done injustice to the workers and who were quite often claiming to implement the Wage Board recommendations, but who, through the commission agents and by other means, managed to take away a substantial slice of the wages that are due to the workers. But I think the situation is far better now though I do not say that it is perfect. But, certainly I would say that thousands of workers who were not receiving the level of wages which they were entitled to under the Wage Board recommendations are today receiving them. But, even then there may still be a few thousands who are not receiving them. But, Sir, Rome was not built in a day and we will try our best and I think that the hon. Members will appreciate the fact that we are trying our best to see that justice is done to the workers.

[S. Mohan Kumaramangalam]

Sir, I will conclude by saying that there are suggestions that have been made regarding coal and now, there are some suggestions, made by my learned friend, Shri Bhupesh Gupta, which are about everything other than coal and I am not concerned with those suggestions. I think those are not matters which really arise in this discussion. We will take them into account when we take up the discussion of the Bill to take over the management of the coal mines. Then we may have a full and thorough discussion which, I am sure, will be extremely beneficial and of great assistance to the Government.

Thank you

MR. DEPUTY CHAIRMAN: Now I will put the motion.

The question is

"That the Bill further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, and to validate certain acquisitions of land or rights in or over land under the said Act, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 8 were added to the Bill.

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

SHRI S. MOHAN KUMARAMANGALAM: Sir, I move

"That the Bill be passed."

The question was proposed.

SHRI A. D. MANI: Sir, I would like to seek clarification on one point. In the notification issued there was some mention about management compensation. I am not a lawyer. I want to understand what this management compensation is. This is a matter which is in the interest of the public.

MR. DEPUTY CHAIRMAN: Mr. Villalan

SHRI THILLAI VILLALAN (Tamil Nadu): I am taking this opportunity to bring one point to the notice of the hon. Minister, Mr. Kumaramangalam. I will be very happy if the Bill is passed. If Clause 7 reads like this:

"After section 18 of the principal Act, the following section shall be inserted, namely:—

'18A. Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government (other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government, under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government'."

Previous to the passing of this Bill there is no payment of royalty to the State Government. But by this Bill it has been provided that royalty may be paid to the State Government. But, Sir, here the word "may" is put; "may" means "may not". It should be "shall". If the word "shall" is put, it will be very proper, and I will be very happy in supporting this Bill. Therefore, I want to bring this thing to the notice of the hon. Minister.

MR. DEPUTY CHAIRMAN: It is too late because we have already completed clause by clause consideration. But it is for the Minister.

SHRI LOKANATH MISRA (Orissa): Sir, I will take only one minute. On this particular occasion, I would whole-heartedly support Mr. Villalan, that "may" here should mean only "shall" and nothing else. I cannot agree with you, Sir, that it is too late. Nothing is too late. But if according to your direction it is too late, I would expect the hon. Minister to give to this House an assurance that "may" would be construed as "shall", so far as the transactions between the State Governments and the Central Government are concerned so that in every case royalty would be paid to the State Governments as if the word "may" had already been substituted by "shall".

SHRI S. MOHAN KUMARAMANGALAM: I would speak very briefly. So far as management compensation is concerned, I would request my friend Mr. Mani to

Bill, 1971

wait for the proper discussion on the Bill for taking over the management of the Coking Coal Mines. It is because it requires a certain amount of explanation, and I do not think this is the proper time to launch into that wide open ocean.

So far as the question of 'may' and 'shall' is concerned, I think both Mr. Thillai Villalan as well as my friend Mr. Lokanath Misra are aware of the fact that in the context of the Section it will be a matter for the court, before which Mr. Misra is always bowing his head, to decide whether 'may' is 'shall' or not. I leave it now to be argued in another place, or to get some lawyers to argue it. I do not enter into an argument with him. I can only say that the intention of the Government is certainly to see to it that the State Governments do not suffer as a result of a take-over of this character. It is the Central Government that has introduced this new Section 18A into the Act by virtue of this Clause 7 and I am sure the hon. Members will appreciate that we have not introduced it for the sake of the words contained therein but to see that the State Governments' interests do not suffer.

MR. DEPUTY CHAIRMAN. The question is :

"That the Bill be passed."

The motion was adopted.

THE PREVENTION OF INSULTS TO NATIONAL HONOUR BILL, 1971

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS/

गृह मंत्रालय में उपमंत्री

(SHRI F. H. MOHSIN) : Sir, I move that the Bill to prevent insults to national honour, as passed by the Lok Sabha, be taken into consideration.

Sir, I do not think it is necessary for me to give any detailed explanation as far as this Bill is concerned because, on numerous occasions, this House as well as the other House have expressed concern and indignation at the instances involving deliberate disrespect for our national symbols. Elements like the Naxalites, who have no faith in democracy and who want to destroy everything on which rests our national consciousness, have been indulging in such instances in an organised manner. Such instances are serious not only to occasion

disturbance of public order but also as threats to our national honour. We do not have at present any Central law to deal with such overt acts involving insult to our national symbols and they are the National Flag, the Constitution and the National Anthem. Only in Tamil Nadu there is an Act called the Prevention of Insult to National Honour Act, 1957 which deals with such matters. It is necessary that there should be a Central law on this subject on similar lines. We have therefore brought this Bill before the House.

Sir, Clause 2 of this Bill seeks to lay down punishment for those who in a public place burn, mutilate, defile, etc. the National Flag or the Constitution.

Similarly, Clause 3 seeks to lay down punishment for persons who intentionally prevent the singing of the National Anthem or cause disturbance to the singing of the National Anthem in an assembly engaged in such singing. We have to do everything to guard against all threats to our national honour, sovereignty and integrity, whether such threats emanate from outside or from some within the country. In this critical hour when serious threats are being held out by the military rulers of Pakistan, it is all the more necessary that we must prevent the occurrence of even minor instances [THE VICE-CHAIRMAN (SHRI RAJENDRA PRATAP SINHA) in the Chair.] which may give the impression that we are all not united to guard our sovereignty and freedom, and I have no doubt that this House will give its wholehearted approval to this Bill.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : Sir, we are all for respect of the National Flag. We are all for showing due respect to all the symbols of our patriotic tradition, whatever may be our party affiliations. But this Bill seems to be creating a little confusion. It says "... brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part thereof..." Should the National Flag be put in the same category as the Constitution of India? I am raising this point.

Then, Sir, you will find "Comments expressing disapprobation or criticism of the Constitution or of the Indian National