

# **LOK SABHA DEBATES**

**(Fifth Series)**

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**May 18 to 27, 1976/Vaisakha 28 to Jyaishta 6, 1898 (Saka)]**



**Sixteenth Session, 1976/1898-98 (Saka)**

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**LOK SABHA SECRETARIAT  
NEW DELHI**

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(Fifth Series, Volume LXII, Sixteenth Session, 1976)

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## LOK SABHA DEBATES

I

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### LOK SABHA

Tuesday, May 18, 1976/Vasukha 28,  
1898 (Saka)

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

### PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER HINDU MARRIAGE  
ACT AND TAMIL NADU HINDU RELI-  
GIOUS AND CHARITABLE ENDORSEMENT  
ACT AND STATEMENTS:

THE MINISTER OF STATE IN  
THE MINISTRY OF LAW, JUSTICE  
AND COMPANY AFFAIRS (DR. V. A  
SEYID MUHAMMAD): I beg to lay on  
the Table—

(1) (i) A copy of Notification No. G.O.Ms. No. 2066 published in Tamil Nadu Government Gazette dated the 10th December, 1975 making certain amendments to the Tamil Nadu Hindu Marriage (Registration) Rules, 1967, under sub-section (3) of section 8 of the Hindu Marriage Act, 1955 read with clause (c)(iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification. [Placed in Library. See No. LT-10865/76].

(2), (i) A copy of Notification No. G.O.Ms. No. 187 (S.R.O. A-77/76) dated the 18th February, 1976 making  
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certain amendments to the "Appointment of Auditor Rules" published in Notification No. S.R.O. A-826 dated the 20th July, 1961, under sub-section (3) of section 116 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification. [Placed in Library. See No. LT-10866/76].

REVIEW AND ANNUAL REPORT OF THE  
MADRAS REFINERIES LIMITED FOR THE  
YEAR ENDING JUNE 30, 1975

THE DEPUTY MINISTER IN THE  
MINISTRY OF PETROLEUM (SHRI  
ZIAUR RAHMAN ANSARI): I beg  
to lay on the Table a copy each of the  
following papers (Hindi and English  
versions) under sub-section (1) of sec-  
tion 619A of the Companies Act,  
1956:—

(1) Review by the Government on  
the working of the Madras Refineries  
Limited, Manali, Madras, for the year  
ending 30th June, 1975.

(2) Annual Report of the Madras Re-  
fineries Limited, Manali, Madras for  
the year ending 30th June, 1975 along  
with the Audited Accounts and the  
comments of the Comptroller and  
Auditor General thereon. [Placed in  
Library. See No. LT-10867/76].

NOTIFICATIONS UNDER COMPANIES ACT,  
REPORT re. EXECUTION OF PROVISIONS  
OF MONOPOLIES AND RESTRICTIVE TRADE  
PRACTICES ACT AND A STATEMENT

THE DEPUTY MINISTER IN THE  
MINISTRY OF LAW, JUSTICE AND

**COMPANY AFFAIRS (SHRI BEDA-BRATA BARUA)** I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 642 of the Companies Act, 1956 —

- (i) The Cost Accounting Records (Dyes) Rules, 1976 published in Notification No GSR 605 in Gazette of India dated the 1st May, 1976
- (ii) The Cost Accounting Records (Rayon) Rules 1976 published in Notification No GSR 606 in Gazette of India dated the 1st May 1976 [Placed in Library See No LT-10868/76]

(2, (i) A copy of the Report pertaining to the execution of the provisions of the Monopolies and Restrictive Trade Practices Act 1969, for the period from 1st January to 31st December, 1974 under section 62 of the said Act

(ii) A statement (Hindi and English versions) explaining the reasons for not laying simultaneously the Hindi version of the above Report [Placed in Library See No LT-10860/76]

**ANNUAL REPORT OF UNIVERSITY GRANTS COMMISSION FOR 1973-74**

**THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D P YADAV)** I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the University Grants Commission for the year 1973-74 under section 18 of the University Grants Commission Act, 1956 [Placed in Library See No LT-10870/76]

11 03 hrs.

**CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE**

**REPORTED CLOSURE OF MORE THAN TEN JUTE MILLS IN WEST BENGAL**

**SHRI DINEN BHATTACHARYYA (Serampore)** Mr Speaker, Sir, I call the attention of the Minister of Commerce to the following matter of urgent public importance and I request that he may make a statement thereon:

“Reported closure of more than ten jute mills in West Bengal during the last few weeks and its effect on the country's economy and employment position”

**THE MINISTER OF COMMERCE (PROF D P CHATTOPADHYAYA)**—Mr Speaker Jute Industry occupies an extremely important position in the industrial profile and exports spectrum of the country. The industry relies to a large extent for its health on its export prospects. There has been a decline in the volume of our exports of jute goods as had been indicated by me recently on the floor of this House. The industry's health has not been too good on account of this phenomenon.

A statement showing the details of jute mills which are lying closed at present is laid on the Table of the House. All the units closed other than the one located in Kanpur are situated in West Bengal which has the highest concentration of jute mills. The total labour complement of the units which are lying close at present is about 31 000. Government are seriously concerned over the closure of mills and consequent loss of employment to a large number of workers.

However the causes of the closure of the Mills are diverse and complex. It will be evident from the statement laid on the Table of the House that out of 10 mills which are now lying closed, two namely Kanpur Jute Udyog

and Khardah have been lying closed since 1975. Of the remaining 8 mills, which closed down only in 1976, 5 have stopped functioning due to labour trouble, one has stopped functioning due to damage from fire, another has closed down due to both financial difficulties and labour trouble, only one namely Bharat Jute Mills, is reported to have stopped functioning due solely to financial difficulties.

Investigation under the Industries (Development and Regulation) Act has already been caused into the affairs of Khardah Company. The question of taking over the management of this unit and entrusting the same to a suitable agency is pending before the Honble High Court Calcutta. A proposal to entrust the managerial responsibilities of Kanpur Jute Udyog to the Government of Uttar Pradesh is engaging our attention.

It may be mentioned in this connection that one jute mill namely, Howrah Mills which had been lying closed until recently has again started working with effect from 14th May 1976 according to reports received by us.

Government have set up a committee to formulate an integrated approach to the problems of jute industry. One of the terms of reference of the committee is the identification of the problems of individual units which are lying closed or units which are financially or otherwise weak and the solu-

tion to these problems. The committee is expected to finalise its report before long on this aspect and make its recommendations. Appropriate action would be taken on receipt of the recommendations of the committee.

In the meantime Government being alive to the situation have taken several measures to help the jute industry for stimulating export demand. Export duty on all items of jute manufactures has been abolished. A cess for Research and Development has been introduced. Government have also directly financed certain research and development projects primarily for reduction of the cost of production and development of new products and uses.

Government have been continuing the system of interest subsidy on loans granted by Industrial Finance Corporation for modernisation of the jute mills. Certain other measures have been taken by the Government to make our export production more remunerative and more competitive.

Industrial relation is a subject which is primarily the concern of the State Government. Closures on account of labour trouble could therefore be looked into by the appropriate conciliatory authority. We are in close touch with the West Bengal Government for organising a meeting of all interests for finding out a solution to the problem arising out of closure of such a large number of jute mills.

*Statement showing the details of the Jute Mills which are lying closed*

S No	Name of the Mill	Owner	Period of lock out & reported reasons therefor	Number of Workers
1	2	3	4	5
1	Meghna North	Bajonia Group	From 8-3-1976 Labour trouble	6,000
2	Meghna South	Do	From 9-2-1976 Labour trouble	
3	Union Jute Mills	Bird Group	From 14-3-1976 Financial and Labour trouble	2,250

1	3	4	5
4	Premchand . . . . Aggarwal & Ors.	From 8-4-1976 Damage from fire	3,400
5	Bharat . . . . . J. C. Saha & Ors.	From 9-4-1976 Financial trouble	1,600
6	Kankarajhah . . . . . Jardine & Co.	From 24-4-1976 Labour trouble	4,100
7	Kamarhatti . . . . . Kanoria Group	From 3-5-1976 Labour trouble	5,200
8	Eastern Manufacturing . . . . . Kanoi Group	From 6-5-1976 Labour trouble	2,000
9	Khardah . . . . . Kedia Group	From 8-5-1975 Financial and labour trouble	5,000
10	Kanpur Jute Udyog . . . . . Sahu Jain Group	From 6-10-1975 Financial trouble	1,300

**SHRI DINEN BHATTACHARYYA:**

Mr. Speaker, Sir, the Minister's statement on the issue is that out of ten jute mills, only one or two have been closed due to financial difficulties and the others have been closed for labour trouble.

At the end of this statement he has passed on his responsibility to the State Government. That is to say, for the closure of the mills, etc. he has passed on this responsibility to the State Government, by saying, he has informed the West Bengal Government to take necessary steps in the matter. And, Sir, one of the steps suggested is that of organising a meeting of all interests for finding out a solution to the problem arising out of closure of such a large number of jute mills. My question is this. What does he exactly mean by saving organising a meeting of all interests and finding out a solution? Which are the parties which he has in mind? He has expressed in his statement all his concern for the interests of the jute-mill owners only. So far as the economy is concerned and so far as the workers' interests are concerned, he has not mentioned any-

thing except to say that he has informed the State Government to look into it and so on. The Bose-Mullick committee had been set up. I want to know whether it is a fact that that Committee has already submitted its report. If it is so, what are the recommendations of the committee? Will he lay a copy of the report on the Table of the House? If it is done, Members may know, which are the recommendations made by the Committee, which was set up to suggest an integrated approach. Does it mean that the production cost has to be reduced by the employers? Does it mean that the machinery has to be replaced and rationalisation done, which will result in reduction in the strength of jute-mill workers about which we have had sad experience? As a result of rationalisation, one lakh workers were retrenched after 1950 in the name of rationalisation. This is our sad experience. That is why, I am pointing out this. It should not be your motive to save the interests of the jute-mill owners only. So, I would like to know about these things categorically. This thing had come out in the Blitz also some time back.

They have brought out the fact that the Minister himself has come out with a statement that he does not know actually to what extent he does not actually know whether it has been qualified the jute millowners have diverted their surplus funds to other industries and whether they have made any assessment about Number 2 account of these jute mill magnates which they are always having, about which also it has been mentioned in the Blitz that an estimate made by knowledgeable sources suggests that not less than Rs. 2,000 crores in foreign exchange has piled up in foreign banks by the sheltering tycoon associated with the jute industry and foreign trade.

Knowing it full well, now the Government has given enough concessions to these jute millowners, and the export duties have been withdrawn. Also, the other duties on the jute products have been withdrawn. Cash benefit or cash subsidy for exports has been granted in this case. So, after this, is it the policy of Government to give further concessions to these jute millowners? Or will it set up a Parliamentary Committee to go into the matter, such as the financial conditions as well as the other points raised by the jute mill magnates and also by jute growers and jute mill workers so that Government can take a concrete step in the matter? May I ask the Minister as to what is the ultimate solution to this? Does he not consider that it is now the proper time to take over the wholesale trade in raw jute goods and also export trade and to nationalise the whole of the jute industry which has ruined this country for so long by amassing a large amount of black money which they have diverted, as per the statement of the Minister himself, for other purposes with a view to earning more profits? I want a categorical answer from the hon Minister to all these questions.

PROF. D. P. CHATTOPADHYAYA:  
Sir, I shall try to be as categorical as I can. We are quite aware of the seriousness of the problems; as I have said the Commerce Secretary had been

to Calcutta last week, discussed the problems with the concerned officers and the Ministers and this week, I propose to go there and have a tri-partite meeting representing the interests of the workers, the Government of West Bengal and the industry.

I think the interests of the industry, the mill-owners, workers and the people as a whole are inter-dependent. I think it would not be correct to suggest, as my hon. friend has suggested, that we look after only the interests of the millowners. What we do is that we see the common interests of both. When the mills are closed, then workers suffer. So, we have to see their interests as a whole.

The Bose Mullick Committee has submitted the reports on some items, that is, for helping the Government to formulate its policy, to tackle and solve the problems as far as possible, under the prevailing constraints. The integrated approach referred to by me in my statement relates to jute growers' interests, their export problems and also the problems of modernisation and financing of the industry under the difficult circumstances. All these things are being looked into. The question of subsidy has to be viewed in this context. If our goods are not competitive, that is not entirely due to internal factors because the cost of production and the price of synthetic fibres are due to the efficient management or capital intensive nature of the production. Particularly, the foreign market conditions are not within our control. Therefore, whether a particular export product is to be subsidised or not that is not a matter which we can decide entirely on our own. So, if and when our experts in the Finance Ministry are satisfied that a particular product deserves subsidy to that extent we support. It is not to help any particular mill owner. It is in the interest of all concerned including that of the workers.

Sir, often, mention has been made that jute textiles or jute industry is making huge profits. I am referring to





The Members will observe that the Joint Statement embodies an agreement to restore all the severed links between the two countries. In respect of some of these items, further technical level contacts may be necessary to work out the detailed arrangements for the resumption of the links. It has subsequently been agreed that this entire package embodied in the Joint Statement would be put into effect more or less simultaneously between the 17th July and the 24th July 1976.

I am confident that these positive developments will be welcomed by the House, the people of our two countries as also the friends of our two countries in the region and the world at large. Both countries must recognise the logic of their interdependence and the need for cooperative relations as between neighbours. If peace and mutual confidence prevail in the sub-continent, our nations could more fully bend their talents and energies to resolve the gigantic problems which confront us and play an even more effective role in the international sphere where we have so many interests in common.

#### JOINT STATEMENT

Pursuant to the letter written by Prime Minister Zulfikar Ali Bhutto on 27 March and the reply of Prime Minister Mrs Indira Gandhi of 11 April, the delegations of India and Pakistan met in Islamabad from 12 to 14 May 1976 with the objective of resuming normalisation of relations between the two countries as envisaged in the Simla Agreement. The discussions were held in a frank and friendly atmosphere.

2 His Excellency Shri J S Mehta, Foreign Secretary, led the Indian delegation. He was assisted by representatives of the Ministries of External Affairs, Tourism and Civil Aviation, Finance, Home Affairs, Railways, Shipping and Transport and Commerce. The Pakistani delegation was led by Mr Agha Shahi, Foreign

Secretary. He was assisted by the representatives of the Ministries of Foreign Affairs, Railways, Finance, Communications, Commerce Interior, Information and Broadcasting, Law, Aviation Division and the Departments of Civil Aviation, Ports and Shipping and Pakistan International Airlines Corporation.

3 In regard to matters relating to civil aviation, the two delegations discussed the modality of withdrawing the cases and counter claim pending before the Council of the International Civil Aviation Organisation and agreed to send a joint letter to the Council for the purpose. They further agreed to the resumption of overflights and the restoration of airlinks between the two countries. It was decided that expert delegations from the two countries will meet to work out the necessary details.

4 The two delegations agreed to resume goods and passenger traffic by rail through the Wagah/Attari border. In this connection, the Pakistan delegation stated that the rail track on its side was already functional. The Indian delegation undertook to carry out the necessary repairs on its side as soon as possible.

5 The two sides recognised the advantage that would accrue to trade between the two countries with the resumption of freighting of goods by rail.

6 It was decided that the experts of the two countries should meet urgently to work out a detailed agreement regarding inter-change freight rating, compensation claims, custom formalities, the creation of a wagon pool etc for the goods and passenger traffic between the two countries.

7 The two sides agreed to grant multiple journey visas valid for one year to the members of the railway staff operating on scheduled services along the specified route.

8. The two delegations agreed that goods meant for the other country could also be transported by road upto the Wagah/Attari border. For this purpose, they undertook to make necessary arrangements for the transshipment, warehousing, bonding and customs clearance etc.

9. The two delegations discussed the question of early re-establishment of diplomatic relations between their countries. They agreed that each country should be represented by an Ambassador with supporting staff in the capital of the other country. In view of the problems which had been faced in the past in the functioning of their respective diplomatic missions, the two delegations reaffirmed their adherence to the Vienna Convention on Diplomatic Relations 1961 to which they were party and agreed on a basis of reciprocity, to grant each other's Missions all facilities and courtesies for their normal functioning.

10. The two delegations reviewed the working of the Indo-Pakistan Trade Agreement of 23 January 1975, and the Shipping Protocol of 15 January 1975. They agreed that in terms of Article 3 of the Trade Agreement, in addition to state trading organisations, the private sector be also enabled, with effect from 15 July 1976, to participate in the trade between the two countries subject to the laws, rules, regulations and procedures in force in their respective countries from time to time.

11. The two delegations also agreed that the Joint Committee envisaged under Article 9 of Trade Agreement should be constituted immediately to review the working of that Agreement and that the first meeting of the Joint Committee should be held at the Commerce Secretaries' level as soon as possible and, in any case, before the end of 1976.

12. The two sides decided that a further meeting of the respective shipping experts should be held, as early

as possible, to review the Protocol on Shipping as provided in Article 22 of that Protocol.

13. The two delegations reviewed the existing visa agreement for regulating travel between the two countries. They noted that the arrangements envisaged in that agreement were working satisfactorily and required no change.

14. The two delegations discussed measures for promoting cultural and scientific exchanges as envisaged in the Simla Agreement. They agreed that further discussions on these measures could be undertaken in due course.

15. The two sides held discussions on the question of the detainees and agreed that this humanitarian issue needed to be resolved expeditiously. They also agreed to make efforts to locate persons still untraced and repatriate them with all possible dispatch in accordance with the existing working arrangements.

16. The leader of the Indian delegation, His Excellency Shri J. S. Mehta, was received by the President of the Islamic Republic of Pakistan.

17. The Indian delegation warmly thanked the delegation of Pakistan for its hospitality.

(Jagat S. Mehta)

Foreign Secretary

Ministry of External Affairs,  
Government of India

Islamabad, May 14, 1976.

(Agha Shahi),

Foreign Secretary.

Ministry of Foreign Affairs,  
Government of Pakistan.

COPY OF PRIME MINISTER OF PAKISTAN  
MR. Z. A. BHUTTO'S LETTER DATED 27TH  
MARCH 1976 TO OUR PRIME MINISTER

Dear Madam Prime Minister,

I feel it necessary to take the initiative to write to you on the question of normalisation of relations between India and Pakistan. For a variety of reasons, this process appears to have come to a standstill. The mutual advantage for breaking the stalemate is self-evident. Despite the setbacks, the people of Pakistan stand committed to the objectives of durable peace between our countries.

2. It is regrettable that the process in part at least, should have been interrupted by our inability to reach agreement on the resumption of civilian air communications and overflights. We should have thought that the momentum of normalisation generated by the agreements to restore other communications, would have facilitated an agreement on this issue. It seems pointless to enumerate here the various stages through which these negotiations have passed without achieving results.

3. On our part, we have earnestly explored the question of how we can increase our trade and have, in that context, restored the rail link with India at Wagah and have also agreed to delimit the maritime boundary between the two countries. We have thereby sought to keep intact the process of normalisation. However, so long as there is no progress on other outstanding issues such efforts can be only of partial value and attain peripheral results.

4. In order, therefore, to impart to the normalisation process the impetus that it needs and in keeping with our sincere desire to improve relations with India we would be prepared to go to the length of withdrawing Pakistan's case from ICAO. How else can the impasse be broken?

5. I trust that now the problem of overflights should stand resolved. This

ought to enable us to turn our attention to the remaining issues envisaged in the Simla Agreement.

With regards,

Yours sincerely,  
(Sd.) Zulfikar Ali Bhutto

COPY OF OUR PRIME MINISTER'S LETTER  
DATED APRIL 11, 1976 TO PRIME MINISTER  
OF PAKISTAN, MR. Z. A. BHUTTO

Dear Prime Minister,

Thank you for your letter of the 27th March. You have referred to the present impasse in the normalisation of relations between Pakistan and India. This stalemate is not of India's making. We have been acting on our firm belief that the Simla Agreement enjoins us to persevere sincerely in our efforts towards the establishment of durable peace and harmonious bilateral relations between our countries. I welcome the prospect opened up in your letter of restarting the process of normalisation of relations which would pave the way for reconciliation and the promotion of peace and stability on our sub-continent.

2. I am glad to learn that you now find it possible to offer to withdraw the case pending before the ICAO. The Civil Aviation problem has indeed come in the way of the process of normalisation and your willingness to withdraw it is helpful.

3. I am prepared to instruct our Foreign Secretary to get in touch with his counterpart in Pakistan and arrange for a meeting at a mutually convenient date for joint deliberations to discuss pending matters such as airlink between our countries, overflights and the resumption of rail and road communications. We are prepared to go further and discuss measures for the restoration of diplomatic relations with your representatives.

4. On hearing from you, the schedule for holding such meetings, particularly those arising out of the provisions of the Simla Agreement, can begin. But, in the meantime, I think it is important to make renewed and purposeful efforts to improve the climate of our relations by firmly curbing propaganda which creates mistrust of each other, and desisting from steps which may be hostile to the interests of the other country. The recent statements and observations about India emanating from your side have caused us concern and have given our people the impression that Pakistan wants to arouse suspicion regarding India's policies and intentions towards her neighbours. This is regrettable and hardly conducive to the fulfilment of the Simla Agreement to which you have referred in your letter. We are convinced that none of the countries on the sub-continent can benefit from tensions. In order to progress more purposefully towards the promotion of the welfare of our peoples, we should recognise the logic of our inter-dependence and the need for a cooperative relationship.

With regards,

Yours sincerely,  
(Sd.) Indira Gandhi.

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COPY OF PRIME MINISTER OF PAKISTAN  
MR. Z. A. BHUTTO'S LETTER DATED 18TH  
APRIL, 1976 TO OUR PRIME MINISTER

Dear Madam Prime Minister,

I thank you for your letter of 11th April.

I was impelled to write to you in an earnest effort to resume the process of normalisation of our relations by resolving the impasse over the issue of overflights and airlinks.

Your response suggests that we should now be able to take another step towards that objective. We would welcome your Delegation to visit

Islamabad to conclude an agreement on restoration of overflights and airlinks and to discuss resumption of diplomatic relations and other matters mentioned in your letter. My Foreign Secretary has been instructed to contact his counterpart to arrange a mutually convenient date.

I agree that both countries should eschew hostile propaganda against each other. How can we not share the view that causes of tension in our relations should be removed.

However, I regret to note that you think that it is Pakistan which is at fault. On our side, we are not unmindful of a number of statements which have recently emanated from India and which cannot possibly help in creating a climate conducive to the fulfilment of the objectives of the Simla Agreement.

This notwithstanding, I believe that, given goodwill on both sides, we should be able to overcome impediments to the normalisation of our relations as envisaged by that Agreement.

With regards,

Yours sincerely,  
(Sd.) Zulfikar Ali Bhutto

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DR. RANEN SEN (Barasat): A statement regarding Maulana Bhashani's march to Farakka is also to be made.

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11.25 hrs.

COMMITTEE OF PRIVILEGES  
EXTENSION OF TIME FOR PRESENTATION  
OF REPORT

SHRI M. C. DAGA (Pall): I beg to move;

"That this House do further extend upto the last day of the next session the time for the presen-

session the time for the presentation of the Report of the Committee of Privileges on the question of privilege regarding handcuffing of Shri Ishwar Chaudhry, M.P., at Patna on the 5th August 1974."

**MR. SPEAKER:** The question is:

"That this House do further extend upto the last day of the next session the time for the presentation of the Report of the Committee of Privileges on the question of privilege regarding handcuffing of Shri Ishwar Chaudhry, M.P., at Patna on the 5th August, 1974."

*The motion was adopted.*

11.26 hrs.

#### NATIONAL LIBRARY BILL

**THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S NURUL HASAN):** I beg to move\*:

"That the Bill to provide for the administration of the National Library and certain other connected matters, as reported by the Joint Committee, be taken into consideration."

Sir, the hon. House would recall that in 1972 the National Library Bill was moved in this House. At that time, I had taken the liberty of explaining the main purposes which had led the Government to come out with this motion, and I will not take the time of the House in repeating the arguments which I had then put forward. The House was pleased to appoint a Joint Committee along with the other House which held a very large number of meetings, heard a number of interested persons and organisations, took extensive evidence and has come out with many valuable changes. I would like to take this opportunity

of expressing my gratitude to all the hon. Members who had served on the Joint Committee and who had made their valuable contributions to the Bill as it has now emerged. The most important change which the Committee has introduced is to provide for a very broad-based Board for the administration of the Library. The membership of the Board would be drawn from the members of the two Houses, the University Grants Commission, universities, library profession, scholars in different disciplines covering humanities, science, social sciences, medicine, engineering, technology and law, representatives of the employees and officers of the government. The induction of these members in the Board, I have no doubt, would go a long way in improving qualitatively the intellectual atmosphere of the library, which, it is hoped, would become an active centre of research. Because it was felt that there should be a fairly large board with all the different interests represented therein, it was necessary that for the actual administration, there should be an executive council. Therefore, the Joint Committee has proposed that there should be an executive council, which will perform the duties which the Board might delegate or which might be prescribed under the rules. The Director of the Library, who will be the Chairman of the executive council, will be appointed by the President of India, who will be the visitor of the library. This innovation has been deliberately added by the Joint Committee in order to lend further prestige to the national library, because notwithstanding the fears that have been expressed in certain quarters, the national library is the most prestigious library we have in the country. Its position is guaranteed by the Constitution and the Government would like to do everything in its power within the constraint of financial resources to ensure that the national library is able to perform the duties which a national

\*Moved with the recommendation of the President.

[Prof. S. Nurul Hasan]  
library of a great country like India is expected to perform. For the purpose of accounts and audit, provision has been made that the audit will be done, as it has been done hitherto, by the Auditor General of India whose control has been maintained.

This Bill, as reported by the Joint Committee, has also tried to give the fullest protection possible to the existing employees of the library and we have done everything possible to see that their interests are fully protected. There is one misconception which I would like to take the opportunity of removing at this very stage because it might facilitate the business of the House and that is, what is called a view which has been expressed by many people that a comprehensive Bill to provide for a library system be brought. Under the Constitution, libraries are in the State List and this Parliament does not have the legislative power to provide for the management or administration or even control of libraries in the State sector, except where a particular library has been declared to be an institution of national importance.

The House may recall that there is a specific entry in List I of the Seventh Schedule which gives the Parliament the power to legislate for the National Library. The fear that by creating a statutory authority to manage the Library, the Government is giving up its authority or responsibility is not well founded. After all, so many prestigious institutions of the country are governed by acts passed by this House along with the other House. For example, the Institutes of Technology, central universities, the Indian Museum and other prestigious organisations. Any institution for which this Parliament passes an act does not mean that this Parliament abdicates its authority. This primary responsibility remains and, therefore, Government remains answerable to the House for the

maintenance and well being of this particular institution.

I would not like to take more time of the House at this stage. I commend the Bill as reported by the Joint Committee subject of course, to the consequential amendments which are of a routine nature, to the House.

MR. SPEAKER: Motion moved:

"That the Bill to provide for the administration of the National Library and certain other connected matters, as reported by the Joint Committee, be taken into consideration."

श्री मूल बन्द शाह (पाली) : आजकल हम हर लैजिस्लेशन हरीडली पास कर रहे हैं। यह स्थिति के अनुरूप है इस बिल में इस बारे में मैं थोड़ा मा आपकी सेवा में निवेदन करना चाहता हूँ। हमारे देश के लिए यह बहुत अच्छी बात होगी अगर हर बड़े शहर व कस्बे में पुस्तकालय खल जाएं। आपने कहा है कि यह राज्यों का विषय है। हम सविधान को बदलने जा रहे हैं और बदल भी दिया है। हम कह रहे हैं कि शिक्षा को कनवेंट मवजेक्ट बना दिया जाए। आप राज्यों को गाइड लाइज तां दे ही सकते हैं। बेशक यह राज्यों का विषय है लेकिन आप राज्यों को गाइड लाइज दें। हर राज्य में लाइब्रेरीज जगह जगह होनी चाहिए। जिस देश में लोगों को पुस्तकों से प्रेम होता है, जो लोग पुस्तकों को पढ़ने में रुचि लेते हैं वह देश बहुत बड़ा समझा जाता है। इससे लोगों का मानसिक विकास होता है। किसी शहर में पुस्तकालय में जा कर आप पता कर सकते हैं कि उस शहर के लोग मानसिक रूप से किस हद तक विकसित हैं। हमारे देश में म्युनिसिपैलिटीज भी लाइब्रेरी को चलाता है। मगर भी

जगहें ऐसी हैं जहां लाइब्रेरीज तक की व्यवस्था नहीं है। ये गन्दी जगहों पर बनी हुई हैं। उन में किनाबें पुरानी पडी होती हैं। नई खरीदी नहीं जाती हैं। ऐसी ऐसी पुस्तकें उनमें रखी रहती हैं जिनको पढना कोई पसन्द नहीं करता है। इस तरह की चीजों को और आप ध्यान देंगे तो देश का बहुत कल्याण होगा। स्वामी रामतीर्थ ने कहा था कि कपडे पुराने से पुराने पहनों लेकिन किताबों नई से नई खरीदी। हम लोगों को उसी तरह से किनाबों से प्रेम होना चाहिए जिस तरह से अलगेशन जी को हं या आजाद साहब को है। रोज नई नई किनाबे ये पढने हैं। हम को भी पढनी चाहिए। इसने दिमाग मे ताजगी आती है। दिमाग में नई चीज कोई पैदा करनी है तो किताबें नई से नई पढने को मिलनी चाहिए। अध्यक्ष महोदय, आपकी अध्यक्षता में यहां पर जो लाइब्रेरी है उस पर हम लोगों को गर्व है। हम राज्यों मे यहा आए है। उनके मूकाबले में यहां का पुस्तकालय बहुत ही अच्छा है। लेकिन डिस्ट्रिक्ट हैडक्वार्टर्ज, बडे बडे कस्बों और गावों में कोई लाइब्रेरी नहीं है।

सरकार ने एक पद्धति बना रखी है कि जब वह अपनी जिम्मेदारी को टालना चाहती है, तो वह एक बोर्ड बना देती है। हॉलाक शिखा मंत्री ने बडी कुशलता के साथ कहा है कि हम अपनी जिम्मेदारी ने बचना नहीं चाहते हैं, लेकिन जब कभी हम इस बारे मे कोई प्रश्न करेंगे, तो वह जवाब देंगे कि एक आर्टोमोस बोर्ड काम कर रहा है, उसके मामलों में हस्तक्षेप कर ने का हमारा कोई अधिकार नहीं है।

ये सारे बोर्ड एक ही तरह के बनाए जाते हैं उनमे सेक्रेटरी प्रादि कुछ सरकारी

अधिकारियों और कुछ प्रोफेसरों को रख लिया जाता है। लेकिन हम देखते हैं कि जो लोग सेवा करना चाहते हैं, और जिन को फुर्मत होती है, उन को तो बोर्ड में नहीं लिया जाता है, मगर जिन लोगों को पहले से ही बहुत काम होते हैं, उनको बोर्ड का सदस्य बना दिया जाता है। इस लिए आवश्यकता इस बात की है कि जो लोग सेवा मे नदी है, जो रिटायर हो चुके हैं जो साहित्यकार या फिलासफर हैं, जो इस क्षेत्र मे काम करता चाहते हैं, उन को बोर्ड का मेम्बर बनाया जाए।

जिन सरकारी अधिकारियों को बोर्ड का मेम्बर बनाया गया है, उन को मीटिंग में भाग लेने के लिए कलकत्ता जाना होगा। जब वे थके मादे कलकत्ता पहुंचेंगे, तो वे बोर्ड के डिमक्शन मे ठीक तरह से भाग नहीं ले पाएंगे। इस बिन मे यह व्यवस्था भी की गई है कि अगर कोई बोर्ड का सदस्य स्वयं उसकी मीटिंग मे न जा सकें, तो वह किसी अन्य व्यक्ति को उस मीटिंग मे जाने के लिए एथाराइज कर सकता है। इसका नतीजा यह होगा कि कई दफा सेक्रेटरीज खुद नहीं जाएंगे और अपने अफिप सुपरिन्टेंडेंट को मीटिंग मे जाने के लिए कह देंगे।

जैसा कि मैंने कहा है, जिन लोगों को अन्य कामों से फुर्मत नहीं होता है, उनको ऐसे बोर्डों का मेम्बर बना दिया जाता है। इसमे व्यवस्था की गई है कि इस बोर्ड मे छः सदस्य सैट्रन गवर्नमेन्ट के द्वारा नामिनेट किए जाएंगे। मैं फिर निवेदन करना चाहता हू कि जो लोग रिटायर हो चुके हैं, जो एजुकेशनिस्ट, साहित्यकार और विद्वान हैं, जिनको आज कोई और काम नहीं है, उन को बोर्ड का मेम्बर बनाया जाए। एजुकेशन सेक्रेटरी और फिनांस सेक्रेटरी प्रादि



[श्री मूल चन्द ढागा]

सरकारी अधिकारियों को इस विषय में कोई इन्स्ट्रुट नहीं होता है। उन को तो सिर्फ टी० ए० और डी० ए० कमाने सेकी ई इन्स्ट्रुट होता है। इसलिए जिन लोगों को इनमें दिलचस्पी है और जो मिशनरी भावना से काम करने हैं उनको इस बोर्ड में काम करने का मौका देना चाहिए।

इस बिल में कहा गया है कि इस बोर्ड में देश की यनिवर्सिटियों में से किमी एक का प्रतिनिधि भी होगा। क्या यह जरूरी है? जो बड़े लेखक हो, जो आज सर्विस में न हो उन को बोर्ड का मेम्बर बनाना चाहिए। अधिकांश एम० पी० जो ऐसे बोर्ड में काम करने की इच्छा में नहीं होते हैं। उदाहरण के लिए जब श्री इन्ड्रोजन गुन रिटायर हो जाए बहुत बड़े हो जाए तो बीस साल के बाद उनका एम बोर्ड में मेम्बर बना दिया जाए। इस वकन ता ऐसे लोग न पार्लियामेंट का छोड़ेंगे और न बोर्ड की मीटिंग में जाएंगे। क्योंकि राजनीतिक कामों में उन को अधिक लीन होती है। ला मिनिस्ट्री न ऐसे बोर्ड बनाने का यह तरीका अपनाया हुआ है कि एक सरकारी टीम इकट्ठी कर दी जाये। वे लोग हवाई जहाज में कलकत्ता जायेंगे। वहां मीटिंग होगी फिर लव होगा और उस क'वाद कह दिया जायगा कि अमुक अमुक डिजिटल लिये गये हैं। इस लिए यह जरूरी है कि जिन लोगों को महत्व में रूचि है, उन्हें को इस बोर्ड का मेम्बर बनाया जाये। मेरे जैसे लोगों का उनका मेम्बर बनाने की जरूरत नहीं है।

सरकार ने यह सोचा कि यह बोर्ड बहुत लम्बा चौड़ा होगा उस में चानोच मेम्बरों होंगे, इस लिए उस ने एक एक्सीक्यूटिव कौंसिल बनाने की व्यवस्था भी कर दी है।

सरकार कानून को इतना लचीला बन तो है कि सारी पावर एक्सीक्यूटिव एथा-रिटीज को दे दी जाती हैं। इस बिल में भी हर बान में डेलीगेशन ऑफ पावर की व्यवस्था की गई है। इस में कहा गया है

"The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings including the quorum at meetings, as may be provided by regulations made under this Act."

किन्तु अच्छा कानून बनाया गया है कि एक्सीक्यूटिव एथा-रिटी अपने रूप बना कर यह फैसला करेगी कि कब मीटिंग करनी है, कहा मीटिंग करनी है उस में क्या डिमंड करता है और किन्तु खर्चा करता है, प्रादि। मसूची या लखनऊ वगैरह कहीं भी मीटिंग बुलाई जा सकती है। हमारे राजस्थान में नैसनगर में चांदनी रात में मीटिंग बुलाई जा सकती है। मैं समझता हूँ कि सरकार जब कोई कानून बनाये तो उस में सरकारी अधिकारियों को यह अधिकार न दे दिया जाये कि वे नियम बना कर जिन तरह चाहे, उस तरह काम चलाये। इस तरह खर्चा बहुत बड़ जायेगा।

इस बिल में कहा गया है

"If any member, being an officer of the Government, is unable to attend any meeting of the Board, he may with the previous approval of the Chairman, authorise any person in writing to do so"

इस तरह तो कोई सरकारी अधिकारी अपने पीयन को भेज देगा।

इस में यह व्यवस्था भी की गई है

"The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act,

any person whose assistance or advice it may desire in performing any of its functions under this Act."

अब आप ने और तीसरी पावर क्या दी है कि बोर्ड की जब इच्छा हो कि हम को फिल्म रेकर्ड्स को शामिल करना है तो उन को शामिल कर लें, वह आ जायें। यू कैन एसोसिएट एनी मैम्बर। कोई गाइड लाइन नहीं रखी गई है। इतना अच्छा कानून यह आपने बनाया है। ज्वाइंट कमेटी ने कानून बनाने समय यह सोचा था, आखिर कानून की मंशा यह होती है कि जिम के अंदर एग्जीक्यूटिव आफिसर को कुछ बांधा जाय और इम में उन को खुनी छूट है। और आदर्शगीय प्रोफेसर साहब, यह आप का काम नहीं है, यह काम है लीडिपार्टमेंट का। आप माफ कीजिए, यह तो कानून ऐसा बनाया है कि जैसे नियम बे बनाना चाहें बना लेंगे और सारे अधिकार उन के पास होंगे। उम में आपका खर्चा बहुत होगा। बेहतर यह होगा कि आप नया तरीका निकालिए। एमजॉमी के बाद पुरानी चाल को छोड़ दीजिए। मिशनरी स्प्रिंट जिन की हो, बाल्ट्री सर्विस आफर करने को जो तैयार हों उन को ले आइए।

**SHRI SOMNATH CHATTERJEE** (Burdwan): Mr. Speaker, Sir, this Bill is an example of how a national institution like National Library is being bureaucratically sought to be dealt with against the preponderance of opinion of all sections of the people who have taken the trouble of appearing before the Joint Committee, giving their views and submitting memoranda. We should look at the National Library as a national centre of learning, as a unique seat of research and reference from the national point of view. The approach should be to look at it as a national repository of the production of intellect, wisdom and creative genius, as one of the Members of the Joint Committee has said.

The Bill was introduced in the House in December, 1972 when, in view of the opposition or the submissions that we had made from this side of the House, the Minister was good enough to adjourn the debate on that day and refer the Bill to a Joint Committee. But we find that there is no structural alteration so far as the initial proposals were concerned. Some of the previous lacunae have been sought to be filled in. Still we are opposed to the very method which is now sought to be adopted and laid down in the Bill as to how in future the affairs of the National Library should be looked after or managed.

The only real change that has been made is that the Joint Committee has appreciated the relationship of this Library as a unique seat of learning with the city of Calcutta and we are happy about that. It has now been provided that the location will be at Calcutta. There is an addition of the words "of India" after National Library and we only hope that addition of these words will not be in name only.

There have been serious complaints about the functioning of the National Library some time past because of purely personal intrigues, machinations, rivalries, complaints and cross-complaints that were made because of the disputes between the Librarian and the then Deputy Librarian and the Assistant Librarian. The Government had appointed a very important Committee and, when I say 'important', it is because of the constitution of that Committee under the chairmanship of Dr. Jha to go into the working of the National Library. This reviewing committee headed by Dr. Jha, the former Vice Chancellor of the Banaras Hindu University made several recommendations which, according to them, would have improved the working of the National Library. I am going to read some of the basic recommendations of this Committee which consisted of Dr. Jha, Prof. Hiren Mukherjee and other

[Shri Somnath Chatterjee]

eminent scholars and academicians, the Vice-Chancellor of the Bangalore University, the Director, Mr. Kesha-  
van and also the Government nomi-  
nees.

This Committee primarily recom-  
mended that it should be under the  
Central Government, that its histori-  
cal background should not be disturb-  
ed, that it should continue to remain  
as a department of the Education  
Ministry of the Central Government  
and that, instead of an Advisory  
Council there should be a Governing  
Council with certain semi-autonomous  
powers to deal with the day-to-day  
administration and functional matters  
of the Library and to implement its  
policies. The second major recom-  
mendation was that there should be a  
Director of the Library who will have  
a status equivalent to that of a Vice-  
Chancellor of a University. None of  
these recommendations has been ac-  
cepted, except that there is going to  
be a Director of the National Library.  
We had expressed this grievance on  
the last occasion when the Bill was  
debated and, after the form in which  
it has come out of the Joint Com-  
mittee, we would like the Hon. Minis-  
ter to tell us why it has not been pos-  
sible for the Government to accept  
the recommendation of the Jha Com-  
mittee which went into the matter in  
much greater depth than a Joint Com-  
mittee would do. They made certain  
specific recommendations with regard  
to the future management and func-  
tioning of the National Library. Now,  
why does the Central Government  
want to absolve itself of the direct  
responsibility of management and  
control of this National Library? It  
owes this explanation to the country  
because I believe the Government  
will admit this much that the Na-  
tional Library at Calcutta is the Na-  
tional Library of India. We want that  
there should be better library facili-  
ties and that there should be better  
and better regional libraries; but it is  
not a question of any parochial ap-  
proach. After all, we have said that

in view of the association of the city  
of Calcutta with this particular Li-  
brary; now that it has been made the  
National Library, it should continue  
to be located at Calcutta, and this has  
been accepted. We want better li-  
braries in different places and better  
library facilities in even rural areas,  
but that is not the point. The point  
is why the Central Government  
wishes to absolve itself of direct res-  
ponsibility for the management of this  
institution. The apprehension is this  
—that the Government wants to find  
out a scape-goat for the future mis-  
management of this library; they want  
to disown their responsibility for the  
management of this institution. We  
are not enamoured as such of Central  
Government control but we have got  
very great apprehensions about what  
is sought to be substituted in its place.

Now, the proposal is to form a Board  
which will consist of 29 Members. The  
recommendation of the Review Com-  
mittee was that persons like eminent  
Professors, responsible and distin-  
guished educationists, administrators  
of proven worth and of an academic  
bent of mind and scientists should be  
taken into the Governing Council.  
That was their recommendations, but  
now they are not having a Governing  
Council. On the other hand, the  
Board will consist of 29 Members, sup-  
posed to be representing different in-  
terests. In some cases, the States will  
make the selection; in some cases, the  
Central Government will make the  
selection and in some cases other  
authorities or agencies will make the  
selection. The Central Government is  
trying to make this Board autonomous  
with 29 people! How difficult will it be  
for these people to meet and chalk  
out an integrated policy, having no  
common basis except membership of  
this Board!

12 hrs.

Along with this, what is proposed  
is to have an Executive Council with  
nine persons and this Executive Coun-  
cil has no assigned job under the

statute; they will only assist the Board in the exercise of its powers and in the performance of its duties under this Act, and exercise such of the powers and perform such of the duties of the Board as may be prescribed or as the Board may delegate to it. Therefore, how do we streamline the administration of the National Library? How do we expect to achieve a proper scholastic approach, if that is the word to be used, proper approach of persons who should be there as recommended by the Review Committee? How is that sought to be achieved? Kindly see this. Different types of interests, all sorts of influences, are sought to be brought in the matter of selection of the members of this Board. And what are the criteria for membership of the Executive Council? No criteria are indicated in this Bill. Instead of the Central Government with the Minister at the head being directly responsible for its day-to-day functioning, we are going to have 29 plus 9 in 29, all sorts of interests are intended to be brought in plus nine to represent unidentified interests—, that is to say, 38 persons. There are bound to be stresses and strains and pulls and pushes in the future administration of this National Library. There is no question of any political consideration here. We do not want to approach it from that point of view at all. We are trying to look at it from the point of view of having a real National Library for this country. Now, by absolving itself, by getting rid of its direct responsibility, the Central Government, I think, is not achieving what every one of us really wants to achieve. I am not imputing anything else. I only request the hon. Minister to see whether, by this, he is really accepting the spirit—not the terms, surely not—of the Jha Committee's recommendations. By this, are they accepting what has been almost unanimously stated—this is what I understand from the report? I was not a member—by all the members, witnesses and all those persons who had appeared 887 L.S.—2.

before the Joint Committee? Why this two-tier system of administration? I would request the hon. Minister to tell us about this. When we are going to have a Governing Body and a Director, why should there be, in between, an Executive Council with nine Members, qualifications of whom are not known? This diarchial system of administration in a body like this will not help. That is our respectful submission, and I request the hon. Minister to give his very serious consideration to this. I know, the matter having already been reported by the Joint Committee, his hands are now tied. But this is not a question of not coming prior to that. It is a matter of approach, it is a matter of policy, it is a matter of outlook, how you want these matters to be dealt with.

You can see some basic flaws in this Bill. There are two main things that a library in a country like ours should have. First, the necessary funds should be there. A library like this should have funds, apart from its management and control. What about funds? That has been one of the difficulties in the proper growth of this Library in keeping with the statute of this country. There are a large number of people who really want to take advantage of this Library. People from different parts of the country are coming to Calcutta to study in this Library. Considering the miserable condition to which the Library was brought because of the unfortunate intrigues and all sorts of considerations being brought to bear on the functioning of this Library, some remedial measure was necessary. About availability of books to this Library, there is a law that copies of all publications should be sent there; even that is not being carried out. That is our information; if I am wrong, the hon. Minister may correct me.

About micro-filming, they have now got a Xerox machine; whether that is sufficient for coping with the

[Shri Somnath Chatterjee]

task there, I do not know. This aspect has to be looked into.

Now what about grants? Kindly see clause 22 of this Bill. It says:

"For the purpose of enabling the Board to perform its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise".

Who will be controlling the purse? There is a provision for framing of the budget by the Board, but what is this budget? The framing of the budget will depend upon the munificence or the lack of funds from the Central coffers. What you allot to them, whether it is in keeping with the requirements of the National Library, that is not indicated. It is not that the grant will follow the budget. Central grant will not be accordance with the requirements of the Board. The Board will fix its requirements, they will draw up their policies and programmes and they will quantify the amount they will need. But this assistance will not follow the requisition and requirements of the Board. The Board will have to cut down its programme, policies and requirements on the basis of Central Government assistance. Therefore, in the main sphere, the Central Government will have the control. They will draw the financial ambit or the jurisdiction of the Board, but will make over the power in this indirect form to the Board just for the purpose, as I said, to disown responsibility for it, for a national institute like this and may be for finding scapegoats for the mismanagement that might take place or has been taking place. These are matters which are agitating our minds.

With your permission, Sir, I would like to read from the Report of the Joint Committee a portion relating to the minutes of dissent of Shri Samar Guha and others. They say:

"The present National Library Bill has been opposed by the intellectual community of Bengal and other parts of the country. All the editorial comments of the dailies and periodicals made about the Bill are against it. All of them opposed the proposal for assigning an autonomous status, as envisaged in the present Bill, to the National Library, and preferred functional autonomy delegated to it through a resolution of the Government, instead of having it by an Act of Parliament. A fear has been expressed by all witnesses, intellectuals of Bengal, and newspapers barring that of a microscopic few that this present Bill, if enacted, it will sweepingly change the historical character, fundamental concept and the age-old heritage of the National Library as the custodian and repository of the creative production of the creative minds of our country....."

These are apprehensions and these are not motivated apprehensions. I hope, the hon. Minister appreciates that. They do not gain any personal benefit out of that. This is prompted by considerations for the advancement of this institution and for its proper maintenance.

The next point which is of great importance is the question of staff. Previously, there was no provision, but in the present Bill, the provision that has been made is for transfer of services of the existing employees to the Board for which an option has been given. There is some improvement from the Bill as it was originally drafted and introduced in the House. The option that is being given has to be exercised; we would like to know what will happen to those who will not give their option. What are the special features of

brining these staff within the Board itself? What is the special feature of converting them from Government employees to board employees? What are the special circumstances necessitating these changes to be made? Please tell us about these things because this is a matter which has caused a great deal of justified apprehension in the minds of the staff. If you want them to do their best work, if you want them to do dedicated work, etc. don not disturb whatever little of freedom they are enjoying now. Everybody knows that there will be no protection except Art. 311 and even that may go at any time, we don't know. But so long as it is there, why should anybody be deprived of his right as Government servant, it is not that we enjoy any great rights under our Constitution? These are the points which I request the hon. Minister to take into consideration and do the needful.

Sir, the approach here seems to be to equate the national library with any other production units like Hindustan Steel or any other autonomous body. That should not be the approach. In these fields, Government sets up a corporation or a company where some expert approach has to be given, where it is not possible to look after day to day affairs of production or commercial unit or manufacturing unit, etc. But here that sort of approach will not do. Here is a National Library which everybody looks up to with pride and with satisfaction. It should be a real seat of learning, a unique centre of research. We should be able to attract people from outside the country also. But it is handicapped by mismanagement and by lack of finance and so on. Now the Central Government in its wisdom says that it will have no responsibility, but this will be left to these 29 plus 9, that is, 38 masters. We don't want 38 masters of national library of this country. Therefore, I request the hon. Minister to consider these points and see that these matters which

agitate the minds of people are looked into and proper steps taken.

There is the Pearey-Mohan Library of Uttarpara with important and are manuscripts and documents, which are well-known. It is a unique library. For lack of proper maintenance, proper financial support, there is very great danger of these national assets being wasted. The hon. Minister should take steps to see that those national assets are properly protected and preserved. They should be taken to the National Library which could properly preserve them. The Library of Bangiya Sahitya Parishad is also a very unique institution. I am sure the hon. Speaker Knows, about that. The hon. Minister knows about it. The same is with regard to Asiatic Society Library. Many families have donated their libraries and family books like the families of Sir Asutosh Mukherjee, Dr. Tej Bahadur Sapru, etc. They have donated them with the object that the Government of India will take direct responsibility.

As one of the Members of the Joint Committee has pointed out why should you substitute the recipients of the gifts? 29 plus 9 is a very doubtful number to bring about any real change in the situation.

With these words, I conclude.

SHRI B. V. NAIK (Kanara): Mr. Speaker, Sir, I rise to support this Bill though many of us, since this is situated in Calcutta, for right historical reasons, have not been able to visit this National Library. The reputation of this Library is very far flung.

Sir, I have certain reservations regarding the recurrent problems on our constitutional handicaps that, leaving aside the National Library, we, here, in Parliament and the Centre cannot do much about libraries in this country as a whole and the library movement in particular

ore,  
hon.

[Shri B. V. Naik]

in this country because of the fact that the libraries have been included under Entry 12 in the State List in the Seventh Schedule of the Constitution. Our learned Minister, in a way, has virtually put a stop to the Library movement in this country which, I think, next only to the other movement for economic betterment, is one of the most important aspects, of which any Government, more so, a democratic representative Government should be most particular.

It is true that the small town libraries, the district libraries and, thereafter, the State level libraries—these are the focal points—attract perhaps the cream of our intelligentsia. I do not understand why these elected intelligent readers have been classified like this here. There are general readers, students—undergraduates and post-graduates—research workers, professional men and reputed scholars. Does the hon. Minister feel that this cream which exists throughout the country spread as a small layer through two or three-tier systems electing their management at the district level and the district level managements electing their managements at the State level and the State level managements electing their managements for their National Library to give it an all-India image, all-India representative character, would have been very difficult for about a million intelligent readers with perspective who know their responsibility much more than many of us who have been sitting here in this august House? Then, why is it that—of course the burden would be shifted to the Joint Committee—List Number I and List Number II of the Seventh Schedule which are sorts of road blocks to our Library movement, cannot be appropriately corrected? And why is it that, in our country, we have treated the elected representative as a poor substitute for a nominated person constituting the Board?

Mr. Daga has very rightly pointed out the evil of that body. I would not consider that the officer would be irresponsible enough to nominate a peon or a cook or an astrologer on the Board. How do you then expect a Secretary or a person of that responsibility who has many other things to do to effectively function on your National Library? The Board meetings most probably will have to be called at Calcutta and they have to find time for that. Is this country so bankrupt that we cannot give, as Shri Somnath Chatterjee said, 21 or 29 people to adorn this National Library? Is it not possible? The figures are not important but the underlying idea is important. Will the hon. Minister, therefore, kindly give us a promise that the constitution of these libraries will be made representative in character and principally filled in by the reading public.

When I see the Library Bill—with due apologies to the labours of the Joint Committee which went into it. It has been hanging for the last 4-5 years since its introduction in 1976 I feel that it seems to have been drafted by some book-worm working in Shastri Bhavan in the Ministry of Education and the book worm is inhabiting not the books of the National Library but the files of the Education Ministry and the bureaucratic atmosphere. A file-worm would be a more appropriate word.

I would request an eminent educationist like Prof. Nurul Hasan to pull out this library from the morass it has been put in because of the long history through which this Bill has gone.

Further, Sir, progressively in this decade or in the last twenty to twenty-five years the library-goers have decreased in number. The serious student reads at home because of the competing media. Perhaps the figures may prove contra but if the hon. Minister compare the literacy percentage in this country

with the number of the people who go to the library, he will definitely find there is no parity. The number is less now. It is understandable. There is the cinema. It is one of the most powerful media of education today—sometimes of anti-education. There is the television in the big cities. Of course, the most welcome are the art galleries. Is it not possible that this national library also caters to these various positive media? I do not mean the rubbish that goes in the name of cinema. Why should a good segment of the Indian cinema also not be kept in the libraries along with the books that are going to be there?

**MR SPEAKER** Mr Naik, do you want that cinema should be in the library?

**SHRI B V NAIK** Sir, the most advanced libraries are no more the places where they read. On the other hand, they put on the ear-phone and go on listening to a particular book. I think there is nothing wrong and as a powerful medium there should be no mental or intellectual obstruction.

**MR SPEAKER** Now, what you say is different from the cinema?

**SHRI B V NAIK** May be this idea will take its own time.

**SHRI N K P SALVE** (Betul) May be people at the end of the twenty-first century will realise that it is a correct idea?

**MR SPEAKER** Mr Naik wants to be a prophet.

**SHRI B V NAIK** Sir, I do not know whether I will succeed in being a prophet. But, at the present moment I seem to be ridiculed like a prophet.

Sir another point I would like to make is this. I think I could remember the name of the great Librarian, Dr Ranganathan, who has given the decimal system which has been adopted, as far as I know, throughout the

world. The UNESCO has recognised his merits. He was at least in 1970s staying in Bangalore. We have contributed to the world Library Science in an enormous way through this single individual. We do hope that such people will find a place in this National Library. With due deference, with a heritage of culture of Bengal, I do not see the practicality of a student or a reader who is studying in Bangalore or in Trivandrum being able to go to Calcutta.

**SHRI SOMNATH CHATTERJEE**  
You can go to Delhi.

**SHRI B V NAIK** No. People can not afford the luxury of coming even to Delhi or to Bombay or Calcutta. If you kindly bear with my analysis of the problem you will find that my solution is different. Why don't you kindly in order to take the benefit of the heritage and culture of Calcutta and West-Bengal arrange for certain scholarships from all over the country from the various parts of the country? I am not asking for a branch. Mr Somnath Chatterjee I am not asking for a branch so that these people from far off places can benefit from that. Is it there it is not known to us. To that extent I think it is insignificant. Kindly make it more significant so that a large number of people will have been served with the twin objectives of making access to the excellent library and the collection of 1½ million books available to the people all over the country and at the same time besides studying the art literature culture and heritage of Bengal they would also have the feeling of national integration. I do hope rather than stick to this top obstacle in our Constitution that this Bill will not put an end to the Library movement in India because we may call them intellectuals or any other names but these are the conscientious ones who have got to be cultivated and the cost versus benefit ratio is going to be enormous if we concentrate upon this reading public. They will be our educators of the future and, therefore I hope as soon as possible the hon



[Shri B V Naik]

Minister will come up with a scheme or a programme or even Resolution like the Road Development Resolution which we considered for transport so that the Library movement in this country is built up and fostered I support the Bill

**SHRI H N MUKERJEE** (Calcutta—North East) Mr Speaker, Sir, I confess that having been out of town for several days, I have been taken some what by surprise by this Bill coming up sharply this morning. But I welcome this opportunity in spite of certain handicaps I am suffering from at moment, I welcome this opportunity of taking part in this debate because I have been associated with this subject and the reconstruction, so to speak, of the National Library for quite sometime now. This Bill, as you know, has been hanging fire for long enough a period. 'The National Library Bill 1972, was the original caption with which we started and the preparation of this Bill had been preceded by the work done by what was known as the Jha Committee, of which I had the privilege of having been a Member. This Jha Committee which had made a review of the work of the National Library as well as of Libraries of comparable character in other parts of the country had formulated certain conclusions the kernel of which the substance, the basic content of which has been I believe taken over by Government in so far as the formulation of this Bill is concerned.

I remember that when we thought of the problem of libraries in our country the National Library in Calcutta occupied a large part of the canvas because it inherited what had been the collection of what was known as the Imperial Library in the British days and on account of the fostering support which was given to it by such eminent people as Maulana Abul Kalam Azad and Jawaharlal Nehru himself the library has continued to be considered to be the focus of our national library movement in this

country and a sort of intellectual centre from which would emanate influences which would make for a larger and more comprehensive intellectual life for the whole of the country.

Like so many other things, what we have wished for does not appear to be achieved and the National Library falls far short of what it should be in a country of our sort. But things being as they are, the National Library in Calcutta has come to be considered to be the repository which should be taken up on a national scale for development as the principal library which corresponds to the position of *Bibliothèque Nationale* in Paris or the British Museum in London or the Library of Congress in Washington. Our National Library can hardly be named in the same breath as the Lenin Library in Moscow and other libraries I have just mentioned. Even so conditioned as we are the National Library in Calcutta is the best we have got and it is a good thing that the Jha Committee discovered and the Joint Committee which went into the clauses of this Bill, going round certain parts of the country also discovered how happily there is not a feeling of jealousy or some undesirable kind of competition in so far as the National Library in Calcutta is concerned on the part of comparable institutions. For example the people in charge of the Royal Asiatic Society Library in Bombay or the Connemara Library in Madras look up the National Library in Calcutta not as a rival so to speak not as an institution which they would like to push back and surpass in so far as their own importance is concerned but they look upon the National Library in Calcutta as more or less the first among equals. In addition to that, the National Library because of historical reasons has got the largest collection of books manuscripts periodicals etc that we have in this country. Therefore it was more than time that something was done to rejuvenate the National Library, because it had got

into a very bad predicament and for many years now it has been hardly under any direction so to speak, so that it has continued more or less as a run of the mill library which could hardly perform the national functions which is its proper task. That is why it is terribly important to do something about the National Library and at long last I hope something would be done by Government in this regard.

For so many years now we have not had in the National Library a librarian worth speaking of. The idea was to appoint a Director of the National Library of a certain status, of a certain intellectual calibre, of a certain character, which would command the respect of intellectual workers in different parts of the country. But for a long time now, the library has been run by more or less glorified clerks. I mean no disrespect to the people who are in the administration of the National Library there on the spot, but the charge of a library of this description should have been in very much more capable hands. But on account of a variety of circumstances, we have found the National Library somehow carrying on from day to day.

I am sure that now this Bill is going to be put on the Statute Book, something more positive is going to be done. The Joint Committee had decided that it was important to give an autonomous character to this Institution so that the National Library could function as a real intellectual focus and it need no longer be under the thumb of deputy secretaries or even under secretaries from Delhi, operating from a long distance and not knowing the real problems of the library or broadly the intellectual life and needs of the country. The library should be conducted in a manner which would be in conformity with the intellectual atmosphere of this country. And, therefore, the idea was that there should be an autonomous board which would be sufficiently distinguished—intellectually and otherwise—and that it would have the powers which the Government could delegate to it.

There have been some questions asked in regard to how the autonomy should have been organised. There was a dispute as to whether it should be delegated autonomy or statutory autonomy. But then, Government discovered that delegated autonomy was a matter which could not be defined in precise terms of legislation and, therefore, for safety's sake, the autonomy had to be statutory. I know that there was in the minds of many people, not only in Calcutta but elsewhere also, a certain feeling against the idea of statutory autonomy. But since autonomy is important—and I feel for myself that autonomy in an intellectual institution of this sort is absolutely important—it is good that the legislation now delegates to the National Library the autonomy that it should have. There might be some improvements made in regard to the composition of the Board. I am afraid. I have not had the opportunity of sending any amendments in that regard. I do not know whether my colleagues have thought of some substantial amendments in regard to the composition of the Board which would be running the Library in an autonomous manner. I am sure, the Joint Committee had gone into the matter at great length and my friend, the Minister, had played his role in a manner for which I have to pay compliments to him, because he had shown considerable understanding of the problem. He also showed understanding of the controversial issues which were raised and he was ready on many occasions to yield and accept many of the suggestions that were put forth in the Joint Committee proceedings. I am happy particularly for instance when I find that in the Joint Committee it was decided and that has been made part of the Bill now, that the National Library at Calcutta would now be described as the National Library of India. I know that particularly in my part of the country, there is a lingering fear that Delhi might have all kinds of intentions in regard to the National Library at Calcutta. In my part of the country, there has also been, for a long time,

[Shri H. N. Mukerjee]

a suspicion about the intentions of New Delhi in regard to what happens in that region and, therefore, there has been an apprehension that perhaps there is an idea of shifting the National Library from Calcutta to somewhere else. We have heard from time to time that in certain parts of the country, there is a grouse that the National Library is situated in Calcutta which is a little too distant, now not as central as it used to be, besides, for a variety of reasons, Calcutta is a place to which many of our own people have begun to develop a kind of allergy. The idea is sometimes bruited that the National Library should be shifted from Calcutta to somewhere else, and why not in Delhi because everything is centred in Delhi now. The Minister, however, came forward cordially to accept the motion that was made in the Joint Committee that the nomenclature should be National Library of India just as we have the National Archives of India. And the very nomenclature carries a certain distinction, almost a kind of glory which, I think, would re-assure the people in my region that there is no intention on the part of the Government to shift the library from Calcutta to anywhere else. And the Minister also went out of his way to re-assure in the House and elsewhere that the National Library at Calcutta would remain at Calcutta and there is no intention of moving it from there.

Now, Sir, we have found the National Library in such doldrums that it is important that now that this bill has come on the legislative anvil, we think of ways and means of improving its working. I do not know if you have had any recent occasion to go and see the National Library at work. But the facilities there are pitiful. They are wanting in some of the most elementary facilities which are available to anything like a fairly well-run library in the world, not to speak of the more sophisticated institutions in more fortunate parts of the world.

But in our country also, there are libraries which have facilities a great deal more advanced than the facilities available in the National Library. There are some micro filming apparatuses there, but they are very inadequate. The airconditioning apparatus and even the bindery work function in conditions which are pitiful. You will find yourself in a most distressing condition, if you examine the manner in which the very valuable books have had to be kept because of lack of facilities which are comparatively easy to mobilize in Delhi, but probably not so in Calcutta. Calcutta, at one time the capital of this country, has now got into such a predicament that we find that anything does for Calcutta; and even the National Library can do without the most elementary facilities for a library, for its preservation and for its activities in various departments—into which I am afraid I do not have the time to enter.

The Jha Committee had also recommended the appointment as the Director of the National Library, a person who would command a certain intellectual stature in the country and whose being there would mean the National Library becoming a place of intellectual activity which would shed some radiance on our intellectual life. Government has so far been unable as far as I can understand, to get hold of a director of an adequate calibre. I do not think our country is so denuded of talent that we cannot get very good people to run this Library and to be at its head. There is some symbolic satisfaction in having, as the head of this Library, a person who would have the status of a vice-chancellor of a university who, at the same time, would be able to set up in the National Library a kind of an intellectual nucleus. At the moment, one of our National Professors, Dr. Suniti Kumar Chatterjee has got a place in the National Library campus in Calcutta, from where he carries on some of his activities. National professors would come and go, but there are

ways and means of utilizing the situation of the Library, which to-day has got a fairly attractive campus in Belvedere and its grounds, which as you must be aware, offer very commodious facilities for a variety of good work. Already we have got a nucleus, where one of the national professors has got a place to work from, and now if the director of the Library is an intellectual of high eminence, and if around him and around the institution which attracts scholars from different parts of the country and sometimes from abroad, there develops an intellectual life, it would be glory not only to Calcutta but also to the whole country which would be something worthwhile having. It will then truly be a library engaged in the purveying of knowledge which is power and knowledge of the forces of society and of life which enables man to overcome all obstacles in the way of the construction of a new life and if that knowledge is congealed in the texts which are available in the library, the country can go ahead with the dissemination of that knowledge and with the advancement of that knowledge. Therefore all the jobs that the country is now adopting as a matter of national policy in order to transform our existence would get a lot of assistance from the work which can be done at the National Library. It can function as a sort of a national laboratory in a wider sense without any kind of a partisan proclivity but in a comprehensive manner it would be national laboratory for seeing to it that what we glean becomes power to change society in the manner that we desire. That is why in the socialist countries they have placed so much reliance on the development of libraries. That is why the Lenin Library in Moscow has become one of the greatest libraries if not the greatest library in the world to-day. This is why in the Soviet Union there is a wonderful chain of libraries all over the place. And the readership figure in that country and other socialist countries is something to marvel at. And this happens only because the

people have an ache for learning. In all countries this indeed is the case. Our people in the villages and in the countryside are supposed to be benighted. But they want water in the first place and schools in the second place. Their two prior claims are for water supply and for the supply of school facilities. Our people have the ache for learning the yearning to find out things, because after all our country has a tremendous civilization, a legacy of which we are proud.

And today in the modern context of things where the dynamism of science has come into play, we can have a new kind of qualitative intellectual activity and for which the focus would be places like the National Library. Therefore the importance of the National Library is such that something must be done today about it. But our National Library has been in doldrums and it continues to be so. I have looked—I could not get it in my hurry—at some recent publications which are not very recent because publications are delayed administration reports of the National Library and the sorry tale of many books lost and only some books recovered. All that sort of thing is extremely unsatisfactory. And we have heard of one time allegations about the losses of books from the custody of the Library which were extremely disconcerting. I cannot go into the details about it. Some of them had been discussed earlier in the Joint Select Committee. But that apart I want to say that this kind of thing has gone on for so long and we have found that some of the people in the administration of the Library are for quite some years now hand in glove with certain interests which are trying to degrade the Library to give it a bad name and thereby enable it so to speak to be pushed away from the intellectual map of this country.

We find for instance that there were some reports recently about the removal of the Central Reference

[Shri H. N. Mukerjee]

Library from Calcutta to elsewhere. But I am glad that the Minister gave a reply recently. I noticed the reply in this House that the Central Reference Library would remain where it is now. I say this because there was one of the earlier Deputy Librarians who was perhaps the finest library worker in the National Library Calcutta, Mr. Chittranjan Banerjee, who was put in-charge of the Bibliographical Section and know that the Bibliographical Section was doing wonderful work. He has retired; he has left. I think he has gone elsewhere. I do not quite know where. But the Bibliographical Section was putting out its work which had been in doldrums for quite a long time and it started doing much better work.

The Central Reference Library and the preparation of the bibliography which would be one of the specialised jobs of the National Library, Calcutta, for which there is a demand all over, in different parts, in many foreign countries—there is a lot of demand and appreciation for the bibliographical work which is done in the National Library. This Section should certainly remain there and all the facilities that should be offered, must continue to be given.

I have found unhappily that there is a division in the ranks of the employees and the unions of employees there, and it has not played the role which I would expect in a place of intellectual activity like the National Library. I learn that there are different unions. But I would like to tell the Minister to see to it that there is no attempt to discriminate and that wherever their employees have organised themselves in a manner which is acceptable, they should be recognised. And if there is a multiplicity of unions, there is no harm in recognising more than one union, because, at any rate the important point is to get in touch with all the employees and to see to it that those people who are in favour of working the National Library successfully, and are making a

good job of whatever the mission of the National Library is in our view, are given all the assistance that can be given.

Then, I cannot go into the detail but, there are certain matters about which the Ministry has to apply its mind pending the setting up of the autonomous board and pending the autonomous board actually doing the job effectively.

There is a small children's library in the campus of the National Library. I do not quite know if it is working very successfully, because I have not seen it in recent years. I would like, for instance, in view of certain children's libraries elsewhere having also been set up, in view of certain *Bal Bhavans* and other institutions becoming an all India reality, in view of the memory of Jawaharlal Nehru being associated with the setting up of *Bal Bhavans* in many parts of the country, maybe, the children's Library section in the National Library campus might become a part of the change with which we could link the children's library movement. The dolls museum in Delhi or the children's little theatre idea in Calcutta and elsewhere that we have got, the *Bal Bhavan* movement and the children's library movement all this could be linked together. The National Library in Calcutta whose Children's Library section is quite a different thing to see could be linked together with all these things.

I would, therefore, plead that in so far as the work of the National Library is concerned, it should be looked after carefully, pending the autonomous board coming into the picture and facilities which are at least essential for any major library, let alone a national library, should be made sure of.

So far as air-conditioning, micro-filming, preservation of books and all that sort of thing is concerned, every facility must be guaranteed and the running of the Library should also be looked into carefully.

I would also like that some attention is given to the idea of the character of a national library. The National Library in Calcutta suffers, from my own personal point of view, from being a place where even the average reader, who perhaps needs some relaxation reading, who wants to read some fiction, something of that sort, also goes to the National Library. Then, there are under-graduate students who also go to the National Library because of the paucity of library resources in other parts of the city. I have a feeling that a national library to be worth its salt, to be worth its dignity, its character and as a national focus cannot, at the same time, invite hordes of other people who require books of various sorts, for various reasons, for relaxation reading, for under-graduate study, whatever else it may be. Relaxation reading is important; under-graduate study is important. But a national library is meant for something else. Relaxation books should also be there. But only for the record. Whatever is published should be there. Under-graduate books should also be there. But only for the record. There should not be conglomeration of people crowding the place and crowding out the real reader, the serious student, the researcher, the book lover, the bibliophile and also the people from abroad who should see and sometimes work in our National Library. Therefore, some ways and means should be found so that a readership section could be separated where more popular books, more widely required books, can be put while the particular national collection of books remains there for scholars to come and examine whenever they have a need to do so.

This aspect of the matter has been hanging fire for a long time. There is, I know, in Calcutta, a great deal of feeling that in the absence of something like the Delhi Public Library, in the presence of only locality libraries which are not good enough, in view of the fact that the university and the college libraries, even though they are fairly large, are not adequate to meet

the needs of Calcutta, many of the overflowing population of Calcutta go to the National Library and crowd the campus for no reason that I can understand, for no reason that is relevant to the existence of a national library. Therefore, the role of a national library would have to be thought over very carefully in this regard.

Then in regard to the movement, how a national library system can develop all over the country and can also emanate from the National Library, the leadership it can give. At the moment, we have in the National Library, Calcutta, the collection of books in all different regional languages. But it may be that we can have regional libraries on a much bigger scale in different parts of the country organised in a very systematic manner and there might be a Central library of regional languages. After all, that would be without many of the more valuable books which have been acquired and collected by the National Library because of its long history. But now we can go ahead perhaps, in so far as our regional literatures are concerned because they are growing in large numbers; we can have these libraries in different parts of the country. May be, in three or four cities in India we could have Central Regional Language Libraries, but that is a different matter; the National Library would have everything. At the same time, in order to have regional libraries which would have a special character of their own, we could have libraries in other parts of the country as well. From this National Library could come a sort of leadership, just as the University Grants Commission has tried to distribute its largesse to different Universities and has tried to formulate some policies in regard to intellectual specialisation in one University or the other.

So, the Director of the National Library may very well take charge of the duty of looking after the development of libraries in different parts of the country—libraries of various sorts,

[Shri H. N. Mukerjee]

libraries with different motivations, libraries whose content would be different from area to area. The whole matter would require thinking over and I hope my friend the Minister would apply his mind to it.

Then, I would ask the Minister to make sure that, in so far as the worries of the employees are concerned, those worries are put an end to definitively. The employees tell us repeatedly—and I can understand their anxiety—that in future, after having a Board, their terms of employment would differ, that they will no longer be Government servants with the old status, they will not get the old protection as Government servants, and that sort of thing. We have been assured by the Minister that all the advantages of being a Government servant would be retained absolutely and fully even if the change-over comes to take place and that, being employed by an autonomous Board would not mean any detraction of the rights and privileges of Government servants in so far as that goes. If there is any clause here which could be amended slightly in order to make sure that the worries of the employees are promptly removed, I would welcome that kind of a change being made in it. But if such a change is unnecessary and the Minister gives a fresh reassurance that everybody would be safe and secure and that their stability and their prospects and all the advantages they have as Government servants would continue, then everything would be all right.

I would like the Minister to also see to it that the employees' ideas are taken into consideration, that the Unions are consulted and that, in so far as the work of the library is concerned, they are actually made to participate in the work of the library. So much of the non-cooperative spirit among the employees has been due to the fact that the Management of the library, so to speak, has been entirely unsympathetic to the ideas of

the employees. But now, in the new context of things, I would like the employees' ideas to be taken very much into prominence.

Meanwhile, I am happy that the long story of the National Library Bill having to be formulated has now come to an end. Even though the Jha Committee's ideas have not entirely been incorporated in the legislation that we have before us, I personally very much like the idea of an autonomous Board. I only want to make sure that the genuine grievances of the employees are looked after properly and, most of all, since this relates to a matter like the National Library, I want that the intellectual work of my country should be important—not only intellectual work for intellectual work's sake but—because without intellectual work, we cannot go ahead. As I said earlier and as the proverb says from so many hundreds of years ago, knowledge is power. Where knowledge accumulates and knowledge grows, there is a spring of power for the people and if knowledge is partaken of by the entire people to the extent they can, then alone can power in this country be used in the manner which would be in conformity with the spirit of our times.

Therefore, I welcome this idea of the National Library and even though some of us might have a grouse here or a grouse there, I would like all to support this Bill. I would like my people in the region where I come from to take some heart from the fact that now the National Library of Calcutta is called the National Library of India and there is no idea, as far as the Government can foresee into the future, of moving the National Library from Calcutta to elsewhere. This is something which Calcutta has perhaps to ask of India and India, in the form of an assurance given by the Education Minister, is now telling Calcutta that the National Library would be situated in Calcutta, and Calcutta's National Library would be called the National Library of India.

15. hrs.

**SHRI PRIYA RANJAN DAS MUNSI** (Calcutta-South): Views have been expressed both for and against this Bill just placed before the House, by Members from our side and Members from the opposite side. And, Mr. Speaker, Sir, you might have heard several Members trying to draw the attention of the House to certain very constructive suggestions, not merely in regard to the Bill but for the purpose of the National Library...

**MR. SPEAKER:** The House will now adjourn for Lunch. You may continue after Lunch.

15.01 hrs.

*The Lok Sabha adjourned for Lunch till fourteen of the Clock.*

*The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

NATIONAL LIBRARY BILL—contd.

**SHRI PRIYA RANJAN DAS MUNSI:** As I was explaining earlier, the programme and the progress of the National Library, as has been expressed by several hon. members, have to be discussed and analysed not only within the ambit of this Bill but also outside the scope of this Bill where lies the main issue of this National Library—the aim and the purpose.

In the 19th Century, immediately after the renaissance, in our country, the habit of the library-goers was only to concentrate on the study of history, literature and sociology. But now with the development of modern science, the tendency has grown among the intellectuals in science and technology and also the other academicians to study more of modern science, technology, architectural science, environmental science, medicine and all those things. So, I do not consider that the

purpose or the function of the National Library is to confine itself to the study of the basic documents of history and literature, as Mr. Daga was saying. He was asking as to why we should not include some of the philosophers, writers and historians on the Committee. I think, that is not the purpose. The National Library should serve the purpose of all the intellectuals and research scholars in our country depending on the character of the country's progress and advancement.

The National Library is situated in my constituency in Calcutta, I am proud of this institution and I congratulate all the Members who took kind initiative and participated in the deliberations in the Joint Committee, as well as the Minister for introducing this Bill today.

It has now become a habit and library is just considered something for the readers and it has become a customary thing for almost all the readers to go and search for some books. If they get some books, it is all right, and if they do not, they neither try to make a report with the library to know, why a particular book is not available, nor the library take any interest to know what is the taste of the readers and what their requirements are. I would, therefore request the Minister, apart from the Bill, to kindly have a policy planning division of the National Library to know the requirements of the modern scholars and the research students and to know their minds. This is because, a library does not only keep the record and the history, but it also maintains the present day and current affairs of the society to meet the future requirements of the scholars and students.

As you know, in our pre-independence days, the documents in the National Library were preserved mainly pertaining to the period before the East India Company's invasion in eastern side of the country and the documents pertaining to the Aliwardi's rule and other essential documents of



[Shri Priya Ranjan Das Munsi]

our history. For a student of history, those are worth reading, but a student of modern science, a student of modern political philosophy, a student of revolution and a student who thinks his country to be built up in a much more modern way technologically and otherwise, wants something else also. The policy planning division of the National Library and other libraries in the country should further be modernised to understand the desire and tendency of the students and the modern research scholars. As I said, my first suggestion is that there should be a policy planning division in the National Library to know the requirements of the modern scholars and students; secondly, there must be a very strong research wing, a research wing not for the research scholars, but a research wing on the library science, I think, the National Library has everything except a research wing on library science, how to handle the modern libraries, how to maintain the books of the modern libraries, how to maintain and retain the manuscripts of the modern libraries etc. These are all matters to be discussed and known to almost all the participants in the library and those who sit in the management.

I would just refer to two or three issues. In our eastern side, there are very strong and potential socio-cultural documents on our folk tribal development, and our history. Specially, I would refer to Bharu Chandidas Sri Krishan Kirtan. The original manuscript of Bharu Chandidas Sri Krishan Kirtan is not available now, I am told, that for lack of sufficient facilities for maintenance in the library, it was lost. Half of the pages are absolutely no more in the library. Maimansingh Geetika is another important folk document of undivided Bengal in which the actual social life was revealed during the pre-British days. That document is also not available for not having been maintained properly due to lack of facilities. Not only this, the basic documents on the

renaissance movement enunciated by Raja Ram Mohan Roy in Bengal and other documents of those days are also not in proper shape and the students and the scholars are not able to utilise them properly mainly as they have not been maintained properly for lack of proper facilities. Simply laying down some suggestions to do this and to do that are not enough. I think, the national Library should be a national science department to understand the maintenance and preservation of the documents.

As Prof. H. N. Mukerjee has rightly pointed out, the Library should not be a centre of crowds. I would like to tell you the situation in the National Library, because I am very much accustomed to go there. Fortunately or unfortunately, it is situated near Victoria Memorial Maidan Area. Those young boys and girls, who often go in the afternoon leaving their colleges and universities for their happy trip, if they do not find any other place, they prefer and just go in a queue to the National Library in the name of reading some fiction and occupy the seats of students and scholars. As Professor Mukerjee pointed out, it should not be a place of mass crowd. There should be some dignity. Only the students and research scholars should go there. There should be some rule or regulation, some standard, as to who should be entitled to utilise the books of the library, the space and the accommodation there. About other libraries, I think, the National Library can start the initiative for a new thing; they can start the National Library movement in this country. The Prime Minister has said on many occasions that the poor people in the villages, the literate people in the villages and in the urban areas etc. should exchange their views and their ideas with the modern achievements, not always depending upon the Government documents alone, but by utilising and using all available resources available nearby their own areas. I will just cite an example. The history of the freedom movement is a subject in which our

Professor Nurul Hasan Sahib is interested and he knows very well that there is no concise document in this country. Nobody can write the actual history of freedom movement in one volume. It will run into ten or twelve mahabharats. So, why cannot we think of taking action, as the Prime Minister suggested a few days ago? If somebody is interested to take the records of the freedom-fighters alive today, those who have got tamarapatra, and those who have not got, to know their life histories, to know what they actually did, to know whom they came into contact with, etc., he can take such records which will be very useful for the next generation. The next generation may get another round of documents of our freedom history and information on freedom struggle. The Department of National Library can start functioning and collect materials in this regard. Binay Badal and Dinesh organised their mutiny against the British in Calcutta Writers' Building, but all this information and correspondence, etc. have become available from some common people. Therefore, what I say is, if the National Library takes initiative and if it collects almost all available manuscripts, letters and other information of freedom-movement, I think the National Library's purpose would have been much more fruitful, for the students and future generations of this country.

Regarding guests I wish to say this. Foreigners come to the Library in Calcutta. I found that the National Library has not got sufficient and good air-conditioned accommodation or guest room or waiting room. They have felt that they are not being attended to well. I feel that in the national library compound which is vacant, a small guest house can be built, which can serve not only foreign people, but our own people like those who come from Banagalore or from Trivandrum etc. Those who do not get any room in the hotels can stay in these guest houses. The person may stay in this guest house attached to the National Library and carry on with his job. There is also this good atmosphere in

Shantiniketan where the students can stay in the Library's guest house. So, the National Library can construct a guest house which will be very useful.

About the other libraries which can supply more information, unfortunately, we have developed a habit in our country that only the bigger libraries are to be taken into consideration but I would like to repeat one thing. During my student days, while I was student of literature, we had to collect information about the folk culture of our country. We travelled from one village after another and saw those small libraries, recognised, non-recognised etc. There we found very substantial documents, living documents, which are not available in the National Library. What I feel is this. If the National Library can integrate itself with the subsidiary units of these libraries, recognised or non-recognised, under Social Welfare Department or Education Ministry, which gives grants to these bodies, they can very well collect information which will be very useful for our future generations. Those documents may not be handled well by these village librarians and small town librarians and these can very well be preserved in our National Library. So, this will serve a very good purpose.

About Raja Peary Mohan Library about which Mr. Somnath Chatterjee stated, I wish to say, this is one of the important libraries in our country which carries some serious and some very basic historic type of documents on literature and history of our country, a library where Madhusudan Dutt dedicated himself, where Sarat Chandra Chatterjee used to sit day in and day out to know more things about Bengal's social life.

The condition of that library is very poor. If the National Library can integrate itself with such types of Library as subsidiary units, it would help.

About the Board itself, as Shri Mukherjee and Shri Daga said I

[Shri Priya Ranjan Das Munsai]

entirely agree with them that, as a matter of fact, Government and Parliament cannot ensure any financial guarantee to any institution where there are checks and balances by the Government authority. In that regard, I think the Board is necessary. I feel that involvement of the scholars is much more important in the matter of library. It does not matter whether the Board is with us or not. As a matter of fact, in the railways, there are some non-official committees. So, in the National Library also, some non-official council can be formed with academicians where even the Education Minister or the State Minister can be represented who can apply their freedom there. They can give valuable suggestions and advice from time to time which the Government will consider or the management will consider and may reject.

As in our Consultative Committees of Parliament, I feel you can also introduce this sort of non-official advisory council in the National Library. This way, I think, the National Library would be benefited.

Lastly, I submit that some institutions like the Centre of Study for Social Sciences, which has recently been set up in Calcutta and some other institutions of this nature might be represented where human values are to be judged and where academic discussions will be very much helpful and, if these institutions are also taken over and brought within the fold of the National Library as their subsidiary units, I think the scope of the National Library would be widened and the purpose of the National Library could be better served.

Sir, I conclude by saying that if is a pride of the whole country—not only Calcutta—as it is a historical tradition of our great country to have this National Library and I hope that the Minister would give us an assurance that the jurisdiction of the National Library would not be touched and the

provincial barrier will not come in the way; in any case, I hope that the headquarters of this National Library will not be shifted from Calcutta.

**SHRI Y. S. MAHAJAN (Buldana):**  
Mr. Deputy-Speaker, Sir, I rise to support this Bill. It deals with a very important institution in the educational and cultural life of our nation, namely, the National Library at Calcutta. It has a long history and has been an important agency for the acquisition, preservation and servicing of the nation's literary treasure in particular and of the world's literature in general.

It has provided unrivalled facilities to research scholars from India as well as from abroad. But as the affairs of this great institution were in doldrums, the Government appointed a Committee known as Jha Committee to inquire into its affairs and to make recommendations for improving its organisational working. That Committee's main recommendation was that the National Library should continue to remain a Department of the Education Ministry. This recommendation was naturally not acceptable to Government on the ground that maintenance of its present status would not remove the malaise or improve its functioning.

The Committee further said that the Advisory Committee of the National Library should be converted into a Governing Body and autonomy should be granted to this Governing Body by delegation. The Government accepted the principle of autonomy. That autonomy has been granted now by this Bill. It has been granted in a statutory manner. The legal opinion has been that autonomy cannot be granted by delegation, but that it should be done in a statutory manner so as to make it really effective.

I believe that cultural institutions like the National Library can flourish and develop and render their services in an efficient manner only in an atmosphere of relative freedom guaranteed by autonomy under a statute. By

this method you can secure expert management and cut out the delays and redtape inevitable under departmental control. It was surprising to find people arguing passionately for direct departmental control. This means they refuse to learn from experience or have some other extraneous considerations in mind.

Under the new nomenclature, the Library will be called 'National Library' of India. Section 18 lays down that:

'It shall continue to be located in Calcutta.' This provision had the good effect of removing misapprehensions in the minds of many representatives from West Bengal about the possible location of the National Library. I welcome one special feature of this Bill, namely, the principle of rotation followed in nominating representatives on the Board of the Library. This cuts out the bargaining and consequential delay involved in elections.

Sir, another controversy raised by the Bill has been about the terms and conditions of employees of the National Library. As a result of the grant of autonomous status to the library, fears were entertained that the terms and conditions of service of the employees would be adversely affected. These fears were groundless and I hope the fears have been sufficiently allayed by Section 17 which contains effective safeguards. First it gives an officer or an employee the option to continue his present status as a Government employee and to refuse to become an employee of the Board of the National Library, if he so chooses. Secondly, the Section contains provisions to protect the employee's right of leave, pension and provident fund. These rights are all laid down categorically in the Bill and should in my view be a sufficient guarantee of the interests of the present employees. To say that those guarantees might remain only on paper amounts to nothing but the expression of one's lack of trust in the Government.

Besides, Sir, may I say that in a changing and dynamic society like ours if we make a shibboleth of the interests of any organised group under the guise of protecting them, it might land us into an attitude which is really inimical to the economic and social progress of the country?

Sir, I welcome this Bill for one more reason, namely, that I regard it as the beginning of legislation for the development of a national library system in this country. We need State libraries, District libraries and Block and Taluka libraries connected with one another and helping one another in the dissemination of knowledge and spread enlightenment to every nook and corner of the country. Whereas the development of libraries is the responsibility of the State Government even then the hon. Minister can play a useful role in encouraging the State Governments to develop the national library system. No State Government has taken an initiative and the State Governments and local authorities must be made to discharge their duties in this respect. They must be made to pay their contributions and sufficient amount should be earmarked for the development of this important service to the community in the Plan. I earnestly request the Minister to take up this task as soon as possible.

(श्री एन० रामगोपाल रेड्डी (निजामाबाद) : उपाध्यक्ष जी, मैं माननीय शिक्षा मंत्री, श्री नूरुल हसन साहब और उन के दो नौजवान साथियों को हार्दिक मुबारकबाद देना चाहता हूँ। मैं समझता हूँ कि एक ऐसा बिल जो हर तरह से कामिप्राप्त सिद्ध है, इस सदन के सामने लाया गया है; इस बिल में किसी तरह की कमी नहीं रह गई है। हमारे मंत्रिवर इस के लिए हर तरह से बधायी के पात्र हैं। यह कहना कि झा कमेटी की रिपोर्ट को ज्यों का त्यों अमल में लाना चाहिए या मैं समझता हूँ कि ठीक नहीं है। अगर झा कमेटी की रिपोर्ट को ही ज्यों का त्यों अमल में लाना था तो फिर

[श्री एम० राम गोपाल रेड्डी]

क्वार्टर सेलेक्ट कमेटी किस लिए बनाई गई थी और यहां पार्लियामेंट में इतना डिस्कशन होने की क्या जरूरत थी। जब पार्लियामेंट और क्वार्टर सेलेक्ट कमेटी के सामने यह बिल आया तो फिर सा कमेटी की रिपोर्ट को चर्चा में लाना कोई जरूरी नहीं है। जो भी पार्लियामेंट का ब्यु है वह सुप्रीम है न कि सा कमेटी की रिपोर्ट। यहां पर यह भी कहा जा रहा है कि 29 मेम्बरस बोर्ड के हैं और एग्जीक्यूटिव कौंसिल 9 आर्दासियों की होगी, गवर्नमेंट अपनी तरफ से मैनेजमेंट क्या नहीं करती। हमारे सी० पी० (एम) के लोग ही कुछ ज्यादा बोलते हैं। लेकिन मैं उन से एक बात कह देना चाहता हूँ—जब गवर्नमेंट अपनी तरफ से कोई चीज मैनेज करती है तो कहते हैं कि आटोनोमस बाडी को क्यों नहीं देते हैं, जब आटोनोमस बाडी का काम दिया जाता है तो कहते हैं कि खुद क्यों नहीं करते ...

SHRI SOMNATH CHATTERJEE:  
What is your view?

श्री एम० राम गोपाल रेड्डी : मैं तो यही चाहता हूँ कि आटोनोमस बाडी को ही यह काम दिया जाय। लेकिन मैं इतना बरूर चाहता हूँ कि कोई फाइनेन्सल-स्ट्रुक्चर, फाइनेन्स की कमी उन के सामने नहीं आनी चाहिये। मजी महोदय खुले दिल से नेशनल लाइब्रेरी के लिए फण्ड प्रोवाइड करें, क्योंकि यह एक ऐसी इन्स्टीट्यूशन है जिस में अगर कोई डिफेन्स आ जाय तो फिर उसका रिपेयर करना मुश्किल हो जाता है।

जहाँ तक कुछ लोगों का यह कहना है कि इस को कलकत्ता में ही रखा जाय—इस बात से किस को इन्कार है। इस को कलकत्ता में क्यों रखा गया है ? इसलिए रखा गया है कि कलकत्ता हमारा

कलकत्ता सिटी है, सब से बेहतरीन सिटी है, बहुत अच्छी लोग वहाँ रहते हैं, बड़े बड़े नेता वहाँ से हो चुके हैं। हमारे सोमनाथ चटर्जी के पिता भी वही वहाँ के थे, आप भी वहाँ रहते हैं ...

SHRI SOMNATH CHATTERJEE:  
In spite of you...

श्री एम० राम गोपाल रेड्डी : बहुत अच्छी जगह है, हालांकि कम्युनिस्ट पार्टी (मार्क्सिस्ट) की वजह से बोड़ी गड़बड़ वहाँ हुई थी। हमारे हीरेन मुखर्जी साहब ने भी स्पीच दी है, वह उनके दिल से निकली है। सोमनाथ चटर्जी साहब की स्पीच इंटेलक्चुअल स्पीच है, पोलिटिकल स्पीच है।

चूँकि यह लाइब्रेरी हमारा देश के एक कोने में है—इस लिए मेरा सुझाव है कि हमारे जो स्कालर्स वहाँ जाकर पठना चाहते हैं, उनको भी रेलवे पासिज दिए जायें। इसी तरह से हमारे जो बच्चे यूनीवर्सिटीज में पढ़ते हैं, जब छुट्टियाँ होती हैं और वे वहाँ जाकर पठना चाहें तो उनको भी रेलवे पासिज भी दिए जाने चाहिए। ताकि वे लोग लाइब्रेरी से फायदा उठा सकें।

इसमें कास्ट बेनिफिट-रेशों का हिसाब नहीं रखना चाहिए। आज आप एजुकेशन के लिए करोड़ों रुपया खर्च कर रहे हैं, इस लिए इसमें एकाउन्ट बुक लेकर हिसाब नहीं लगाना चाहिए—कास्ट बेनिफिट रेशो इसमें नहीं होना चाहिए। इस बास्ते दिल खोल कर इसकी मदद कीजिए।

हमारी इस लाइब्रेरी में लाखों की तादाद में किताबें हैं—उनकी आज कीसी हालत है, वे खराब नहीं, उनको अच्छी

ह्रासित में प्रीत्यर्थ रखा जाना चाहिए - इस तरह सरकार को जास ज्ञान देना चाहिए।

यह कहना कि इस लाइब्रेरी के लिए कोई डायरेक्टर नहीं मिल रहा है— कुछ ठीक नहीं मालूम पड़ता। जिस देश में एटम की खोजने वाला प्राथमी मिलता है, आसमान में सैटलाइट छोड़नेवाला प्राथमी मिलता है, वहां लाइब्रेरी के लिए डायरेक्टर नहीं मिलता— यह सही बात नहीं है। हमारे यहां अच्छे से अच्छे लोग मिल सकते हैं। सोम नाथ चटर्जी साहब को भी अगर किसी वक्त डायरेक्टर बनायें तो इस में कोई हर्ज नहीं है।

SHRI SOMNATH CHATTERJEE  
Not under you.

श्री एम० राम गोपाल रेड्डी : देखने वाली प्रांथ में हर चीज फौरन नजर आती है। हमारे नुस्खहस्तन जी अच्छे लोगों को चुनें। मैं एक मिसरा कह कर खत्म करता करूंगा—

छुप नहीं सकता फूल पीछे में पिन्हा होकर।

इसी तरह आप की नजर से कोई अच्छी चीज छुप नहीं सकती।

श्री नरसिंह नारायण शंभूय उपाध्यक्ष महोदय, एक बहुत ही महत्वपूर्ण विधेयक माननीय मंत्री जी ने सदन के सामने पेश किया है। मैं ऐसा मानता हूँ कि श्री० हीरेन मुञ्जर्जी ने जो अपने विचार प्रकट किए हैं— वे वास्तव में बहुत महत्वपूर्ण हैं। लाइब्रेरियों की भाषा जो कन्वी-

शन हमारे देश में है, जिस तरह से पुस्तकों का रखरखाव होता है— और

उसने जो ऊंचा प्रादर्श प्राप्त किया है पुराने समय में उसको देखते हुए हमें उस लाइब्रेरी की नेशनल स्टेटस देना चाहिए। बहुत से देश जिनके अन्दर अपनी सभ्यता बड़ी है, संस्कृति का फैलाव हुआ है उन्होंने अपनी सभ्यता और संस्कृति के अनुरूप अपने देश में अपनी लाइब्रेरी को नेशनल लेविल पर, स्टेट्स लेविल पर और जिला स्तर के लेविल पर कायम किया है। मैं सोशलिस्ट कंट्रीज में गया हूँ, उस में गया हूँ और वहां देखा है कि वहां के बच्चों के लिए गांव की स्थिति को वहां के रहने वालों की स्थिति को, उनका पुराना कल्चरल क्या है, कसे उसका विकास हुआ है, ऐसी तमाम चीजों को अपनी लाइब्रेरीज में म्यूजियम की तरह से रखा है और उसमें बराबर निरंतर शोध कार्य होता चला जाता है। माननीय मंत्री जी ने "इस जिल को साकर जो प्रयास किया है, मैं ऐसा मानता हूँ कि उस तरह एक इशारा है उनका काम करने का। मैं इस बात को स्वीकार करता हूँ कि ऐसी राष्ट्रीय पैमाने की लाइब्रेरी के अन्दर राष्ट्रीय स्तर के विद्वानों को जो शोध कार्य में लगे हुए हैं उन की प्राथमिकता मिलनी चाहिए, उनको वहां पर हर प्रकार की सुविधा मिलनी चाहिए। जिस से वह शोध कार्य विभिन्न क्षेत्रों में कर सकें। ऐसा नहीं होना चाहिए कि नेशनल लाइब्रेरी के अन्दर ऐसे लोग जायें जो शोध कार्य में मदद न कर सकें बल्कि इस के विपरीत नेशनल लाइब्रेरी में बड़ी लोग जायें जो शोध कार्य में लगे हुए हैं। ऐसी लाइब्रेरी में सस्ती किताबें पढ़ने वालों के जाने पर टोक लगनी चाहिए। जब तक आप उस के स्तर को नहीं बनाएंगे तब तक सही तरीक से देश और विदेशी के स्काफर्ड

(श्री नरसिंह नारायण पांडेय)

हमारी लाइब्रेरी में उन चीजों का ज्ञान वर्धन नहीं कर सकते हैं और खोज नहीं कर सकते हैं। इन बातों की तरफ मन्त्री जी का ध्यान जाना चाहिए।

आज भी हमारे देश में अगर पुराना इतिहास लिया जाए तो उस इतिहास के ऊपर बड़े-बड़े विद्वानों ने पांडुलिपि के रूप में बड़े-बड़े संकलन किए हैं। आज उन पांडुलिपियों का रख रखाव ठीक से नहीं हो पा रहा है कहीं उनको बीमक चाट रही है ऐसी अनूत्य पांडुलिपियों के रख रखाव की तरफ हमें अच्छी तरह से ध्यान देना चाहिए। और अगर कहीं वह गायब हुई हों तो उसके शोध कार्य में लगना चाहिए। जैन धर्म और बौद्ध धर्म से संबंधित साहित्य तथा वेद, उपनिषदों का नेशनल लाइब्रेरी में खजाना होना चाहिए जिससे हमें पुराना दर्शन प्राप्त हो सके।

जो झा कमेटी की रिपोर्ट है, और उस की संस्तुतियां हैं सब तो इस छोटे के विधेयक में नहीं आ सकतीं, लेकिन अगर इसको सही तरीके से पालन करने की कोशिश की जाए तो हम अपने राष्ट्रीय स्तर के मुताबिक अपनी लाइब्रेरी को बना सकते हैं, उसका विस्तार कर सकते हैं और अपने देश के अनुरूप उसको बना सकते हैं।

मन्त्री जो ने एक पुनीत कर्त्तव्य की भावना से इस बिल को सदन में रखा है। इस में बहुत सी कमियां हो सकती हैं, कर्मचोरियां हो सकती हैं बहुत से माननीय सदस्यों ने उन कमचोरियों की तरफ ध्यान दिलाया है। अगर आप समझते हैं कि उस में कुछ तबदिलियों की जरूरत है, प्रारूप को बदलने की जरूरत है तो उधर आपका ध्यान प्रवश्य जाना चाहिये। यह सही है कि विधेयक

पाठ होने के बाद बहुत की कमियां भिन्न होती हैं और उन को दूर करने की कोशिश की जाती है। लेकिन जो राष्ट्रीय जीवन में लाइब्रेरी का स्थान है उस के अनुरूप आपका मन्तव्य है, यह बड़ी पुनीत कर्त्तव्य है। मैं मानता हूँ कि अगर नेशनल लाइब्रेरी की शाखायें प्रदेश और जिला स्तर पर आ सकें तो उस को ले जाना चाहिये और इस को एक व्यापक स्थान देना चाहिए ताकि भावे बानी पीढ़ी का विकास हो सके। और ऐसे लोग जो शोध कार्य में लगे हुए हैं उन की हम सेवा कर सकें और उन्हें अपनी लाइब्रेरी के जिनके से किराये और दूसरा लिटरेचर दे सकें।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

THE MINISTER OF EDUCATION,  
SOCIAL WELFARE AND CULTURE  
(PROF. S. NURUL HASAN): Sir, I am extremely grateful to the hon. Members who have spoken and who have made very valuable suggestions. I entirely accept the spirit in which criticisms have been offered by my hon. friends from the Opposite side. I am in full agreement that this is not a Bill which should be looked at from a partisan spirit but a spirit of serving the nation and scholars. The speeches that we have heard today have, once again, been a reminder of the fact that this great nation through its accredited representatives is keen to maintain and preserve its ancient heritage to acquire new knowledge, to contribute to that new knowledge and to allow, as Mahatma Gandhi had said and we can never be tired of quoting him, fresh breeze to come in from whichever corner it comes without blowing us off our feet. That sentiment is the underlying principle of all the speeches that have been delivered today. And in this the National Library of India—I hope we will soon call it the National Library of India—situated at Calcutta will play its rightful role.

Eventhough, the Constitution is clear that libraries form part of List 2 of the Seventh Schedule, Entry No. 12, the National Library of India can be an informal coordinating institution in providing guidelines. This suggestion which has been given by many hon. Members is a very valuable suggestion and I can give the assurance on behalf of the Government that we will examine this suggestion very carefully and see what is the manner in which the National Library can without infringing the authority of the State Legislatures, provide the guiding role for the growth of a national library movement. I would be very sorry if I have given the impression that the Government of India is not keen in building up a national library movement. In all the speeches delivered by the Prime Minister, as has been pointed out by some hon. Members of this House, she has emphasised the fact that learning is a continuous process; that learning is not to be confined to those who go to schools and colleges or universities or institutions only that it is a life long process and if education is to be a life long process, then libraries have to play thier full part in taking education to people and enabling them to acquire it. Therefore, at the highest level, this Government is committed to the building up of a library movement. The limited point I was venturing to mention here is that the authority of the Central Government is House and the authority of this august House and the aurthority of this august House has been somewhat de-limited by the Constitution. And therefore, it would not have been proper on my part to encroach upon the authority of the others. But the fact that, as this House would remember, this government took the initiative in establishing, in cooperation and coordination with the State Governments, the Rajaram Mohan Roy Memorial Library Foundation to establish a chain of libraries, is an indication of the fact that notwithstanding the limitation of resources, we are doing whatever lies in our power to see that the library movement grows in the country and is being strengthened.

Sir, when I use the word 'resource', who knows more than this House what the resources at the disposal of the Department of Culture and of the Ministry of Education and Social Welfare are? I have only that much which this House is pleased to give to me. And I hope that the earnestness which has been expressed by my hon. friends and which sustains the innumerable workers in the field of education and culture—among whom I count myself—is the greatest sustaining force and the interest which this House takes will lead to a situation in which our resource position begins to improve.

Sir, it was pointed out that the Board can frame the budget; but it is still the Central Government which will decide on the amount. Now, no authority other than the Lok Sabha can decide what are going to be the appropriations and how is the money going to be spent. That is the prerogative only of this House and it cannot be delegated to anybody else. Therefore, the budget will be in the form of proposals. Then, depending upon what this House votes, they will again have the power—the Board will have the power—within this limit and direction, to decide as to how that money is to be spent.

While I would be the last person to say that I am entirely satisfied with what this House has been pleased to give me, I would nevertheless not like to give the impression that this House been lacking in generosity. In regard to the National Library, Sir, the total expenditure—plan and non-Plan—during the 4th five-year plan period was Rs. 187.05 lakhs. The proposed expenditure—Plan and non-Plan—during the 5th five year plan period is to be Rs. 470 lakhs. i.e. more than double in fact very much more than double the expenditure. During the current year, this House has just approved, that a sum of Rs. 64 lakhs—plan and non-plan—be spent on the National Library. Now this is not as much as I would have



[Prof. S. Nurul Hasan]

iked, but it is nevertheless an appreciable advance on the expenditure earlier; and it shows Government's deep concern for the welfare of the National Library.

Sir, the main point which I was supposed to have answered has very kindly been answered by my very distinguished friend opposite, who knows much more about the Library when I will ever get to know. I am referring to the hon. Member Prof. H. N. Mukherjee. He was a member of the Jha Committee and a member of the Joint Committee. He presided over some of the most difficult sessions of the Joint Committee and he has had a very important hand in the report and in the formulation of the bill as it is being considered to-day.

The point which he has emphasised is that we are not trying to create a type of trading corporation. It is an institution of higher learning and it has to be saved from the atmosphere of bureaucratic control. I am not trying to denigrate the bureaucracy. All that I am submitting is that intellectual effort and bureaucratic control do not always match, as you know very well.

If the National Library is to generate an intellectual effort of the highest order, then it has to be managed by persons having the requisite intellectual stature, and it should not be bound by day-to-day rules which are necessary, perhaps inevitable, in a Government Department. Till now, whatsoever one may say, the National Library has been a department or an office of the Department of Culture, where in accordance with the normal rules, practically everything had to be referred to it and there was nothing that we could do in the case of the National Library itself.

Now, if the National Library, as has been rightly pointed out, has to serve as a seat of intellectual learning, it has to be treated as a seat of intellec-

tual learning. How do we treat it as a seat of intellectual learning in our country? While the ultimate responsibility of Parliament remains—and I would repeat the ultimate responsibility and the authority of the Parliament remains—to that extent, Government is answerable to this House for the well being of the National Library. Nevertheless, in its academic management at least, and also in its day-to-day affairs, it should have autonomy and it should be managed by a competent body of individuals. This autonomy can only be given by Parliament; it cannot be, under the rules, as was rightly pointed out by my friend, given merely by an executive order of the Government. It was in accordance with this spirit that this Bill was brought before the House, and as I said in my initial speech.—I am grateful to the Joint Committee for having improved this Bill considerably and for having given it almost a new shape and new form—it was the Joint Committee which decided that the Board should be representative of different disciplines, different areas of the country and different systems involved in research. Now, for that purpose, if you would be so kind as to have a look at the composition of the Board, you will observe that it starts, apart from the Chairman, by representation of Parliament. I am sure that nobody would disagree that Parliament should have some representation on a body of such vital importance for the welfare of the country as the National Library of India. There is to be some nomination from the State Governments because their involvement in a national institution is always a useful thing. Then there would be four persons from Universities. These will not be bureaucrats; these would be scholars. Universities are among the main consumers, if I may use that word. Then a person nominated by the University Grants Commission is a person of academic eminence. Then there is a Library an of one of the public libraries designated under the Delivery of Books and Newspapers (Public Libraries) Act. Another Librarian is from a library which has

been declared by the Central Government to be of sufficient importance. Then there is a nominee of the professional association of the Librarians, the Indian Library Association. Then there is the Director of the National Archives of India who has to work in the closest collaboration with the National Library of India.

Then, there is a provision of eight scholars of repute in different disciplines. As my hon. friend, Shri Das Munsai, said, we do not have to look only to humanities, but to humanities, science, social sciences, medicine, engineering, technology and law. Further, two persons are to be elected by the Library staff because they are also professional librarians who are responsible for running it. Their representation will be very useful. Then comes the Director of the Library and only two officers, one connected with the administrative Ministry and the other with Finance because they have to be represented and, if they are not represented, they will have to look into the proposals. It is much better to involve them in the formulation of the proposals.

In this respect, I would like to refer to a point which was raised by my hon. friend, Shri Daga, about a peon being represented. First of all, I would like to say that I do not consider appointing a peon to be derogatory in the least. I hold a peon in the highest esteem. Therefore, I would not like to use that term in a pejorative sense. However, the wording here is, "an officer of the Ministry or the Department not below the rank of Deputy Secretary to the Government of India". He is the person who can be nominated. Perhaps, this particular phrase had escaped the attention of my hon. friend, Shri Daga.

The hon. Member, Shri Somnath Chatterjee, thought that the Government was attempting to disown its responsibility. I would repeat, we are not disowning responsibility. I am in my official capacity as a Minister responsible to this House for the welfare of whichever academic or cultural in-

stitution is under the control of Parliament. I cannot turn round and say, I am disowning my responsibility. If there is anything that goes wrong, I can always come to the House. Supposing the House has not given me enough powers, I can come to the House and say, "Please give me more powers. Here is the situation". Therefore, I cannot disown my responsibility. The Government does not disown its responsibility. It has no intention of disowning its responsibility. It remains fully responsible for the National Library of India.

As regards the Director, you will notice that we have provided that the Director will be appointed by the Visitor. This is the same procedure which has been provided for the appointment of Vice-Chancellors of Central universities. His salary has been substantially raised. There will be a Director and, in addition to that, under him, there will be a professional librarian. So, the Director will be a scholar of repute.

Several hon. Members have spoken about the staff. The point has been very well made by my hon. friend, Shri Mahajan. We have taken every step to see that all the legitimate interests of the members of the staff of the National Library are fully protected. Therefore, even if you compare the wording of the relevant provisions of this Bill with article 311, you will find that chunks have been taken out of the Constitution and incorporated in this Bill so that the maximum possible protection could be given. I would like to take this opportunity, as my hon. friend, my senior colleague, Prof. Hiren Mukerjee, asked me that I should give this assurance on behalf of the Government, to say that I have no hesitation in giving this assurance on behalf of the Government that the employees will not lose their rights or their privileges or their condition will worsen if the House passes this Bill.

A point has been raised very correctly that it should be possible for scholars from all over the country to

[Prof. S. Nurul Hasan]

come and study here. At the moment, there is a hostel or a guest-house attached. We have deliberately kept the rates very, very low. It is Rs. 2 per day if a person takes a single room and Rs. 3.50 per day if a person takes a double room. These have been deliberately kept low so that young scholars from different Universities and research institutions can go and stay for as long as it is necessary for them to do so and so that they will be enabled to afford it. Hon. Members from Calcutta know what the residential rates in Calcutta are. I don't know when it would be possible for the Government to expand the guest house, but we do have a proposal to take early steps to expand the guest house.

Another point that has been made is about every person being permitted to go and read in the National Library. In the case of most of the libraries of a comparative nature in other countries, they are open to research scholars only. Even though I had the authority to issue necessary orders in this regard, I would have issued them, but I did not do so because, unfortunately, for the students of the Calcutta University adequate reading room facilities are not yet available. Now, the University Grants Commission has recently offered a sizable grant to the Calcutta University to establish various types of academic facilities in different parts of Calcutta. I hope the Calcutta University will formulate the necessary proposals at an early date so that adequate reading room and library facilities will become available to the students of the University and then it would be possible for the Library to stop the average undergraduate from coming there and only *bona fide* research scholars can go there.

Another point that has been raised is that we should work towards the formulation of a policy for the development of the Library. This point

is very well taken. What particular form it should acquire is a matter that deserves consideration. I entirely agree with my young friend Mr. Das Munsal that it is necessary to have a very careful look at what is the perspective behind the National Library's development plans and to formulate its policies very carefully.

He has also suggested the setting up of a research wing in library science, especially for the conservation of manuscripts. I am not in a position to give an assurance off the cuff but I will say that I will give his suggestion very careful thought and find out what facilities are available in Calcutta and in the eastern region and, on that basis, we will be able to take a decision fairly soon.

A fear has been expressed that manuscripts are not being properly maintained. I would like to assure this House that there has been remarkable improvement recently in the looking after and preservation and conservation of manuscripts. Of course it has to be remembered that there is a very large manuscript collection in the National Library, but I hope more steps will be taken very soon to improve the looking after of manuscripts as well as the collection of private papers, whenever they come.

With these words, I thank again the Hon. Members for the interest they have taken and the suggestions they have given and commend the Bill once again to them.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the administration of the National Library and certain other connected matters, as reported by the Joint Committee, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, we take up clause-by-clause consideration.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

15 hrs.

**Clause 4**—(*Composition of the Board*)

MR. DEPUTY-SPEAKER: There are three amendments. Is the Minister moving his amendments?

PROF. S. NURUL HASAN: Yes.

MR. DEPUTY-SPEAKER: Is Mr. Subodh Hansda moving his amendment?

SHRI SUBODH HANSDA (Midnapore): Yes, Sir.

PROF. S. NURUL HASAN: I am supporting it.

*Amendments Made—*

Page 2,—

*for lines 33 and 34 substitute—*

"(iv) four persons to represent the Universities in India, to be nominated in the prescribed manner.

*Explanation—*For the purpose of this clause "University" has the meaning assigned to it in the University Grants Commission Act, 1956 and includes an educational institution declared by Parliament by law to be an institution of national importance;" (3)

3 of 1956

Page 2, line 48,—

omit "by rotation in the alphabetical order". (4)

(Prof. S. Nurul Hasan)

Page 3, after line 22,—

insert "(xii a) one person to be nominated by the Government of West Bengal to represent that Government." (5)

(Shri Subodh Hansda)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clauses 5 to 10 were added to the Bill.*

*Clause 11 (Executive Council)*

MR. DEPUTY-SPEAKER: There is an amendment given notice of by Shri Subodh Hansda. Is he moving that?

SHRI SUBODH HANSDA: Yes, Sir.

PROF. S. NURUL HASAN: I support it.

*Amendment Made:*

Page 5, line 26,—

after "Library" insert—

"and a representative of the Government of West Bengal". (6)

(Shri Subodh Hansda)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 11, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

*Clauses 12 to 31 were added to the Bill.*

**Clause 1**—(*Short title and Commencement*)

*Amendment Made:*

Page 1, line 5,—

for "1974" substitute "1976" (2)

(Prof. S. Nurul Hasan)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

### ENACTING FORMULA

*Amendment Made:*

Page 1, line 1,—

for "Twenty-fifth"

substitute "Twenty-seventh"  
(1)

(PROF. S. NURUL HASAN)

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

PROF. S. NURUL HASAN: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

15.05 hrs.

### TEA (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: We will now take up the Tea (Amendment) Bill.

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): Mr. Deputy-Speaker, Sir, I beg to move\*:

"That the Bill further to amend the Tea Act, 1953, be taken into consideration".

Sir, the Tea Act, 1953 (29 to 1953), which came into force on the 1st April, 1954, seeks to provide for the control by the Union Government of the tea industry and for that purpose to establish a Tea Board. The Act also seeks to levy a duty of excise on tea produced in India, which at present is 6 paise per kg. The Tea Board has been discharging its functions under Section 10 of the Act for the development of the Tea Industry in the country.

In recent years, the tea industry has been facing some difficulties in the matter of finance, managerial skill etc. A number of tea gardens have been closed and a few others are reported to be sick or uneconomic and it is feared that unless corrective or remedial measures are taken in time, they would be closed down eventually. According to an assessment made during 1975, there are about 43 sick/closed tea gardens in the regions like Darjeeling, Terai, Dooars, Cachar and Assam covering an area of 8986 hectares and affecting about 18,000 workers. This situation not only creates problems of unemployment and economic hardship, but might also affect productivity and the nation's exports ultimately.

To meet such difficulties and to take corrective action, it is proposed that the Government should acquire powers to investigate into the working of the sick tea gardens and also

\*Moved with the recommendation of the President.

to take over the management of these gardens which, on investigation call for such steps being taken for resuscitating them back into economic units in a given period of time so that production from these gardens may maintain healthy trends and help exports.

In the Tea Act, 1953, there is no provision for taking over the management of the sick and uneconomic tea gardens. The present Bill seeks to amend the Tea Act, 1953 on the lines of provisions contained in the Industries (Development and Regulation) Act 1951 which contains provisions for empowering the Government to take over the management of industrial undertakings under certain circumstances. The intention is to order investigation and direct the units to take corrective or preventive action if that would suffice. If such action does not suffice the Government would have power to take over the management of such tea estates (only with factories) for a maximum period of seven years, five years in the first instance and by two annual extensions. The Bill also seeks to make provision for the disposal of the property through liquidation or reconstruction under certain circumstances.

In case it is decided to take over a certain tea garden/estate, its management is proposed to be entrusted either to a Public Sector Corporation under the Central/State Government or any private management or body considered by Government suitable for the purpose.

With these words, I beg to move that the Bill further to amend the Tea Act, 1953, be taken into consideration.

MR. DEPUTY-SPEAKER. Motion moved:

"That the Bill further to amend the Tea Act, 1953, be taken into consideration".

SHRI JAGADISH BHATTACHARYA (Ghatat): Mr. Deputy-Speaker, Sir, a cup of tea is a must in every household today. Even in the far flung villages a guest is received over a cup of tea, may be the tea offered there is an improvised one that is to say that instead of sugar it may be gur or the milk may even be missing. Even then tea is there and thus it occupies a very important place in our day to day life. Not only this but tea plays an important part in our national economy also. Through the export of tea as has been pointed out by the hon. Minister in the Statement of Objects and Reasons, the country is earning a substantial amount of foreign exchange to the tune of Rs. 200 crores per year. Keeping this in view this industry deserves a lot of serious attention and because of this there has been a consistent demand for nationalising this industry in the interest of the country. Unfortunately the present Bill is nowhere near the nationalisation of the industry and it also does not reflect the seriousness which the Government should have shown through this Bill in regard to the industry that it deserves. However, since the objects of the Bill seek to deal with the welfare of the industry it is atleast not unwelcome to us.

As I have already stated, Sir, the Bill suffers from some inherent weaknesses. If we glance through the history of tea industry in our country we will find that it had started with the British owned tea gardens in India. I have visited a few tea gardens and having spoken to the owners of these tea gardens I have come to the conclusion that the tea gardens of our country are nearly 30 to 40 years old. After independence the Britishers left the country and the ownership of these gardens passed on to the Indian business community. As far as I know, Sir, during the post-independence era there has been hardly any improvement in the number of tea.

\*The original speech was delivered in Bengali.

[Shri Jagadish Bhattacharyya]

gardens or expansion of the area under tea. The Indian business community who owned these gardens have been exploiting them to harvest maximum profit out of them without in the least caring to look to the welfare of the workers or making fresh investment in the industry for its development. They have in fact, as the proverb goes, killed the goose that laid golden eggs. In these circumstances an outright nationalisation of the industry would have been the only answer but the present Bill has done nothing in this direction, and it proposes to restore these gardens to the present owners and thereby permit them to be exploited by the business community for their personal interest once again. Still I hope that the hon. Minister would endeavour to move in the direction of nationalisation before long.

I would now discuss a few provisions of the Bill. I would deal with Section 16B of the Bill. Under Sub-Section (a) it has been stated, "the tea undertaking or, as the case may be, the tea unit, has made losses in three out of five years immediately preceding the year in which such opinion is formed etc." Now, Sir, it has not been explained in this Bill as to the reasons which are responsible for the recurring losses which these tea gardens are suffering. If the loss is inevitable then in that case, Government take over of the tea gardens will not cure the disease. On the other hand if it is due to mismanagement, negligence of the owner or other reasons then there is no justification for giving these tea gardens back to these very owners after improving their health because once again they will turn sick.

Sub-Section (b) of Section 16B reads as follows:

"the average yield of the tea undertaking, or, as the case may be, the tea unit, during three years

out of five years immediately preceding the year in which such opinion is formed has been lower than the district average yield by twenty-five per cent, or more."

I would like to submit in this connection, Sir, the provision of taking the district average yield may not be a safe yardstick to consider the issue and it may not work in the interest of the industry.

Sub-Section (d) of the same section reads as follows:

"the tea undertaking, or, as the case may be, the tea unit, is being managed in a manner highly detrimental to the tea industry or to public interest,"

Here also I feel a little more elaboration was needed to clarify what was meant by public interest what would constitute detrimental to the tea industry. In the absence of these details more complications may arise. The concluding para of the same Sub-Section says that:

"the Central Government may make, or cause to be made, a full and complete investigation into the affairs of the tea undertaking or, as the case may be, the tea unit, by such person or body of persons as it may appoint for the purpose."

Through this provision the Government would have an investigation constituted through an officer and no time limit has been prescribed for concluding and completing these investigations. It is our experience, Sir, that whenever such investigations are held they are prolonged unduly and it often goes in the favour of tea garden owners. Therefore, I feel that in order to lend finality to the matter a time limit for holding such investigations should have been provided. I would now deal with Sections 16D and Section 16E respectively. Reading both these sections I do not find much difference in these two, excepting that in one before taking over the

management the Central Government would institute an inquiry and in the latter case under certain circumstances the Government would justify to take over even without an investigation. But the tragedy of the matter is that in both the cases the management will ultimately be transferred to the owner himself. I consider this to be very unsatisfactory state of affairs; it would be just like a patient who suffers under the treatment of a quake and out of pity we take him to a good doctor and make him free from the ailment and send him back to the quake again. Under Section 16H it has been provided that on the application of the owner of tea garden to the effect that the purpose of take over has been fulfilled the notification enforcing the take over can be cancelled by the Central Government. This provision of the Bill to my mind is absolutely redundant because it gives powers to the bureaucratic officers to manipulate things either in their own favour or in the favour of the tea garden owners. I am sure the Government would provide adequate safeguards to see that bureaucracy has not unfettered powers to deal with such a situation.

In the end I must record my sense of utter disappointment that the provisions of the Bill are heavily loaded in favour of the owners of the tea gardens and it does not speak anything about the welfare of the workers who are the back bone of the industry. Even then I have to say that the objects of the Bill being good that is to say since it tries to improve the conditions of the tea industry I extend my support to this legislation.

**SHRI B. K. DASCHOWDHURY** (Cooch Behar): Sir, I welcome the hon. Minister for bringing forward this Bill before the House and his sincere effort to bring forward this Bill and have it passed in this session itself.

Sir, it is a long-awaited measure. Everybody will heartily welcome this. But, I must say at the outset that

there are certain provisions in the Bill itself, though on a very limited scale, about which some of us or at least those who know about the tea industry are not satisfied.

What is the basic reason for his bringing forward this Bill to-day in this House? In the years past, there was a clamour that some tea gardens were being declared as sick or were being wound up thereby throwing out the labourers in the jungle. As a result, the total teaplanted area has got a tendency to get minimised. That was because of the mismanagement of the tea unit by the plantation owners.

Now, in order to overcome all those difficulties, and looking to the aspect of production and the conditions of the labourers so that they might not be thrown out of employment, they have come forward with this Bill. That is the basic idea behind this Bill.

It was stated on a number of occasions that the present Act, the Tea Act of 1953, does not provide such powers to take over such tea gardens. And that is the basis for this Bill. I would not go into anything which has not been mentioned here. But I would only mention that the Hon. Minister ought to have considered this before hand whether the Tea Act of 1953 required a total overhaul or a total change. I say that a substantial change is required therein because the conditions that were prevailing in the year 1953 and the conditions to-day are substantially different. What is more even the Task Force appointed by the Government in the Ministry of Commerce had suggested certain major targets at least in the coming decade. That is in the next ten years' time, they have suggested that the export earnings from tea should be to the extent of near-about Rs 400 crores and attempts should be made for that purpose. And Government have been further putting pressure or at least they have been trying to induce the plantations or the growers in that regard. What



[Shri B. K. Daschowdhury]

is more, there has also been an increase in production from 250 million K.G.s about 23 years before, to about 300 million kgs. to-day. It has doubled itself. The Government, for all these reasons, ought to have considered what further machinery is required to get a total overall better control over the production and distribution of tea.

Coming to the Bill itself, we find that not all tea units or companies have been included there. But in the proposed section 16A(1)(b), under the definition of 'company', we find that; " 'company' means a company within the meaning of section 3 of the Companies Act, 1956".

Now Section 3 of the Companies Act, 1956 speaks of only companies which are registered in India, or what is known as 'Indian Companies'. But what about the other companies, sterling companies? Those companies are not registered in our country.

SHRI INDRAJIT GUPTA: They are not sick.

SHRI B. K. DASCHODHURY: While I agree with the hon. Member that at the moment they are not sick, in future, who knows what might happen? They might also become sick as well. Who knows. Or by these dirty manipulations and manufactures by the owners of those companies, they will declare certain portions of those areas as sick and certain others as not. So far as this Bill is concerned... (Interruptions).

Further, certain tea gardens as a whole or particular sections of it, where separate accounts are maintained, can also be taken out of it. Therefore, I find that there is a serious loophole. Therefore, we should at least include all the plantations, covering all the companies, and not limit ourselves as in the Bill only to the Companies as defined under section 3 of the Indian Companies Act.

I would like to quote here the particular or the relevant portions.

Section 3 sub-section (2):

"(2) Unless the context otherwise requires the following companies shall not be included within the scope of any of the expressions defined in clauses (i) to (iv) of sub-section (1), and such companies shall be deemed, for the purpose of this Act, to have been formed and registered outside India:—"

There is a proviso also which I quote:

"(a) a company the registered office whereof is in Burma, Aden or Pakistan and which immediately before the separation of that country from India was a company as defined in clause (i) of sub-section (1);"

These are not to be termed as a Company as such.

Therefore, Sir, I would request the hon. Minister to give serious thought to this matter so as to include all the companies. As the hon. Member rightly mentioned that probably these companies are sick, but in future they might be.

Further, Sir, as we proceed with the Bill we find:

"(a) the tea undertaking or, as the case may be, the tea unit, has made losses in three out of five years immediately preceding the year in which such opinion is formed; or

(b) the average yield of the tea undertaking, or, as the case may be, the tea unit, during three years out of five years immediately preceding the year in which such opinion is formed has been lower than the district average yield by twenty-five per cent, or more; or

(c) the persons owing the tea undertaking, for, as the case may be, the tea unit, have habitually made default in the payment of wages or provident fund dues of workers and other employees or rent of the land,

er duties of excise, or such other dues as they are under an obligation to pay under any law for the time being in force;"

These are the reasons which have been given. After investigation if these things are found then only take-over is done. I would like to point out whether in the parent Tea Act of 1953 there are not similar provisions—not on the question of take-over—to take certain action in case of default in the payment of provident fund and other dues? If it is so whether the present Sections are being properly applied against those planters and, if so, in how many cases? I know in many of the cases those things are not being properly applied.

15.27 hrs.

[SHRI P. PARTHASARATHY in the Chair]

In this connection, I would like to refer to one very interesting case, namely, that of Gaya Ganga Tea Estate in Darjeeling district. The hon'ble Minister knows very well of this case. In that company in the matter of subsidy for re-plantation it was found that a fraud was committed by this plantation owner. Even after it was verified by the Government surveyors we found on some alibi or the other, by the party, that is, solicitor's notice etc., on that plea proper measures were not being taken against them. May I at least know what administrative action is being taken in such cases? If apart from the parties concerned—Tea Board on the one side as subsidy giver and the plantation owners on the other side—there are certain administrative personnel who are involved. I would like to know, why at least no departmental action was taken against them. I apprehend that in spite of the specific mention, namely,

"such other dues as they are under obligation to pay under any law for the time being in force."

no action could be taken. I would urge upon the hon. Minister on this score that it should be seriously taken into consideration, because in the past we have seen that it has not been done. Here I would refer you to Sub-section (3) of Section 16(B) (3).

"(3) The person or body of persons appointed to make any investigation under sub-section (1) or, as the case may be, sub-section (2), shall have the same powers as are specified in section 18 of the Industries (Development and Regulation) Act, 1951."

Sir, it is a blanket power that has been given and almost on the same model as the Industries (Development and Regulation) Act 1951, as it has been amended. But there are certain other sanctions also in that Act, in 1974 only, that is, hardly 1½ years before, the Industries (Development and Regulation) Act was amended and the period was extended from 10 years in the case of take-over of management to 12 years. On the one hand, under sub-section (3) of section 16(B) they have been given all powers under section 19 of the Industries (Development) Act 1951 without any of the sub-sections AB, ABC, FFF etc. etc and they have dealt with the whole question in it, totality. But in certain other sections we find that it has been limited only to two years and not 12 years. It was the considered opinion of this august hon. House that in the case of take-over, units mentioned in the schedule of the Industries (Development) Act should be included within the term 'industry', and tea plantations had not been included therein. But now when it has been included therein, why has the period been minimised only to two years instead of 12 years. In the case of special circumstances, where this take-over has to be considered, the period has been minimised from 12 to 2 years. This is another lapse.

Now, I have another point to refer to. There is a provision in the Bill that it should be taken up in the first course for five years and then two

[Shri B. K. Daschoudhury]

years by annual increment by one year and one year, but in any case it shall not be for more than seven years. But tea plantations require sufficient time, what is known, as the gestation period. If new plantations are there, it takes about six to eight years to give its minimum tea bushes. But we find that after a tea garden has been taken over, when it will start giving its tea bushes, after a period of six to eight years, on the completion of the seventh year, the garden is to be handed back to somebody else. What is the provision? The earlier speaker has referred to section 16(H). It has been clearly stated therein : that if at any time it appears to the Central Government on the application of the owner of a tea plantation that the grounds for the take-over had been fulfilled by an order under Section 16—1 that garden would be given back, if the Central Government so feel, to the owner. But it has not been mentioned in what manner it will be given back.

Now, suppose in a garden, in the course of seven years time, an investment has been made to the extent of Rs. 10.0 lakhs; and in the course of seven years Rs. 10 lakhs could not be realised out of the profits, because the profits will start coming only after three or four or five or even six years, or whatever it is, out of which that sum of Rs. 10 lakhs or the particular balance could be paid. Why could not two or three more lines have been added here, to the effect that if there be any balance, after considering the profit and loss, when it will become healthy when from the sick stage it comes to the health stage, then this should be the manner or these should be the terms and for balance payment, the entire garden should be pledged or mortgaged either to the Government or if there is a private person to that private person, or to the Government Corporation or State Tea Corporations or to the TTCI or whatever other authority it may be.

But I think there has been a serious lapse in this regard. So, this is another serious lapse.

Finally, the whole drafting has been done very badly. The hon. Minister might very well argue 'Why?, No', it has not been said that Government will not take it, because on the floor of the House, also, he said that if a State Corporation, as for example, the Assam Tea Corporation or the State Corporations in the respective States where there are tea gardens come forward, it can be handed over to them also. It could be seen from other angles also. Even the private persons would like to take them over. I may tell you that already the private tea planters or some of the tea magnates have formed a sort of Corporation, or a sort of company, with the special objective that whenever the sick tea gardens are taken over, an order will be passed that the management of those gardens will be entrusted to them; and these people will have all the entitlements to raise funds from the nationalised banks and other sources. While you are giving them all scope to have financial assistance from nationalised banks for the management of these gardens, why do you not say very clearly that after the take-over, it will only be given to the State Corporations, co-operatives or the TTCI? As a matter of fact, the TTCI is already functioning and functioning effectively managing one of the tea gardens in the Darjeeling District, and in course of time, we feel that it can do very well. And if it becomes so necessary, people from the industry side can also be brought in, and their services can be utilised, instead of giving them to the private tea magnates.

These are the points which I would urge upon the hon. Minister to consider seriously. Firstly, these gardens should not be handed over back even after seven years to the original owners. In case you find that it is profitable, and it gives you more production and better quality tea, if

necessary, you may pay them some compensation, if you feel so, considering the circumstances. Secondly, it should be handed over only to the State Tea Corporations or the TTCI or co-operatives or other Government agencies. Thirdly, the serious lapses here and there should be taken care of, and all companies, whether today or tomorrow, should be covered by this Bill.

With these observations, I hope that the hon. Minister will give his due consideration, and I welcome the Bill and support it.

DR. RANEN SEN (Barasat): Sir, I will begin by saying that this Bill has come before the House rather late, but better late than never. This question has been hanging fire for the last four years. The West Bengal Government wanted to take over certain sick tea gardens in 1972. The Assam Government wanted to take over some sick and closed gardens in 1972. This question was raised in this House over and over again, but the whole thing was kept pending on this plea that a task force would be set up to go into the question of the tea industry. The task force was set up in 1973, after one full year of the attempts made by the West Bengal and Assam Governments and by some of us in this House asking the government to take over the sick and closed gardens. In reply to a question of mine, the minister said on 21-12-73 that the task force on the industry has examined the question of closed and sick tea gardens etc. The report of the task force, though demanded to be laid on the Table by the members, has never been laid as far as I can remember. I do not know why. Anyhow, the report of the task force was before the minister in December 1973 and their recommendation was to take over these gardens. Years 1974 and 1975 passed by and we are in the middle of 1976. Two and a half years later, the minister has come forward with this Bill, which is full of serious defects. He is a good friend of ours  
887 LS-4.

and I have no quarrel personally with him. The least I can say is that the Bill does not cater to the needs of the hour. The first defect is that the Bill seeks to take over sick or closed units, nurture them with government money and hand them over to the original industrialists or some other persons. The second is that the Bill is unnecessarily amending the Tea Act. The Government should have made some provisions in the Tea Act itself which would have been much better than the provisions of the Industrial Development and Regulation Act. The third is that because they are bogged down to this Act, the workers rights will be jeopardised. I will come to that later on.

Now, there is a sordid history behind this Bill. The Minister has said certain things about the financial difficulties, managerial crisis and all that. The Tea Association of India which is the Association of big people had said something in the year 1972. Unfortunately, the Minister is mouthing some of them. The Minister has said certain things. Why the demand for take over came from trade unions, some political parties including his party? The British had started selling these gardens in the year 1945-46 and the plantations during the war years were neglected. Even before, they were neglected. According to the Barua Committee Report—you know, Sir, Mr. Barua was our colleague in the Third Lok Sabha and he was a big tea magnate—50 per cent of the bushes are 50 years old. And on the footsteps of the Britishers entered Indian entrepreneurs. These tea magnates wanted easy and quick money. Even today, there are 310 gardens managed by sterling companies and they produce 45 per cent of the total production in our country. This is according to the Report of the Tea Association of India, the association of big people. And so, our tea plantations were neglected. Our Tea Act is unlike the Coffee Board Act. Under the Tea Act, the Tea Board does not have that much of power as the Coffee Board has. The

[Dr. Ranen Sen]

result is that some Indian entrepreneurs who wanted easy money, had started sending their things to local market, under cutting each other, and they got un-accounted money, which is black money.

As I have said earlier, there is a sordid history. The Government has to launch several cases against these tea garden owners. I have got another list with me. This was supplied by Mr. D. P. Chattopadhyaya to me in the course of questions and answers on 112.74 in which I had asked a question as to how many cases had been instituted against the tea gardens. I am connected with the Tea Plantation Workers' Federation. Therefore, I have to go through all these things, here also, and outside. He gave a list of 71 gardens of West Bengal alone, against whom cases have been instituted, on various counts. I do not want to go into details. 7 or 8 proceedings have started; and show cause notices have been issued. This is one thing. They are violating everything: the Plantation Labour Act, the Tea Act and all the laws of the land, so much so that the Government had to institute cases against 71 gardens. This is an industry which had refused to pay land revenue to the Government of West Bengal. I was a member of the Joint Select Committee on the plantation labour amending bill. We went to the areas in the whole of Assam and West Bengal and heard the same story. The representative of the West Bengal Government who was with us, said that those fellows did not pay the rent and the land revenue. He said this in front of the employers themselves. They kept mum, so much so, in "Business Standard" of 31st March 1976 it is said:

"After the Act was enforced....' that is, after the acquisition Act of 1953 which was adopted on the 15th April 1955,

"....all the lands under the tea estates became vested with the Gov-

ernment and the owners of the gardens were under obligation to sign formal lease agreements with the Government. But quite a good number of gardens did not sign lease agreements and they also pleaded their inability to pay the enhanced rates of land revenue and excise duties."

MR. CHAIRMAN: Why don't you enumerate your objections to the new bill?

DR. RANEN SEN: This is relevant, Sir. Otherwise, how can I explain what all I have been shouting about in Parliament for the last three years? He spoke of the absence of proper managerial activity; but it is not a question of the absence of managerial talent. In the report of the Government itself, it is said that there is total mismanagement of the tea gardens. There have been cases of stealing of pilferage and of running away with the money of the Government. They have gobbled up much of government money. He knows it. I can give another instance. There are two gardens, by name Sonali and Rupali; the former means golden and the latter, silvery. The owner ran away with all the machines and instruments quietly, leaving the workers in the lurch; and before that, he had gobbled up nearly Rs. 16 lakhs from the United Bank of India, from Government and from all the sources. This is how some of the tea houses have been managed. I will again quote another very important thing. I am very sorry to note that in spite of knowing all these things fully, he did not mention anything about the activities of these people. Again, in reply to my question Mr. A. C. George had given information regarding the financial assistance which these tea gardens were getting, i.e. financial assistance in the form of loans and subsidy. He said that the assistance was given under:

"...Plantation Finance Scheme and Re-planting Subsidy Scheme respectively for re-plantation of old and uneconomic tea areas. The

quantum of loan has been increased from Rs. 7400 per hectare to Rs. 11,250 in plains; and from Rs. 9900 per hectare to Rs. 13,750 in hills...."

i.e. an increase of nearly 25 per cent to 40 per cent.

Even then they did not modernise them or did anything of that sort. In consideration for the loss sustained in uprooting them and replacing plantations, this in general has been brought within the purview of the Re-planting Subsidy Scheme and the un-economic tea areas have been made eligible for the subsidy irrespective of the age of the bushes. This reply was given on the 24th of August, 1973. I have said earlier that the loans taken from the banks have been gobbled by many of them.

The provident funds of the workers have not been paid by quite a large number of tea gardens. As far as housing loan is concerned, they refuse to take it, and whenever they take it, they build bungalows for the officers. As far as the workers are concerned, they have not got their houses. We have seen it ourselves, and as a result of that, Mr. Raghunatha Reddy knows that we, all the Members of the Joint Select Committee, openly accused the employers, in the Joint Committee, who were called to give evidence before that Committee the Plantation Joint Committee.

Then the medical expenses have been cut. The hospital facilities have been cut down. Now, there were group hospitals in the tea gardens. They are now being cut down one after another. The Plantation Labour Act is violated on all counts. But still it is a very profitable industry. Therefore, you will find that there is a rush to buy even the sick gardens, by some tea garden owners. Mr. B. K. Daschowdhury has said rightly that there are many places where certain co-operatives have been formed by some of these garden owners. So, those people think that when the manage-

ment of such gardens changes hands through a legal deed of sale, the new owners can always say so many things about these gardens. I have no quarrel with those fellows who are rushing to purchase these gardens. But I say this knowing full well all these things. The Industrial (Development and Regulation) Act is very bad from all respects, from the point of view of the consumer and from the point of view of the workers.

With Government's money, some sick gardens will be nurtured. After doing it, are you going to hand them over to some private party or to some other guy who wants to start them? The Government's money is sacred money it is public money.

Now I come to some of the provisions of the Bill. According to the recommendations of the Task Force, they have made certain provisions. Kindly see Section 16D(1). It has been mentioned by Mr. Daschowdhury. But here I am also mentioning it. I say that the provision of the Industries (Development and Regulation) Act has been made worse. There, at least ten years' time was given for the Government to keep the management and hand it over to some people. Here, after five years, only two more years have been given. It does not exceed two years. That means there is a time limit of seven years. Already, the idea of the Industries (Development and Regulation) Act is bad. It is made worse here.

Here also, it is made very specifically clear, in Section 16A, last sentence:

"...shall vest in the owner of that undertaking or unit."

So, the same person who has done this black deal will be handed over the powers again.

The last point that I want to make is this. In this amending Bill, the Government have taken recourse to Section 18FB of the Industries (Development and Regulation) Act. What is in that Act? I remember, probably,

[Dr. Ranen Sen]

when Mr. Moinul Haq Chaudhuri was the Minister of Industrial Development, there was an amendment brought in the House and a lot of discussion had taken place. Ultimately, the result has been this provision in the Act. Here, it is stated:

"18FB(1) The Central Government may, if it is satisfied in relation to an industrial undertaking or any part thereof, the management or control of which has been taken over under Section 18A, whether before or after the commencement of the Industries (Development and Regulation) Amendment Act, 1971 or under Section 18AA or Section 18 FA that it is necessary so to do in the interest of the general public with a view to preventing fall in the volume of production of any scheduled industry, it may, by notified order declare that.

(a) all or any of the enactments specified in the Third Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not however affect the policy of such enactments) to such industrial undertaking, as may be specified in such notified order."

Now, here it is stated that the Third Schedule of this Act will be involved. What is the Third Schedule of this Act? The Third Schedule lists three Acts, the Industrial Employment (Standing Orders) Act, 1946, the Industrial Disputes Act, 1947 and the Minimum Wages Act, 1948. It is for these three labour laws for which the workers had fought for years even before the time the hon. Minister became a politician, the workers were fighting and, in spite of all the loopholes, the workers got these three Acts which gave them some protection. By bringing in this amending Bill the working class is being affected very adversely. Therefore, I say, this amending Bill is unnecessarily tagged on to this Act without properly amending the Tea Act which the hon. Minister was in a position to do. He

could have taken the powers under the Tea Act. The Constitution gives that authority to the hon. Minister and many of the loopholes could have been plugged.

In the circumstances, with reluctance and with a critical eye, I say, I have to support the Bill and, again, I conclude by repeating the same thing that something is better than nothing. Let us see how the things shape.

With these words, I have done.

16 hrs.

श्री राम सिंह भाई (इंदौर) : समापति महोदय, चाय बागान की बिगड़ती हुई स्थिति को देखते हुए उन के टेक-ओवर और राष्ट्रीयकरण की बात को मैं 1957 से मुन रहा हूँ, जब कि उद्योग मंत्री श्री कृष्णमाचारी थे। लेकिन इन्ते वर्षों में कुछ नहीं हुआ। कम से कम मंत्री महोदय ने इस बारे में एक बिल लाने का प्रस्ताव किया है— यह बिल जैसा भी हो—, इस लिए मैं उन को बधाई देना चाहता हूँ। इस बिल को देखते से ऐसा लगता है कि मां ने बच्चे को जन्म दिया है, लेकिन बच्चे की नाक नहीं है, जिस के कारण उरु का समाज में जीना बड़ा मुश्किल हो जायगा।

मैं निवेदन करना चाहता हूँ कि अब टेक-ओवर की बात समाप्त कर देनी चाहिए। इस बिल में यह व्यवस्था की गई है कि ऐसे चाय बागान को पहले पांच वर्ष के लिए, और फिर एक एक बरस की एक्मटेशन कर के सात बरस के लिए, टेक-ओवर किया जायेगा, और फिर उन में सुधार कर के उन्हीं को वापस लौटा दिया जायेगा। मैं यह जानना चाहता हूँ कि जब से इंडस्ट्रीज (डेनैल्पमेंट एंड रेगुलेशन) एक्ट, 1951 बना है, तब से कौन-सी ऐसी इंडस्ट्री है, जिस को सरकार ने टेक-ओवर कर सुधार कर के बारह बरस के बाद लौटाया हो।

मुझे अच्छी तरह से याद है कि सरकार ने इन्डू ग्रुप का टेक-ओवर किया, और बम्बई के उस समय के चीफ मिनिस्टर, श्री मोरारजी देसाई, ने श्री भग्नालाल साराभाई से कह कर कलिको मिल के मैनेजर श्री खैर जैसे काबिल व्यक्ति को सुधार के लिए बैठाया। लेकिन वह उस को सुधार नहीं पाये। इतने बरसों के बाद उस का राष्ट्रीयकरण किया गया और सरकार ने इन्डू ग्रुप क इन बड़े भारी यूनिटों का मुभावजा एक हथार रुपये दिया, हालांकि उन यूनिटों पर मजदूरी के प्राविडेंट फंड के लाखों रुपये बाकी हैं।

आज बहुत से चाय बागान और बहुत से उन के कारखाने बन्द पड़े हुए हैं। मजदूरों के वेतन और प्राविडेंट फंड की रकम उन पर बाकी है। उनको टेक-ओवर करने के बाद सरकार क्या करेगी? क्या वह वैसे ही करेगी, जैसे कि उसने सोलापुर की मिलों को टेक-ओवर कर के किया? उस ने मजदूरों के वेतन और डीयरनेस एलाउंस में कमी की और उन कारखानों को चलाने का प्रयत्न किया, लेकिन वे नहीं चल पाये। यह तो सरकार के द्वारा शोषण कराने की बात है।

चाय एक्ट, 1953 में टेक-ओवर का प्रावधान नहीं था। सरकार ने इंडस्ट्रीज (डेवेलपमेंट एंड रेगुलेशन) एक्ट के प्रावधान को उस में डालने का यह प्रयत्न किया है, लेकिन उस से टेक-ओवर की अवधि को बारह बरस में घटा कर सात बरस कर दिया है। मैं निवेदन करना चाहता हूँ कि मंत्री महोदय इस पर पूरी तरह से विचार करें।

स्वयं मंत्री महोदय ने बताया है कि उन चाय बागान पर जमीन का लगान, गवर्नमेंट की एक्साइज ड्यूटी, मकानों का किराया और मजदूरों का वेतन तथा प्राविडेंट फंड बाकी है। जिन पर इतनी अधिक

लायबिलिटी हैं, सरकार सात बरस में उनको कैसे सुधार सकेगी ?

मैं सुझाव देना चाहता हूँ कि अगर सरकार राष्ट्रीयकरण नहीं करना चाहती है, तो वह न करे, लेकिन वह कम से कम श्रमिकों की को-आपरेटिव सोसायटीज बना कर उन को सौंप दे और उन से कहे कि वे अपनी रोझी-रोटी के लिए उन चाय बागान को चलाये। वह शोषण करने के लिए उन चाय बागान को न चलायें।

हमारे देश में अधिक से अधिक विदेशी मुद्रा चलाने वाले चार बड़े उद्योग हैं चाय टैक्स्टाइल, पटसन और चीनी। इन चारों उद्योगों का बुरा हाल है। मुझे आश्चर्य होता है कि इस बिना के उद्देश्यों और कारणों के विवरण में कहा गया है कि चाय उद्योग देश के लिए दो करोड़ रुपये की विदेशी मुद्रा अर्जित करता है। यह रकम 200 करोड़ रुपये होनी चाहिए।

श्री मूल बन्द ढागा : 200 करोड़ रुपये ही बताये गये हैं।

श्री राम सिंह भाई : हिन्दी में तो दो करोड़ रुपये ही दिये गये हैं? हो सकता है कि अंग्रेजी में कुछ और दिया गया हो।

चाय बागानों का बुरा हाल है और उन के प्लांटों का भी बुरा हाल है। इसलिए मेरा निवेदन है कि आप उसका राष्ट्रीयकरण नहीं करते तो टेक-ओवर के बजाय श्रमिकों की सहकारी समिति बना कर उन्हीं को सौंप दीजिए और यह कहिए कि गवर्नमेंट आपको सहायता देगी, टेकनिकल सहायता देगी, आर्थिक सहायता देगी और एडमिनिस्ट्रेटिव सहायता भी आप को देगी। ऐसे उद्योगों को आप यूगोस्लाविया के आधार पर क्यों नहीं चलाते? लेकिन यह बिल्कुल गलत तरीका है जो आप करने जा रहे हैं। मैं इसका सख्त विरोध करता



[श्री राम सिंह भाई]

हूँ कि आप टेक-ओवर करने के बाद मजदूरों को कुछ देंगे नहीं, वे बेकार पड़े हैं, उनका प्राविडेंट फंड, आप की एक्साइज ड्यूटी सारी की सारी पड़ी रहेगी और इन मालिकों के धन कमाने का माधन गवर्नमेंट बनेगी। यह बिल्कुल गलत है। इस का मैं विरोध करता हूँ। अगर आप नहीं चला सकते तो कहिए आप अमिकों से बेइसको चलायें।

श्री दुना उराव (जलपार्सगुडी): सभापति महोदय, मैं इस बिल का समर्थन करता हूँ। शायद मैं ही एक व्यक्ति हूँ जिसने पहले पहल इस समस्या की ओर मंत्री महोदय का ध्यान आकर्षित किया। जब से मैंने सुना कि चाय बागान बन्द हैं मैं इन का दरवाजा खटखटा रहा हूँ। पार्लियामेंट के अंदर और बाहर उन का ध्यान इस समस्या की ओर मैं आकर्षित करता रहा हूँ। इसलिए मैं इस बिल का समर्थन करता हूँ। मगर उस मे जो कुछ क्विटिया नजर आती है उन का जिक्र मैं करना चाहता हूँ। जिन वारणों मे आप चाय बागान लेगे उन में से एक का जिक्र आप ने 16(बी) मे किया है

“(c) the persons owning the tea undertaking or, as the case may be, the tea unit, have habitually made default in the payment of wages, or provident fund dues of workers and other employees or rent of the land, or duties of excise, or such other dues as they are under an obligation to pay under any law for the time being in force.”

बहुत से सदस्यों ने इस की ओर ध्यान आकर्षित किया। लेकिन मैं अच्छी तरह जानता हूँ कि बहुत से ऐसे जो रुग्ण या बन्द चाय बागान हैं उन के मालिकों के यहाँ मजदूरों का बहुत सा प्राविडेंट फंड का पैसा बाकी है और उन्होंने उन का बेटन भी नहीं

दिया है। इस का आप ने जिक्र नहीं किया है कि मजदूरों का जो बेटन और प्राविडेंट फंड उन के यहाँ पड़ा हुआ है उस की श्रायधी किम तरह करेंगे और उस का रिभलाइवेशन उन से किस तरह करेंगे।

दूसरी बात जिन की ओर और भी माननीय सदस्यों ने ध्यान आकर्षित किया यह है कि आप इस को पांच वर्षों तक चलायेंगे, फिर एक वर्ष बढ़ायेंगे और एक वर्ष और बढ़ायेंगे। सात वर्षों तक आप उस को रख सकते हैं। मगर उस के बाद आप क्या करेंगे? उस के बाद क्या उन्हीं मालिकों को देगे जिन से लिया है? इस के ऊपर आप फिर से गौर कीजिए कि अधिक से अधिक दिन तक आप इन को रखें।

इसके अलावा जैसा अभी हमारे साथी चौधरी जी ने कहा कि बहुत सी कम्पनिया हैं जिन का रजिस्ट्रेशन इग्नैड मे है। आप उन्हीं कम्पनियों के चाय बागान से सकते हैं जिन का रजिस्ट्रेशन यहा हो। तो इस की परिभाषा पर भी आप गौर कीजिए।

अत में मैं यही आप से अनुरोध करूंगा और मुझाव दूंगा कि मजदूरों का जो प्राविडेंट फंड मालिकों ने रखा है अपने हाथ मे, गवर्नमेंट के पास नहीं जमा किया है और मजदूरों को भी नहीं दिया है, मेरा ऐसा विश्वास है और मैं जानता भी हूँ कि ऐसे जो मालिक हैं जिन्होंने चाय बागान को रुग्ण किया है उन के बहुत से उद्योग दूसरी जगह भी हैं। मैं अनुरोध करूंगा कि आप मालिकों से मजदूरों के प्राविडेंट फंड और बेटन का पैसा या तो वसूल करे अन्यथा उनकी सम्पति जब्त कर ले। पांच वर्षों के बाद जब चाय यूनिट्स मजबूत हो जायेंगी तो मेरा सुझाव है कि बंगाल और असम मे जो कोओपरेटिव्स हैं, लेबर कोओपरेटिव्स हैं उन को यह यूनिट्स तोप दें। यह बात बहुत अच्छी होगी।

अगर उन्हीं लोगों को आप कापिस दे देंगे तो मैं समझता हूँ कि अच्छा नहीं होगा और उस से कोई लाभ नहीं होगा । ये मेरे कुछ सुझाव हैं जिन पर आप गौर करें । इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ ।

**SHRI PRIYA RANJAN DAS MUNSI** (Calcutta-South): Mr. Chairman, Sir, I congratulate the Government, and particularly the Minister, for having brought this Bill, which has been pending for long, and which was demanded by a large number of people working in the tea garden areas as well as the people connected with this trade. Though there is an advertisement and publicity for Coca Cola drinks that every time is Coca Cola time. I think, it is true substantially that every time is tea time. As a result, tea has become a link of our life and tea is identifying our identity as Indians as well as Asians. In the matter of commerce and trade, as well as in our general national context, tea is of vital importance and the tea gardens and its problems are to be looked into from a national angle and the Government of India, specially the Ministry of Commerce, should look into the problems much more deeply.

First of all, I would like to put a question to the hon. Minister about the Government's policy. The other day, I was listening very patiently the speech of Shri T. A. Pai, the hon. Minister of Industry about his industrial outlook and industrial policy. He very clearly stated or that day that the basic approach of the Government is to invest financial resources not in those sick units where there will be no return and the Government is no more interested to develop any sick unit, but to introduce new things. And if at all Government decides to develop any sick unit the Government should own responsibility for it and not hand it over back, to those hands who ex-

ploited it. I feel that there is a difference and contradiction in the concept of Shri T. A. Pai in his industrial approach of investment in the sick units and the approach of the Minister of Commerce in this Bill. Here, it has been clearly stated that if not after five years, after seven years, it will be given back hands of the owners of the tea garden. It has been clearly stated that Government do not have sufficient power to regulate and control the business and the activities of the management so as to take it over and to control it for a particular period if it does not give good results; it has come to the notice of the Government and the Government sufficiently feel that the private management of the tea units and tea gardens have deliberately tried to destroy these units and have tried to perform the role which was not expected of them. If the Government have come to the conclusion to take over the management of a particular unit after having seen the nature and behaviour of the tea magnates unit the tea industrialists, why again Government considers it proper to hand over the management back to them after having nursed them for five years I cannot understand that. The tea gardens, the oldest ones and the modern ones, vary from thirty years to fifty years in age. And during this period, the Government will agree with the Members, the private management has shown not even slightly their patriotism with regard to this trade and commerce which earns the highest amount of foreign exchange for the country. There is no modern machinery imported from outside, to expand the production capacity. There is no modernisation of the tea gardens. There is no fresh plantation undertaken. There is no new bushing. Moreover, indiscriminately the management was allowed to retrench the employees and conceal the provident fund. All these things have really brought chaos in the tea trade in the last few years. These are the actual truths before the Government. But it has created a doubt in the minds of the Members, why the tea

[Shri Priya Ranjan Das Munsî]

gardens should again be handed over to private management. The other day only I referred to this question I had a talk with a few people of the Indian Tea Planters' Association. They are anxiously awaiting the prospects of the Bill not in a manner that they feel guilty of their misconduct but simply thinking that within the next 5-6 years the tea gardens will again come back into their hands. It will be wrong on the part of the Government after knowing full-well the true character of this management in the last so many years again to hand them back to them.

The second point I want to highlight in this debate is—I would not like to go into other matters with regard to their management after the take-over. The Minister has stated as also in the Bill it has been clearly specified, that after the take-over the Government propose to give them back to be managed either by a public sector corporation or by public sector management or some private agencies or companies or private individuals. Already there is one Tea Planters' Association which is largely being dominated by that big business house in our country the Goenkas, who are already in the Jute trade—they dominate the IJMA—they are already in textiles and they have now stepped into tea industry and captured or taken over the ownership in their name or in *benami* of a number of tea gardens which were earlier owned by the British or by some other people Bengalis and non-Bengalis. The Indian Tea Planters Association which is largely dominated by this business group has branches all over the country and they command the tea trading market and also have many tea gardens and if the Bill's concept is that ultimately it is going to be managed by this group I do not know the basic purpose of the Government in taking over sick tea gardens. These are the issues which appear to me to be contradictory to the basic approach of the Government of India as also our industrial and financial policy when I see this Bill and specially its

contents and objects.

The other important thing is about some recent happenings in the banks. Before the Minister thinks fit to implement the Bill and go and select the tea gardens for take-over, I will request him to consider one thing I am not against any Bank or its management but I have substantial and sufficient reasons to believe that some officials of the Bank officials of nationalised banks whether it is United Bank or United Commercial Bank, before they were nationalised and after their nationalisation, are playing a very peculiar role in the tea garden units. Somehow or other they have brought the managements of sick or healthy tea gardens into their custody by building personal relations or personal contacts and are trying to give them loans sometimes violating the bank's policy or sometimes hiding the bank's policy in a manner which will affect the ownership and proprietorship of the tea gardens from this end to that end. This has become a regular problem. I would request the Finance Minister to make a through inquiry into the affairs of the banks financing of tea gardens in the past 4-5 years. The other day some working class friends of mine came to me with positive documents and proofs. There are examples in Darjeeling where some of my comrades in the Youth Congress have taken over the management of a tea garden forming a workers co-operative. I talked to them and asked them whether they are earning profits. But since it is hypothecated to the bank, that question does not arise. It will be calculated with the bank but working people are getting their wages in time and they are very happy. So it gives another indication that if Government decides at all that the public sector corporation cannot manage it Government should try as a second step to form workers' co-operatives with healthy trade union leadership. I think that the trade unions will co-operate in this regard.

If Government finds that there is no option left, then the Government can

think of going back to their original position. When all these options are open to the Government, I do not think that Government is trying to tell us that it should be managed by a private it should be sent back to the individuals after giving it help for seven years.

The tea industry is another problem. I spent my boyhood for six years in the tea gardens. I know a little bit of it, though not the commercial aspect. Electricity is a vital thing in the tea garden areas. The region where these tea gardens are located starts from West Dinajpur and then goes to Doars upto the Terai Valley in Darjeeling and then to the Brahmaputra in the North Eastern Region. In that area there is an acute shortage of electricity. There was acute shortage of generators.

The tea garden owners had to purchase diesel units. The generators which were supplied but not utilised were sold in the black market. This is the reason why productivity could not improve in those tea gardens for years together. This matter may be looked into before the things are finally settled.

I do not extend my speech citing irrelevant matters. I only want to know from the Minister—

1. Is there any basic contradiction in regard to the industrial policy or approach of the Industrial Development Minister with regard to the sick units and its proper management and—investment and the policy of the Ministry of Commerce in this vital trading centre which earns valuable foreign exchange?

2. Is the Minister sufficiently convinced that the amendment of the Act is because the private management could not sufficiently manage certain units and they are largely responsible for making the healthy units sick? If so, why is Government thinking of giving it back to the private individuals after nursing it?

3. In the present context, wherever the industrial units or the textile units have been taken over and where these have been managed by the public sector corporations or a body or public enterprise or a private body of individuals, where there is a large number of vested interest of the same trading community or trading centre, would it help the Government because this Bill would ultimately either help the country or it may further take away the resources of the Government. It may either make it healthy or it may help the people who plundered the resources from the tea gardens

With these words, I conclude.

श्री हरी सिंह (खुर्दा) : सभापति महोदय, सदन में जो टी अमेण्डमेंट बिल, 1976 पर चर्चा चल रही है, इस बिल को बड़े समय पर हमारे मंत्री जी सदन में लाये हैं। इस बिल के लाने के लिये मैं उन को बधाई देता हूँ। टी अगार्डन्स का यह जो मसला है, यह न केवल हमारे राष्ट्रीय पेय का प्रश्न है, बल्कि इसमें 6 लाख से ज्यादा वर्कर्स काम करते हैं और 200 करोड़ रुपये की विदेशी मुद्रा इस के जरिये हमारे देश में आती है। आप जानते हैं—भारत विदेशों में जहाँ अनेकों चीजों के लिये प्रसिद्ध है, उन में चाय भी एक बड़ा फैक्टर है और विदेशों में चाय का जो बाजार है, उन में भारतीय चाय के लिये बहुत अच्छी गाय है। चाय के बाजार में दूसरे देशों से जो हमारा कम्पिटिशन चल रहा है—उसमें हमारी स्थिति बहुत अच्छी है।

बहुत दिनों से कुछ टी-यूनिट्स का मामला चल रहा है जो बन्द बडे थे, जिन की बजह से मूलक में बेकारी भी फैल रही थी और देश को विदेशी मुद्रा की बहुत हानि उठानी पड रही थी। इन सब चीजों को नजर में रखते हुए जो बिल मंत्री महोदय ने पेश किया है, यह बहुत ही समयानुकूल है।

इस सम्बन्ध में मैं एक बात यह कहना चाहता हूँ कि टी गार्डन्स के बारे में जो राष्ट्रीय-

[श्री हरी सिंह]

करण की बात जोरों से संसद सत्रस्थ कहते आ रहे हैं, यह उचित नहीं है। हर चीज के लिए कहना कि राष्ट्रीयकरण होना चाहिए यह ठीक नहीं है क्योंकि हमारे देश में बहुत सारे दूसरे बड़े बड़े मसले हैं जिन का पहले राष्ट्रीयकरण करना प्रावश्यक है। जो टी-गार्डन्स कई कारणों से बन्द पड़े हुए हैं उनको लेने का प्रावजन भी इस विधेयक में किया गया है और जो टी एक्ट, 1953 का था उस में कुछ खामिया रह गई थी, जिन को दूर करने के लिए यह बिल इस सदन में उपस्थित हुआ है। इस से हमारी सरकार के हाथ मजबूत होते हैं इस माइने में कि ऐसा धंधा जिस से काफी अधिक धन हमारे देश को प्राप्त होता है, उसको वह अपने कंट्रोल में ला सके।

इस बिल के मातहत ऐसे टी गार्डन्स को जो कि आर्थिक दृष्टि से ठीक ढंग से न चल रहे हों और जिन को अक्षयल प्रशासन के कारण भारी क्षति उठानी पड़ रही है, जांच पड़ताल के बाद सरकार अपने हाथ में लेने की सोचेंगी अगर सरकार यह सोचती है कि ऐसे टी यूनिट्स को हाथ में लेना देश के हित में है और वह इस चीज के लिए संतुष्ट हो जाएगी तो उनको यह अपने हाथ में ले लेगी। आज हमारे सामने एक बहुत बड़ी समस्या टी गार्डन्स के दिन पर दिन हासत बिगड़ने की, टी यूनिटों के काम में खाराबी आने की है और इस के लिए सरकार में जो उन्हें अपने हाथ में लेने का प्रावधान किया है, यह बहुत ही समयानुकूल है।

सभापति जी, मैं यह भी कहना चाहता हूँ कि अक्सर जो टी-गार्डन वाले हैं वे बुरी नीयत से या नाजायज मुनाफा कमाने और अधिक धन जुटाने के लिए बहुत से टी-गार्डनों को ठेके पर दे दिया करते हैं। इस का मलीजा यह होता है कि उन को तो पैसा मिल जाता है लेकिन जो मजदूर उन टी-गार्डनों में काम करते हैं, वे घाटे में रह जाते हैं। यह बड़ी ख़ुशी की बात है इस बिल में सरकार ने ठेकेदारों से

बचने का प्रोजेक्शन किया है। जो बीच बुरी नीयत से ऐसा करते हैं और मुनाफा कमाते हैं, उस पर भी पाबन्दी लगानी चाहिए। (व्यवधान) इस सदन में यह बहुत-बहुत काफी समय से चल रही है कि जिन टी-यूनिटों को टेक-ओवर करे तो उन को कुछ वर्षोंके बाद फिर वापस लौटा देंगे। यह सही बात है और मैं कहना चाहता हूँ कि हमारी पालीसी कहीं नहीं है कि अगर किसी मिल को लेंगे तो ब्लेकेट यह कर दें कि फिर उस को वापस नहीं किया जाएगा। नेशनलाइजेशन की जो राष्ट्रीय पालीसी है, वह दूसरी चीज है लेकिन यह कहीं कहीं है कि अगर किसी मिल को ले लिया तो फिर वापस नहीं किया जाएगा। जहाँ पर कुछ श्रमर मिलों को लिया गया है, उन को बाद में वापस कर दिया गया क्योंकि पीसमील उन की हेल्थ को ठीक कर दिया जिन का आर्थिक ढांचा खराब था। इसी तरह से अगर कुछ टी यूनिट्स को लिया जाता है तो उन को बाद में वापस न किया जाए, इस में कोई तर्क नहीं नजर आता है। या तो आप सभी टी-गार्डन्स को ले लीजिए या फिर जिन टी-यूनिटों को आप अपने हाथ में लेते हैं उन को बाद में वापस कीजिए। सरकार में जो यह प्रोजेक्शन किया है, उससे मैं प्रभावित हुआ हूँ।

इसीसंदर्भ में मैं यह निवेदन करना चाहता हूँ कि जिन टी-गार्डन्स को आप टेक-ओवर करें, उन से सरकार इस बात का ध्यान रखे कि जब तक य इम्प्लाइज के प्रोवीडेंड फंड और दूसरे बकाया जो पैसा है, वे उन को वापस न मिल जाएं, जब तक किसी प्राईवेट हूँइस को उस को वापस न किया जाए। इस के वास्ते माननीय मंत्री जी इस में एमेंडमेंट कर लें तो बहुत उचित होगा।

इसी मोक़े पर मैं यह कहना चाहता हूँ कि जैसा कि चौधरी साहब ने भी कहा था कि जो कम्पनियां विदेशों में रजिस्टर्ड हैं, उन पर आप का कोई अंकुश नहीं रहेगा। इसविषे उन को भी इस के परब्यु में लाना चाहिए

और उनको भी कबू में लावा चाहिए क्योंकि उनको अगर हासल कराव होने लगे तो आप हेक-प्रोवर नहीं कर सकते। यह जो डिस्कीपेंसी है वह जो कान्ट्रीडिक्शन है, इसको सरकार को रिमूव करना चाहिए। चाहे व विदेशों में रजिस्टर्ड हों उन पर भी कानून लागू करने का आप को प्रावधान करना चाहिए क्योंकि जो बिदेशों में कम्पनियां हैं अगर उन केटी-यूनिट्स की एकोनॉमिक हेल्थ खराब हो जाए और वह दिन पर दिन बिगड़ने लगे, तो वे किसी कर्मचारी की चिन्ता नहीं करेंगे, उन के प्रोबीडेंट फंड की चिन्ता नहीं करेंगे और जा कर बाहर बैठ जाएंगे और अपने यूनिट बन्द कर दगे। इससे देश की हानी होगी और हमारे देश का जो कर्मचारी वर्ग है, उसको भी नुकसान होगा। मैं कहना चाहता हूँ कि हमारे मंत्री सहोदय, इम सदर्भ में कोई अमेंडमेंट ला ला सके तो बहुत उचित होगा।

मैं फिर कहता हूँ कि यह बिल बड़ा समयानुसार है और जो आवश्यक है तथा जिन चीजों की जरूरत है, उन सब का प्रावधान इस में किया गया है।

श्री मूलचन्द्र डागा (पाली) : सभापति जी, इस पर मुझे ज्यादा नहीं कहना है, केवल दो-तीन बातें कहनी हैं। जब सब सज्जन इस बिज पर बोल रहे थे, उस समय मैंने इसे पढा। मेरा इरादा इस पर बोलने का नहीं था लेकिन हमारे दरबारासिंह जी ने मुझ से कहा कि आपको जरूर बोलना है, तो मैं कुछ बातें इस पर कहना चाहता हूँ। सबसे पहले आपका ध्यान में इसकी क्लॉज 16 (बी) को तरफ दिलाना चाहता हूँ —

"...the Central Government may if it is of opinion that it is necessary,...."

इसके मुताबिक जरूरी नहीं है कि सरकार इन्हें ले ले। आप इस 'बर्ड' को दुबारा पढ़िये—

श्री रामाचलार श्वास्त्री : यहां पर 'में' बर्ड का मतलब 'शे' से है।

श्री मूलचन्द्र डागा : शास्त्री जी, आपकी भाषा में होगा। मैं इस क्लॉज को पढ रहा था —

It is not mandatory. They have got discretionary power. Further:

"If, after making or causing to be made any such investigation as is referred to in Section 16(B)"

इससे यह साफ नहीं होता कि कब तक इन्वेस्टीगेशन पूरा हो जायगा और इसमें कितना समय लगेगा? हाऊ मेनी इयर्स इट बिल टेक, यह हमारी समझ में इसमें साफ होना चाहिए था।

तीसरी बात जो इसमें मैंने देखी है वह यह है कि आपने जो फाइनेंशियल मेमोरेण्डम दिया है, उससे यह साफ नहीं होता, चट्टोपाध्याय साहब बताए कि आपने कितनों को लेने का इरादा किया है, कितना रूपया आपके पास है, उन्हें कैसे आप लेंगे, इस सबका आपने हिसाब लगाया है या नहीं? आपने जनरल कानून तो बना दिया लेकिन मेहरबानी करके यह बताया कि कितने टी गार्डन्स सरकार की निगाह में हैं जिन्हें वह लेना चाहती है? आप कितना रूपया इनमें इन्वेस्ट करेंगे। आपने इसमें लिखा है —

"Rs. 15,000 will be for legal cost."

आपने पन्द्रह हजार रूपया रखा है। मैं समझ नहीं सका कि इससे कैसे काम चलेगा।

श्री दरबारा सिंह (होशियारपुर) : यह 15 लाख रूपये होना चाहिए।

श्री मूलचन्द्र डागा : कम से कम दो लाख रूपया तो होना चाहिए। अगर कोई कोर्ट

[श्री मूल चर डाला]

में चला गया तो आपका 15 हजार रुपये ये कैसे काम चलेगा ?

"While it is estimated that in the year 1976-77 the expenditure would be Rs. 15,000."

आप मुकदमा लड़ेंगे या कम्पनियों मुकदमे लड़ने आएंगी तो क्या पन्द्रह हजार में आपका काम चल जाएगा ? कम्पनियों अपने राइट्स को एक्सरसाइज करने आएंगी तो पन्द्रह हजार में आप उनका मुकाबला कर सकेंगे ? कोर्ट में खड़ा होने के लिए एक वकील एक दिन में इतना ले लेता है। फिर आपने यह कहा कि ये एड एलाउंसिस इनक्यूबिडिंग टी ए, डी ए तथा इसी तरह के जो दूसरे खर्च हैं उन पर दो लाख रुपया इस साल खर्च होने की सम्भवना है। क्या इस रुपये में आपका काम चल जाएगा ? आप बताए कि कितने बागान आप लेना चाहते हैं और उन को लेने पर आपका कितना खर्च होगा ? कितने अफसर आपके मुकर्रर होंगे ? आप देखें कि इनवेस्टीगेशन होगा। इनवेस्टीगेशन होने के बाद ओपीनियन भी बनेगी। सब कुछ होगा। क्या आप नहीं समझते हैं कि यह बहुत कम रुपया आपने रखा है ?

मैं चाहता हू कि आप दो तीन बातों का जबाब दे दें। पहली तो यह है कि कितने टी गार्डज आप लेना चाहते हैं और जिन को आप बीमार टी गार्डज समझते हैं वे कितने हैं ? कितना समय इनवेस्टीगेशन में लगेगा ? कितना रुपया उस पर खर्च आएगा ? क्या आप यही समझते हैं कि पन्द्रह हजार और दो लाख रुपया जो आपने रखा है वह बहुत कम है ?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYA-YA): Sir, I would like to put on record my gratitude to you and through you to the Hon'ble Members who have come forward with constructive suggestions and occasional criticisms of the Bill. Sir, as I have already stated in the Statement of

Objects and Reasons of the Bill, the purpose of the Bill is rather limited. Understandably, many issues relating to this important industry had been raised by the hon. Members of this House and for understandable reasons, I will be confining myself to the points which directly related to the Bill for the consideration of this House.

Sir, it seems that there is a persistent impression that after nursing the gardens for five or in case where necessary six or seven years, we propose to hand over the gardens back to the mis-managers. For the mis-management of these gardens by those persons, we were obliged to take over them.

Now, I would like to dispel the mis-impression. Certainly, it is not our intention to hand over the gardens back to the mis-managers.

SHRI INDRAJIT GUPTA (Alipore): Your intention is not in the Bill.

PROF. D. P. CHATTOPADHYA-YA: The hon. Member is a lawyer.

SHRI INDRAJIT GUPTA: I am not a lawyer. Let me correct you.

PROF. D. P. CHATTOPADHYA-YA: Not a professional lawyer, but a qualified lawyer.

SHRI INDRAJIT GUPTA: I have not read law in my life.

PROF. D. P. CHATTOPADHYA-YA: There is sufficient provision in the Bill that, if necessary, during five years or seven years as the case may be, for nursing the health of this industry or beyond that after five years or six years as the case may be, we may take appropriate steps in ensuring not to hand over the gardens back to the original owners. Now, what steps we will take at this juncture, we need not conjecture or speculate. But one thing I have already said at the beginning that Government had no intention to spend money over these gardens and hand over them

back to the people who are responsible for making them sick. The question is a related question. We do not want to resort to accusations and therefore these are the larger issues and we are immediately concerned with taking over the management and to ensure productivity and employment of the persons who have lost their job and the means of earning because of the closure. So, these two objectives are our immediate intention to realise. When these objectives are realised, we can at the appropriate time take the necessary consequential decisions. What I would like to be on record is that the Government has no intention to hand them back to the owners who are responsible for the mismanagement.

A point has been raised, why five or seven years and not beyond that? The answer is, five or seven years constitute a good enough time scale necessary for nursing the units back to their normal good health. We do not visualise the possibility of requiring more than seven years to restore the health of these gardens. Parallelism of other industrial units breaks down in this case. There may be some industrial units where a longer period may be called for. But even taking into account the gestation period necessary for the bushing of the tea gardens, I think in five plus two years, if that is necessary, the restoration purpose could be achieved.

The other point is, what happens after five or seven years? In some other cases, we have taken measures of nationalisation. In this case, I am not saying at this stage that we will nationalise because that is a premature utterance and we are not concerned with it in this Bill. In the case of NTC—mills which are also under the administrative control of this ministry, initially the mills were taken over for managing and restoring their health and not for nationalisation. Thereafter, the government in its wisdom thought that nationalisation was called for and the necessary legislation was brought before the House.

DR. RANEN SEN: Suppose you do not nationalise. To whom will you hand them over?

PROF. D. P. CHATTOPADHYAYA: To questions of supposition, I cannot give a categorical answer. To a hypothetical question, I can give only a hypothetical answer and that is what I am doing. I only draw his attention to the steps the government have already taken in respect of some other industries. Those parallelisms are relevant in understanding and criticising, if criticism is called for this Bill. Shri Das Munsri said, he finds some sort of incompatibility in the approach of the Industry Ministry and our ministry. I have already referred to the NTC mills which were originally taken over for management only and thereafter the Bill for nationalisation was brought forward. So, there is no incompatibility between the policy of one ministry and that of another. It is Government's policy. Sometimes the administrative ministry is this and sometimes that. So, I would like to dispel this misconception.

A point has been raised as to why we have not brought some sterling companies under the ambit of this Bill. It is legally difficult because it is not within the legal competence of Indian courts to bring under the existing system these sterling companies within the purview of the particular law now before the House. Secondly, which is more important, there is no sterling company which is sick and therefore the question of taking over is not applicable to a sterling company and the question of bringing them under the purview of this Bill does not arise at all. We need not go into that question. Many of the hon. Members have mentioned about the plight of the workers. I myself know the plight of the workers. I had the good fortune of visiting some of the tea gardens including Shonal and Ropalli referred to by Shri Sen. I know that some statutory obligations had not been discharged by some of the tea gar-



[Prof. D. P. Chattopadhyaya]

dens but this is not a universal feature. As a Minister of State for Housing, I knew that some of the housing grants made available to the workers had not been properly utilised. But the object of this Bill is rather limited. I am thankful to the hon. Members for bringing to my notice those problems. I am myself quite aware of those problems.

A point has been made about the profitability of the industry. As I have said right at the beginning, the very fact that so many units have fallen sick is indicative of the fact that the tea industry is not in a very good shape.

SHRI INDRAJIT GUPTA: Since, 1974, they are making tremendous money.

PROF. D. P. CHATTOPADHYAYA: I would say that the tea production in our country has gone up. But for the last two years, the industry's health was not good. And if you look to the details, it is not so much the production that has gone up in a big way, but what has gone up is the unit value realisation. I am not quite sure whether this is a very steady phenomenon. On the contrary, tea is one of the very very few commodities in the world, the price of which has remained almost stagnant in the real terms, over the years. The tea price in real terms has almost remained stagnant. That is one of the reasons why this commodity deserves some international back up, otherwise we will not be in a very fortunate position. The consumption of tea in the world market is going up but our export quantum is not going up in a big way. It is going up gradually but not in a big way. That is really disturbing.

SHRI INDRAJIT GUPTA: You want tea to be more expensive.

PROF. D. P. CHATTOPADHYAYA: Internationally, yes Why not? We want the prices of the things which we export, should go

up. There is no other commodity, the price of which has remained stagnant.

SHRI M. RAM GOPAL REDDY (Nizamabad): Petroleum products.

PROF. D. P. CHATTOPADHYAYA: The prices of agricultural products over the years have remained almost stagnant. Sir, I would like to quote the figures in regard to the current dividends, as per percentages of total paid up capital. During 1971-72, it was 10.4 per cent; in 1972-73 it was 8.3 per cent; and in 1973-74 it is 6.7 per cent. So, the dividend is not going up. And during the last year, namely, 1974-75, our production was 490 million kilograms. During 1975-76, it is expected to be 490 million kilograms. The increase in production is not really a very big one. Therefore, the export earnings are likely to be more than Rs. 200 crores this year, because it is an extremely good year.

I say that the industry's health is not very good. Therefore, there was a tendency on the part of some owners, particularly of the weaker units, to sell their units out. On a hon. Member has mentioned that because of this bill, or rather because of their knowing that the bill will be before the House, some owners are selling these things. I would interpret this phenomenon—it has been reported to me as well—that because the Government is taking interest and is intervening in the plantation field, the units are changing hands, i.e. from bad hands to good hands.

I would like to mention one other thing. To whom are we giving these units, after we take them over? We have already said that we would give them to the public sector companies—whether they are of Central Government or of State Government, some cooperatives, workers' cooperatives or some suitable private agency. We are not opposed to the idea of handing these units, if necessary, over to some private units, because, as you know, we are not in the tea field at

all. There are some good managers; and there are some bad managers. If we do not recognize the distinction between good and bad managers, we would not have entered into the fray. Plantation is a very delicate field. It is not like an ordinary industry. In case it is necessary to hand them over to the private owners, we will see to it that they are good planters, that their reputation is high and that their management skill is high. If these conditions are fulfilled, we will hand them over. There are good private managements. The Chairman of the Air India is a private industrialist. I have no prejudice against a private, but good manager or owner. But it will be under Government's administrative control that these things will happen; and subject to all these legislations. I would repeat what I had said, it is primarily the Central Government or the State Government; then the cooperative organizations— if they come forward—and then, if necessary, Government will think of giving them to some private managers. But we must see to it that they are looked after well and that the sick units are restored to their health. These objectives, constitute our main concern, for if these objectives can be realized, the question as to the organizations to whom we give them, is a secondary one. I agree that it is an important question; and we bear it in mind.

SHRI PRIYA RANJAN DAS MUNSI: After the closed units are taken over, I would like to know whether the interest of the workers who are working either in the Head Offices or other offices would be protected?

(Interruptions)

MR. CHAIRMAN: The objective is there.

SHRI PRIYA RANJAN DAS MUNSI: I think the Minister must clarify this thing.

PROF. D. P. CHATTOPADHYAYA: What you have observed is what I wanted to say.

श्री इन्द्रजीव : जो बायान बन्द है या तिक उन के मालिकों के पास मजदूरों के प्राविडेन्ट फण्ड और वेतन का काफी प्या बकाया है उस को कैसे बक्षुल करेगे ?

PROF. D. P. CHATTOPADHYAYA: After we take over this thing, we will make it the statutory obligation. But if there are dues, we will see at what time, we have to freeze these obligations and then take this responsibility. But when it is taken over, their dues onward will be given. As far as backward dues are concerned, it is a question of time and which has to be worked out later on.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Tea Act, 1953, be taken into consideration."

*The motion was adopted.*

16.58 hrs.

[SHRI G. VISWANATHAN in the Chair]

MR. CHAIRMAN: We shall now take up the clauses

Clause 2—(Insertion of new chapter IIIA)

SHRI B. V. NAIK: I beg to move:

Page 2, line 4,—

add at the end—

"subject to the condition that the present size and future productivity potential are such as to make it an economic holding as per criteria to be laid down by the Government under the rules to be framed in this behalf in consultation with experts to be notified in the Official Gazette from time to time.(1)

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

Page 2, line 27,—

after "fund" insert "and other"  
(2)

[Shri Ramavtar Shastri]

Page 3, line 3,—

after "fund" insert "and other"  
(3)

Page 4, lines 15 to 17,—

omit "so, however, that the total period of such continuance (after the expiry of the said period of five years) does not exceed two years," (4)

Page 4,—

after line 37, insert—

"Provided further that the services of the officers, employees and workers working in the tea undertaking or the tea unit, as the case may be, after take over by the Government may be retained and their services may be counted from the date of their appointments in the private tea undertaking or the tea unit, as the case may be." (5)

SHRI INDRAJIT GUPTA: I beg to move:

Page 1, line 13,—

add at the end—

"on behalf of the Central Government" (6)

Page 2, line 36,—

add at the end—

"provided that such investigation shall be completed within a period of not more than six months from the date of the relevant order of the Central Government." (7)

Page 4, line 17,—

for "two" substitute "five" (8)

SHRI B. V. NAIK (Kanara): I have moved this amendment in order rather to strengthen the hands of the Minister and our Government. As far as the tea units are concerned, they have got to be defined. First of all, I am not seeing tea as an industry in the First Schedule of the Industries Development and Regulation Act. It is not in the First Schedule. Obvious-

ly, the purpose is to make the provision therein applicable to this. The tea unit has been defined elaborately. A tea garden including a sub-division thereof has a distinct entity for which accounts are kept, and as a factory by itself, it manufactures tea. The amendment tries, in brief, to put certain limitations on those units which we have to take up, namely, those units which are economically viable. If we take *prima facie* the reasons for the down-fall of these units, 45 of them, as has been stated by the h.c. Minister, they were managed very badly. We have also been told that only the sterling companies are in a very solid financial and managerial state. As far as these 45 units are concerned, if you know for certain even at the present juncture, that they cannot, at any particular point of time in the future years, more or less, be made economically viable units which will be able to yield return, besides providing the labour, I think, there is absolutely no reason why the Exchequer should be burdened with the responsibility, if a person or a unit is sick and it is in a state of deep *rigor mortis*, the best thing is to wait for the death and then bury it.

17 hrs.

After all, under the Company law and all the laws that have been formulated and the basis on which the system works, there will be profit or there will be loss, a continuous loss will ultimately result in bankruptcy and bankruptcy must result in liquidation. Are we in this country writing of a process of liquidation altogether? I do appreciate the human factor. There are nearly 743,000 people being employee in the tea industry. But why is it that the existing good units are compelled to expand their employment sector and then absorb these people who are going to be displaced? The solution to the problem of unemployment and displaced labour on a permanent basis will have to be found in such undertakings which have a fighting chance

of survival and prosperity, not in those units which are doomed to failure.

Secondly, I would request the hon. Minister to kindly make it clear to us because most of the time we seem to be caught up in a jumble or even a jungle of the Ministry of Company Law, the Ministry of Industrial Development and the Ministry of Commerce and we have not been able to decipher what is what. You have defined in the Act "sick undertakings". Is there any instance of an undertaking having more than one tea unit among the 45 units which are now chartered for the purpose of being taken over? If an industrialist or a planter or a tea company has been making profit on one tea plantation and has been handing over as an unwanted child, another tea plantation or tea estate, why is it that you take over this particular undertaking of the management which manages one unit better and another unit badly? Why is it that the Government should come forward to carry this cross and this burden?

I feel that the management which has been responsible for non-payment of provident fund, for mismanagement or for a sort of squeezing out the profits must be made to pay either by liquidation or by absolute non-compensation. The question of returning or handing it over back to the same management has got to be completely ruled out. Therefore, I would say, on the basis of the data furnished by the Government, we are not today in a position to tell you about the actual details of these units that are proposed to be taken over. how many of them will become economically viable, how many of them have quality of management, one manager managing a good estate and also managing a bad estate and wanting to hand, it over as an unwanted unit to the Government to manage it.

If these two things are clear, it would be very helpful. Therefore, I would urge upon the hon. Minister to kindly accept my amendment.

887 LS-5

श्री रामावतार शास्त्री (पटना) :  
समापति जी मेरे इस चाय संशोधन विधेयक में चार संशोधन हैं और चारों संशोधनों का सम्बन्ध विधेयक की धारा (2) से है। दो मेरे संशोधन एक समान हैं। एक संशोधन पृष्ठ नम्बर 2 की पंक्ति 26 से संबंधित है जहाँ इस विधेयक में कहा गया है कि अगर कोई बीमार चाय बागान या यूनिट मजदूरों को मजदूरी नहीं दे, प्रोवीडेंट फंड नहीं दे, जमीन का किराया नहीं दे, और सरकार को उत्पादन कर नहीं दे, ऐसी को सरकार अपने कब्जे में करेगी।

श्री इन्द्रजीत गुप्त (धलीपुर) : यहाँ कहाँ लिखा है।

श्री रामावतार शास्त्री : यह 16वीं (सी) में है :

"(c) the persons owing the tea undertaking, or, as the case may be, the tea unit, have habitually made default in the payment of wages, or provident fund dues of workers and other employees...."

इस में प्रोवीडेंट फंड का जिक्र है लेकिन मैं यह जानना चाहता हूँ कि केवल वेतन और प्रोवीडेंट फंड ही बकाया रहा हो, तभी यह लागू होगा या और जो ड्यूज है जैसे कि प्रेचुयेटी है, मुझे पता नहीं कि वह उनको मिलती है या नहीं उन को क्यों छोड़ दिया गया है। अगर कोई और दूसरे ड्यूज नहीं है, तब तो मेरे इस संशोधन का कोई मतलब नहीं है लेकिन अगर कोई और ड्यूज है वेतन और प्रोवीडेंट फंड के अलावा, जो मेरा संशोधन यह है कि 'ड्यूज' से पहले "एण्ड अदर" जोड़ दिये जाए ताकि अगर किसी कारखाने में या चाय बागान में कोई और ड्यूज हों तो वे भी उस को मिलेंगे जो ड्यू होंगे।

दूसरा संशोधन मेरा पृष्ठ 3 पर है जहाँ आप ने कहा है कि पांच साल के बाद एक एक साल कर के दो बार बढ़ा सकते हैं और 7 साल तक आप अपने कब्जे में चाय बागान को.

[श्री रामानुजतार शास्त्री]

या कारखाने को रख सकते हैं। उस के बाद आप या तो सरकार कम्पनी को दे देंगे—यह कम्पनी राज्य सरकार की भी हो सकती है और या आप ने कहा है कि अगर जरूरत पड़ी तो व्यक्तिगत निजी कम्पनी को भी दे सकते हैं निजी लोगों को भी दे सकते हैं यानी निजी लोगों से आप की महुब्वत अभी बनी हुई है और इस कानून के भातहत उस को आप बनाए रखना चाहते हैं। तो मेरा संशोधन यह है कि आप जी 7 वर्ष के बाद दे ही देना चाहते हैं तो इस को आप इस में से निकाल दीजिए और उस को आप अपने कब्जे में रखिये। सभापति महोदय मुझे इस मौके पर एक कहानी याद आती है। यह वैसी ही बात होगी कि एक मा अपने बच्चे को पाल-पोस कर दुध पिला कर और परेशानी झेल कर बड़ा करती है और जब वह बच्चा बड़ा हो कर जबान हो जाता है और कमाने लगता है तो उस की कमाई का उपभोग न कर के वह दूसरे को उस को दे देती है। तो उस मा से बच्चा कर वेवकूफ कौन होगा। ठीक यही बात सरकार इस बिल में कर रही है। पाल-पोस कर और चाय बागान की आर्थिक स्थिति ठीक कर के फिर उस को उस के मालिक को हवाले कर देती है इस पर लोग हसने और कहेंगे कि जब गाय दूध देने लायक हुई, तब सरकार ने उस को किसी और के हवाले कर दिया। इस लिये मेरा कहना यह है कि मेहरबानी कर के आप ऐसा मत कीजिए और सात साल की कैद न रखिये। मौका पडने पर आप उस को दस साल तक भी रख सकते हैं।

आखरी मेरा संशोधन पृष्ठ 4 पर है। पहला संशोधन भी पृष्ठ 4 पर ही था। मेरा यह संशोधन मजदूरों के सिलसिले में है। जो मजदूर इन कारखानों में काम करते रहेंगे उन का क्या होगा। आप इस मामले में साइलेंट है चुप है। इन चाय बागानों में जो काम करने वाले मजदूर हैं उन की विदाई कर दी जाएगी और उन से कहा जाएगा कि अब हमें चुपकारी

अ रत नहीं है तुम जाओ जाओ क्यों और बाहे जो कुछ करो। उन के बारे में आप ने कुछ नहीं कहा है।

आपको याद होगा कि वहाँ पर कौबला खानो के राष्ट्रीयकरण का विधेयक पेश हुआ था तो उस में इस बात की व्यवस्था थी कि हम इनको काम देंगे और इसका जिक्र कल ऊर्जा मंत्री श्री पंत ने भी किया था जो कहा था कि हम ने उस में यह रखा है— एक माननीय सदस्य : वह राष्ट्रीयकरण का बिल था।

श्री रामानुजतार शास्त्री : राष्ट्रीयकरण हो या कुछ भी हो जब आप अपने कब्जे में करे तो काम तो मजदूर ही करेंगे। मंत्री महोदय स्वयं या मंत्रीमंडल तो काम भही करेगा। मैंने अपने संशोधन में भी यही कहा है कि उन मजदूरों को रखा जाए। वह इस प्रकार है :

"Provided further that the services of the officers, employees and workers working in the tea undertaking or the tea unit, as the case may be, after take over, by the Government may be retained and their services may be counted from the date of their appointments in the private tea undertaking or the tea unit, as the case may be"

अगर आप ऐसा नहीं करेंगे तो उनकी सविय नहीं मानी जाएगी। अगर इस बिल में इसकी व्यवस्था है तब तो आप बनाएं कि है और इसके बारे में आप कुछ नहीं बोले हैं, आपको बोलना चाहिये था और अगर व्यवस्था नहीं है तो आपको इसको मान लेना चाहिये।

17.10 hrs.

[SRI P PARTHASARATHY in the Chair]

SHRI INDRAJIT GUPTA: Mr. Chairman, Sir, with your permission, I want to make a few brief remarks on my amendments already moved.

The hon. Minister referred to other examples of legislations which have

been passed for taking over management not nationalisation,—either of the textile or of other individual undertakings. My first amendment has been brought for this purpose that in all those previous cases, the relevant legislations have laid down that the management is being taken over by the Government, and then the Government appoints somebody as custodian to manage that undertaking or that industry on behalf of the Government. The person who is authorised to do the management, custodian or somebody else, is doing it on behalf of the Government in whom the management vests. But in this Bill, you will find the difference and I beg to differ with the interpretation being sought to be given by the Minister and I am sorry to say, by some Members also. The intention may be different, but then your drafting of the law is very bad, I must say. In the definition of 'authorised person' on page 1, what is said is, and that is what my first amendment relates to:

“ 'authorised person' means the person or body of persons authorised, or appointed, by the Central Government under this Act to take over the management of any tea undertaking or tea unit . . . ”

Later on, in the main body of the Bill, on page 4, it is mentioned:

“ ...the Central Government may, by notified order, authorise any person or body of persons to take over the management of the whole or any part of the tea undertaking or tea unit... ”

Who is taking it over? You may authorise somebody else, not the Government. The Government may even authorise a consortium of private tea owners to take over and run a particular unit. There were enough indications a few weeks ago that some planters wanting to set up a consortium approached the Government to allow them to take over some of the sick tea gardens.

There were reports in the Business Standard saying clearly that prosperous tea companies are showing keen interest in taking over sick and closed gardens,

My point is, the law should be clear. I am now talking of the first act of take-over, not what will happen at the end of five or seven years. Let there be no equivocation about it; let us be clear. Is it the Government or not the Government which is to take over the management in the first instance? After you have gone through your investigation and have made an enquiry and satisfied yourself, who takes it over? It should be the Government and then the Government appoints on its behalf some person or persons or a custodian or somebody to manage the affairs of that garden. But he is only the agent acting on behalf of the Government. That position is not clear in this Bill at all. Therefore, either there is deliberately a loophole being left when the Government may authorise some other agency to take over and run the gardens and the Government's only role in that case will be to provide the funds. Or this is bad drafting. It is one of the two. Let it be made clear. Therefore, I have brought my first amendment and I do not see why anybody should object to it, if that is the intention, at the end please add—

“on behalf of the Central Government”

So, the clause will be:

“authorised person” means the person or body of persons authorised, or appointed, by the Central Government under this Act to take over the management of any tea undertaking or tea unit on behalf of the Central Government”.

That means that he is acting as an agent of the Central Government and not somebody or some organization or company or some private person or other agency whom, according to the

[Shri Indrajit Gupta]

Bill, as it is drafted at present, the Government can authorise, to take over the management, not necessarily on behalf of the Government. And the Government's only job will be to provide funds for replanting of bushes and maintenance of things and so on. This is my first amendment.

Then I will finish all the rest together. Then my second amendment is for addition of a proviso on page 2, line 36. I want a time-limit to be put on the period, a maximum time-limit on the period of investigation into the conditions of the tea undertaking or the tea unit. If the hon. Minister thinks that 6 months is too short or too rigid a time-limit, he may suggest some other time-limit. I do not mind. But there should be some ceiling. Otherwise, in the name of investigation to determine whether the tea garden is sick or not sick, the investigation can go on endlessly. There are many methods, we know, by which dilatory tactics are pursued and obstacles are created and legal obstacles are also created and all sorts of things go on. So, my second amendment is only with the object of placing some ceiling on the period of investigation. I have suggested six months but if you want to make some other thing, you can put it. I do not mind, but there should be a ceiling.

Thirdly, about this provision which has been made—5 years and 2 years—enough has been said here by many members. They have expressed their concern and apprehension about it. I do not want to repeat those arguments and I fully share those apprehensions and doubts which have been expressed here by so many members on both sides of the House. My amendment is that for the period of extension, after the initial five years, instead of two years, it should be five years so that it will be five years initially, and then the Government has the power to extend by one year at a time upto

5 years more, so that it will be five years initially and then another five years, so that the maximum possible period will be 10 years. You may argue "why ten years if it is to be handed back to somebody at the end of that period?" Of course, he has given us an assurance that that is not the intention of the Government. We welcome his assurance, though it is nowhere embodied in this Bill in any sense of the term. But I would like to say that things being what they are in the country, 10 years is quite a good period of time and I do not think that at the end of the ten-year period, this Parliament itself would permit the Government to hand over that garden back to the same individuals who had mismanaged it in the beginning. I have confidence in the Parliament on that. But I will say again that my main concern is about my first amendment. You must make it crystal clear in the Bill that it is the Government which is taking over the management. And I do not think that it is accidental that this is the first Bill of this kind, in which as some other hon. Members have pointed out, there is no mention about the protection of the rights of the workers. It is natural because if the Government take over the management as they have done in other cases like textiles, etc., the government automatically as government assume certain obligations towards the workers and their statutory rights and, in every case, there has been a specific clause to that effect which is missing here because the Government is visualising that it may not be the government which takes over but somebody else who is authorised by the Government to take over.

I will say one thing in conclusion. I would say in conclusion that you cannot compare the condition of the tea industry with the jute industry or the textile industry. You have only to read in the paper every day what the employers themselves say. There the textile and jute employers are howling and shouting every day about the so called crisis—they say that they

are almost finished. Do you find this thing about tea? Of course, they are not concerned about production. I agree with the Minister that they are concerned with the profit and because the unit value of tea has gone up, they are satisfied for the time being. In the last three years there has been a huge increase in the price of tea. That kind of crisis does not exist here. If there are some gardens which have fallen sick, we can be sure—it can be due to mis-management of those particular owners and not due to the general condition of the industry. If this Government pressurises them a bit more not to sell tea in bulk but to sell in rackets abroad, the unit value would go up even more. There is a plenty of scope for making more money if our people stop selling in bulk.

I will say that the number of mis-managed sick units may not be very large. It may be 20, 30 or 40, not more than that. Let the Bill make it clear that where after an investigation the Government is convinced that the conditions are satisfied, it is the Government which will take over the management and then appoint somebody on its behalf to run that undertaking or the unit. That is not clear here at all. I have every suspicion, and he himself has said that at the end of seven years, they may even hand it over to a well-managed private company or some group of companies or somebody else. That is at the end of seven years, but what about it, to start with? Why should Parliament be called upon to approve a Bill which may visualise the sick tea garden being run by a private body and we are only to pay the money out of public exchequer to improve the conditions of that garden? Parliament is not going to approve a thing like that unless it is made clear that Government itself is taking over the management. That is why I have brought forward these three amendments.

THE MINISTER OF COMMERCE  
(PROF. D. P. CHATTOPADHYAYA):

I would not take much of your time. I will say a few words.

I appreciate the spirit with which these amendments have been suggested. But I am sure, a close reading of the Bill and a little clarification which I am offering would suffice to dispel the question or suspicion—a strong word used by Shri Indrajit Gupta.

I am quite clear that the first amendment is not necessary at all because of the language that we have used in the Chapter 16A—

“authorised person” means the person or body of persons authorised, or appointed, by the Central Government under this Act to take over the management of any tea undertaking or tea unit;”

He wants to add ‘on behalf of the Central Government.’ I would like to submit the language of this Section is the same as in Section 18A of the Industries (Development and Regulation) Act, 1951. In many other cases we have followed this language and consequential action has been taken. Therefore, there is nothing new that we propose to do. So, this misconception and the resulting suspicions are unwarranted.

The other question is whether we are going to be burdened with dead-wood or the units which perhaps have no viability and cannot be restored back to their original health even after good nursing.

Sir, in the Statement of Objects and Reasons—I would draw Shri Naik's attention to para 2(c)—we have said: “to take decision for liquidation or reconstruction of the managed tea undertaking or tea unit in accordance with the provisions contained in Chapter IIIA(C) of the industries (Development and Regulation) Act, 1951.”

So, we are not going to take any other unit. After the liquidation of their previous debts, pre-takeover



[Prof. D. P. Chattopadhyaya]

debts,—moreover they must be viable also—we are not going to take over any other unit and waste public money therein. I have already said—I do not like to repeat it—that Government has its own priority for choosing the institution to look after the units after they are taken over by Government.

Firstly, it is like any other public sector undertaking that we have. We have, for example, several such companies like the Balmer Lawrie & Co., Andrew Yule and T.T.C.I.—Tea Trading Corporation of India—and also we have the public sector units. The Assam Tea Corporation is there already and, if some State Government comes up with some other corporation, we shall certainly consider it. I have already said before, that we have no prejudice against anyone. If there is a group of good planters whose record of management is good and whose plantations have not fallen sick, I have no closed mind that their cases will not be considered.

SHRI D. N. TIWARY (Gopalganj): Will they be the agent of the Government or they will be handed over some tea fields to manage them?

PROF. D. P. CHATTOPADHYAYA: I have already said that they will be under our administrative control subject to certain disciplines.

As regards the amendments moved by Shri Shastriji, I am sure, that if you closely read clause 16(B) (1) (c) from line 25 onwards and again clause 16D from line 40 onwards, the suggestions he made other 'dues' have been taken care of in the lines and the phrases following the one suggested by the hon. Member.

With these few words, I think all those contingent questions raised by the hon. Members have been taken care of in the Bill itself and so, I am sorry to say that the amendments are not acceptable.

SHRI INDRAJIT GUPTA: May I ask questions?

MR. CHAIRMAN: Yes.

SHRI INDRAJIT GUPTA: I want to know whether, in case in a particular instance, they decide to hand over some tea garden to a private management; towards which they are well disposed, will the role of Government be merely to provide funds for rehabilitation? Please clarify properly.

PROF. D. P. CHATTOPADHYAYA: Guidelines would be provided for. Always the administrative control will be there.

SHRI INDRAJIT GUPTA: Nothing is there in the Bill.

PROF. D. P. CHATTOPADHYAYA: Those are matters of administrative details and we do not provide for all of them here.

MR. CHAIRMAN: With the approval of the House, I shall put all the amendments together. First, on clause 2, there is an amendment by Shri Naik. I think he is not pressing.

SHRI B. V. NAIK: Some promises were made at the time of textile mills takeover. Today we are incurring losses in crores of rupees. I cannot be very specific. We are writing off the losses. It will enable anybody to pick up any unit. I hope the history of textile mills take-over by incurring losses in crores of rupees will not be repeated here too.

MR. CHAIRMAN: Are you withdrawing your amendment?

SHRI B. V. NAIK: Yes, Sir.

MR. CHAIRMAN: Is it the pleasure of the House to allow Shri Naik to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes, Sir.

The Amendment No. 1 was, by leave, withdrawn.

MR. CHAIRMAN: I shall now put all the other amendments of Shri Ramavatai Shastri, Shri Madhukar and Shri Indrajit Gupta to the vote of the House.

SHRI INDRAJIT GUPTA: You have not asked whether I am withdrawing the amendments or not.

MR. CHAIRMAN: Would you like to withdraw your amendments?

SHRI INDRAJIT GUPTA: How can I withdraw my amendments? He replied to one of my points. He has never replied to the question about the time limit for the investigation. He never replied about the extension of time from three to five years. How can I withdraw the amendments?

MR. CHAIRMAN: So, I shall put all the amendments together to the vote of the House.

*Amendments Nos. 2 to 8 were put and negatived.*

MR. CHAIRMAN: The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill*

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

PROF. D. P. CHATTOPADH-  
YAYA: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

17.30 hrs.

#### WORKMEN'S COMPENSATION (AMENDMENT) BILL

THE MINISTER OF LABOUR  
(SHRI RAGHUNATHA REDDY):  
Mr. Chairman, Sir, I beg to move,\*

"That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by the Rajya Sabha, be taken into consideration."

Hon. Members are aware that the Workmen's Compensation Act, 1923 provides for payment of compensation to workmen and their families in case of industrial accidents and of certain occupational diseases resulting in death or disablement arising out of and in the course of employment. The Act at present applies to certain categories of railway employees and persons drawing monthly wages not exceeding Rs. 500/- per month and employees in certain employment of hazardous nature as specified in Schedule II to the Act. Schedule II includes persons employed in factories, mines, plantations, mechanically propelled vehicles, construction works, etc. The State Governments are empowered to make addition to Schedule II as and when necessary.

With the extension of the coverage of the Employees' State Insurance Scheme the liability for payment of compensation for industrial accidents and occupational diseases is being gradually transferred from the employers to the Employees' State Insurance Corporation. However, the extension of the E.S.I. scheme to all the factories and establishments will take time. The Workmen's Compensation Act, 1923 would, therefore, continue to be in operation. Hence, the need is felt for effecting certain important changes in the Act.

The Act was last amended in 1962. Since then, a number of proposals for amendment of the Act arising from

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\*Moved with the recommendation of the President.

[Shri Raghunatha Reddy]

recommendations of the National Commission on Labour, the Labour Laws Review Committee set up by the Government of Gujarat and the Law Commission of India are under consideration. These proposals will require a comprehensive amendment Bill. Meanwhile, I am placing before you for enactment a few proposals of an urgent nature.

As mentioned earlier, the coverage under the Act is at present restricted to the Workmen drawing wages not exceeding Rs. 500/- per month. This ceiling is considered to be very low in the context of the current wage levels both in private and public sectors. Requests for enhancement of the wage limit for coverage under the Act are being received. It is accordingly proposed to increase the wage limit for coverage of workmen under the Act from Rs. 500/- to Rs. 1,000/- per month, which will be at par with the wage limit for coverage under the Employees' State Insurance Act, 1948, Employees' Provident Fund Act and the Payment of Gratuity Act, 1972.

With the revision of wage limit for coverage under the Act, the existing rates of compensation as provided under Schedule IV of the Act also needs an upward revision. This would necessitate the prescription of suitable rates of compensation for workmen drawing wages between Rs. 500/- to Rs. 1,000/- per month, being covered for the first time. The proposed revised rates of compensation for death has been worked out in multiples of monthly salary, the multiples coming down from 120 in the case of lowest paid to 30 in the case those in the highest wage group. Thus, the proposed rates of compensation in the lowest wage group represents 10 years wages and those in the highest wage group two and a half years. This gives an increase ranging from 62 per cent to 140 per cent to those who are already covered by the Act i.e. those drawing wages upto Rs. 500/- p.m. A higher compensation has thus been provided in the lower wage groups.

The proposed rates of compensation for permanent total disablement are 40 per cent higher than those for death. The rates of half monthly payments for temporary disablement are also being suitably revised by providing higher percentage of the monthly wages as compensation to workers in the lower wage scales. Having regard to some accidents which occurred in 1975, it is proposed to give retrospective effect to the provisions of the amending Bill with effect from 1st October, 1975.

When this Bill was being considered in Rajya Sabha, several suggestions were made for securing more effective enforcement of the provisions of the Workmen's Compensation Act, 1923. These suggestions will be kept in view and everything possible will be done to see that the provisions of the Act are effectively enforced.

I now commend the Bill for the consideration of the House. As you see, this is a very non-controversial piece of legislation conferring rights for providing higher compensation on the various categories of workmen. I do hope that this Bill will be passed unanimously, even without discussion.

MR CHAIRMAN: Motion moved:

"That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by Rajya Sabha, be taken into consideration"

श्री मोहम्मद इस्माइल (बीरकपुर) :  
चेयरमैन साहब मंत्री महोदय ने ठीक ही कहा है कि इस पर कोई कंठोवर्सी उठाने के बजाय इस बिल को मदन को पास करना चाहिये। यह ठीक बात है कोई जवाब नहीं है कि यह बिल पास न हो। मगर दुख है कि लेबर मिनिस्ट्री ने ई० एस० आई० और प्रोवीडेंट फंड को इनकीज किया मगर जहाँ तक कम्पेंसेशन का सबाल है इस में इन्होंने बहुत देर की। हावाकी दो तीन वर्ष पहले मंत्री जी कहते थे कि हजारा का नम्बर प्रायोगा हजारा के ऊपर कम्पेंसेशन मिलेगा बहूँ कामा दो तीन काम से लोगों को बी

मगर इन की तरफ से पैसाकदमी नहीं हुई कि इस बिल को जल्दी लाते। इन्होंने मालिकों की मौका दिया कि काम बेजोब दे कर वह जितना कमाना चाहे कमाये। बॉकना क्लास के इन्टरैस्ट को इन्होंने नहीं देखा है वर्कर्स के इन्टरैस्ट को प्रोटेक्ट नहीं किया और आज उस का प्राय-श्चित कर रहे हैं।

मुझे ज्यादा कुछ नहीं कहना है दो तीन बातें कहनी हैं। एक यह है कि 1000 रु० का ठीक किया है। बेसिस क्या दिया है? ई० एस० आई० ने किया वहाँ भी कोई बेसिस नहीं जब मालूम है आप को कि बोनस कमीशन ने 1,600 रु० फिक्स किया है उस की डेफी-नीशन भी है। मगर इन्होंने 1,600 के बारे में बोनस कमीशन की उस डेफीनीशन को नहीं मान कर 1,000 किया है। अभी रेफरेंस दे रहे हैं ई० एस० आई० और प्रोवीडेंट फंड का कि ऐसा हुआ है मगर बोनस कमीशन की मिफारिज के बारे में यह चुप हैं। इस का क्या कारण है यह मंत्री जी बतायें।

दूसरी बात यह है कि यह जो कम्पेंसेशन ऐक्ट है इस में दिक्काउं हो रही हैं। सवाल यह है कि जो तनख्वाहें अभी हैं यह 1,000 अभी से नहीं है बल्कि कई साल से तनख्वाहें बढ़ गई हैं डी० ए० वड़ा है इमेंटिज बढ़े हैं। बढ़ने के बाद कम से कम 1,000 रु० के करीब ज्यादा धादमी पाते थे। मगर वह सब डेप्राइव हो गये। वह जब भी कम्पेंसेशन के लिये जाते थे तो 500 से नीचे ही मिलता था और मालिक इस तरह से बच जाते थे। इन को क्या यह मालूम था कि तनख्वाहें बढ़ गई हैं? इन्होंने वेजेज ठीक किये हैं बहुत सी फानफरेंसेज हुई है जहाँ पर वेज स्ट्रक्चर ठीक हुआ है, डी० ए० ठीक हुआ है। इन का शिमले में ब्यूरो है जो डी० ए० का इंडेक्स ठीक करता है। इन्स्टिच के बारे में भी मालूम था कि तनख्वाहें बढ़ गई हैं। मगर नहीं लाये। इन्होंने वर्कर्स के इन्टरैस्ट को नहीं देखा इस मिनिस्ट्री पर यह हमारा चार्ज है। आज लाये हैं।

जो सीमन है और 6 महीने काम करते हैं, और 2 वर्ष बैठना पड़ता है उन को 1,000-1,200 और 1,400 रु० तनख्वाह मिलती है जब वह बाहर जाते हैं। तो लाखों धादमी डेप्राइज हो गये। जब कम्पेंसेशन कोर्ट में दखल्लि करने गये कि मर गया है तो बोले कि तुम 500 रु० के ऊपर हो इसलिये कुछ नहीं मिलेगा और मतीजा यह हुआ कि उन के सब केसेज रिजेक्ट हो गये। आज एक भी सीमन को प्रोटेक्ट नहीं कर सकते। मगर प्रोटेक्शन की जरूरत पड़े तो सिविल कोर्ट में जाना पड़ता था और वहाँ भी डिजीजन यही होता था कि इन की तनख्वाह यह है, इन को कम्पेंसेशन उतना ही मिलना चाहिये जितना 500 रु० के मुताबिक मिलता है। कम्पनियां बच जाती हैं और जजमेंट भी ऐसे ही होते हैं। इर तरह से एक सेक्शन लोगों का हमेशा डिप्राइव रहा है। आज भी यहाँ पर फंकटरियों का नाम लिया गया, इंजीनियरिंग का नाम लिया गया और दूसरे नाम लिये गये लेकिन सीमन के बारे में कुछ नहीं कहा गया। जो इन्जर्ड हो जाते हैं, मर जाते हैं उन के बारे में कोई जिक्क नहीं किया गया है स्टेटमेंट करते बक्त और इस के लिए मुझे बहुत अफसोस मालूम होता है। हमारे देश के हजारों सीमन बाहर जाते हैं और काम करते हैं उन का आपने जिक्क नहीं किया। आज हमारी शिपिंग कम्पनियों का कितना टर्नेज बड़ा है और प्राये कितना बढ़ेगा, यह आपदिखें। शिपिंग कारपोरेशन के पास 112 या 115 जहाज हैं और उन में हजारों धादमी काम करते हैं। उन का आप ने जिक्क नहीं किया है और आप यह कम्पेंसेशन का विधेयक लाए है। उन के बारे में आप को किलयर-कट बोलना पड़ेगा। अब तक वे डेप्राइव हुए हैं। इसलिये उन का भी आपको जिक्क करना चाहिये था ताकि वे अपनी कम्पनी से दरखास्त कर सकें कि क्योंकि अब 1,000 रुपये तक के लिये यह ही गया है, हमें भी कम्पेंसेशन मिलना चाहिए। अब तक तो उन का केस रिजेक्ट होता रहा है इस प्राउन्ड पर कि उन को

**[श्री मोहम्मद इस्माइल]**

500 रुपये से ज्यादा मिलता है। अब 1,000 रुपये का कानून हो गया है, इसलिये उन को भी फायदा मिलना चाहिए। उन में से बहुत से पनलिन्टकी डिस्पोजिबल हो गये हैं, पीर टूट गये हैं, हाथ टूट गये हैं और भाकूपेशनल डीजीज उनको हो गई है और हजारों मर गये हैं, इसलिये ऐसे लोगों का भी जिक्र होना चाहिए। मिनिस्टर महीदय इस चीज का साफ तौर से जवाब दें।

दूसरी बात यह है कि कम्पेंसेशन लेने के लिए आज जो प्रोसीजर है, उसको सिम्पुल करना होगा। आज जितने वर्क्स फॅक्टरियों में काम करते हैं वे सब डेपराइव होते रहे हैं उनको मालूम नहीं कि कितना कम्पेंसेशन उनको मिल सकता है। एक सैकशन तैयार हो गया है, एक बैस्टेड इन्स्टेड तैयार हो गया है जो तमाम फेस देखा कर कहता है कि हम तुम को 4 हजार रुपया दिलावाएँगे अगर तुम हम को 1500 रुपया दो। इस तरह से वे कान्ट्रैक्ट कर लेते हैं।

**SHRI MOHAMMAD ISMAIL:** He do not want a wrong impression to be spread. I would like to point out that under the existing Act, seamen are covered.

**SHRI MOHAMMAD ISMAIL:** He has not mentioned it in the statement. That is why I referred to seamen.

कम्पेंसेशन लेने का जो प्रोसीजर है, उसको सिम्पुल करना पड़ेगा। आज एम्पलायर जो है उसको यह फॅक्लिटी है कि जो उनका पैसा होना है वह इन्स्टालमेंट में कोर्ट में जमा करे। एक आदमी को इस तरह से पैसा लेने में तीन-तीन वर्ष लग जाते हैं और मालिक पैसा जमा नहीं कराते हैं। बड़े मालिक तो पैसा दे देते हैं लेकिन छोटे मालिक नहीं देते हैं और इन्स्टालमेंट होने के बाद भी पैसा मिलने में दो, तीन वर्ष लग जाते हैं। इस तरह से उसको कम्पेंसेशन लेने के लिए तीन वर्ष, चार वर्ष तक लटकना पड़ता है।

इसलिए मेरा कहना यह है कि इस कम्पेंसेशन एक्ट को ज़ीरोहैंडिंग बनाया चाहिए और इन सब चीजों को इन्फ्लूअर के डिस्पोजिबल करना चाहिए जिससे वर्क्स आसानी से इसको समझ सकें और उनको पैसा मिल सके। इम्पलायर्स को जो पैसा इन्स्टालमेंट में जमा कराने की फॅक्लिटी है, इस पर रोक लगनी चाहिए और कानून के मुताबिक यह नहीं होनी चाहिए।

सिविल कोर्ट में जो सोमैन को जाना होता है, उसमें आप को यह करना चाहिए कि जो डिफ़िकल्टीज हैं उनकी दूर किया जाए और कम्पेंसेशन का जो मेन एक्ट है, उसको रिवाइज किया जाए और सिम्पुल बनाया जाए। सिर्फ़ एमेंडमेंट लाने से काम नहीं चलेगा। आप जो एमेंडमेंट लाए हैं और जो बेंजेज को ठीक किया है, उसका आधार मेरी समझ में नहीं आता है। किस बेसिस पर आप ने यह किया है यह पता नहीं है। जो प्रोल्ड फ़ांक्शूला है, उसी के मुताबिक आप ने चार्ज बनाया है या कोई चार्जेज लाए हैं या नहीं, इस के बारे में आपको बोलना पड़ेगा। यह जो आपने चार्ट बनाया है, इसका बेसिस क्या है, इसका आप एक्सप्लेन करें कि किस तरह से किस बेसिस पर आपने इसको बनाया है? यह जो आपने इसे ठीक किया है, इसका बेसिस बही पुराना है, वैसे ही यह कन्ट्रीन्यू करता चला आ रहा है, या इसने आपने बेजिज किये हैं, या बेजिज आप लाता चाहते हैं। यह आपको बताना होगा।

यह चीज भी आपको साफ करनी होगी कि यह जो कम्पलसरी डिपॉजिट में पैसा जमा है, तब्बाह बढ़ती है वह भी जमा डिपॉजिट घलाऊस बढ़ता होगा, वह भी जमा, यह जब मिलना शुरू होगा तो हजार, नौ सौ रुपया हो जायेगा, तो यह जो कम्पेंसेशन दिया जायेगा उसमें यह कम्पलसरी डिपॉजिट इन्क्लूड करके

बिना आपका या नहीं या खास्ट के के प्राधार  
 'पर मिलेगा ? ऐसे कस्त होने चाहिए जिसके  
 मुताबिक वह कम्पलसरी डिपार्जिट को भी  
 इंकलूड किया जाय । ऐसा न हो कि  
 इसको छोड़ दिया जाय । वह जो कंप्यूजन  
 है, इसको आपको क्लीयर करना होगा ।

मैं आपका ज्यादा समय नहीं लेना चाहता ।  
 यह चाहता हूँ कि आप इन बातों को साफ कर  
 जल्दी से जल्दी इसे पास करें ।

सरदार स्वर्ण सिंह सोखी : (जमशेदपुर)  
 सभापति महोदय, यह बिल जो लाया गया है,  
 मैं इसका स्वागत करता हूँ । यह 1923 के  
 बाद 11 बार अमेंड हुआ है और यह बारहवीं  
 बार अमेंड हो रहा है । मैं इसके बारे में कुछ  
 सुझाव दूंगा और मेरा ब्याल है कि आपको  
 इसको फिर अमेंड करना पड़ेगा ।

मिनिस्टर साहब ने अपने भाषण  
 में इसे वर्कमेंस कम्पेन्सेशन अमेंडमेंट बिल  
 कहा है लेकिन आजकल तो बीमेन भी  
 वर्कमेंस है । यह जो वर्कमेंस  
 कम्पेन्सेशन अमेंडमेंट एक्ट है इसके अन्दर मेरा  
 सुझाव है कि इसमें आप बीमेन को भी शामिल  
 करें ।

SHRI RAGHUNATH REDDY: It  
 includes women also.

सरदार स्वर्ण सिंह सोखी : यह मेरा  
 सुझाव था । अगर यह आप मान  
 सकें तो ठीक है, नहीं तो आपकी मर्जी है ।

आपने जो इस बिल में शोइयूल चार रखा  
 है उसमें डेथ पर तीस हजार रुपए का कम्पे-  
 न्सेशन रखा है इसे बढ़ाकर आप पचास हजार  
 कर दें तो ठीक होगा । रेलवे में भी किसी  
 पेशेवर की डेथ हो जाती है तो उसे भी कम  
 से कम पचास हजार रुपया मिलता है । इस  
 लिए यहाँ भी आपको पचास हजार रुपया करना  
 चाहिए । परमानेंट डिबिलमेंट पर मैक्सिमम

कम्पेन्सेशन आपने 42 हजार रुपए का रखा  
 है । मेरे ब्याल में यह भी कम है । डिसेबल  
 होने पर सारी जिदगी भावभी रोता रहता है ।  
 उसका कोई इलाज नहीं है । इसको भी आप  
 एक लाख कर दें तो ठीक होगा ।

छोटी क्रीकट्रियों में, प्राइवेट सेक्टर के  
 कारखानों में जो लोग पीस वर्क करते हैं उनके  
 बारे में भी आप सोचें । प्राइवेट कम्पनीज वाले  
 कई दफा उन से काम करा कर उन्हें बिना  
 कम्पेन्सेशन दिये छोड़ देते हैं । ग्रामरों से  
 मिल मिला कर वह इससे बच निकलते हैं ।  
 मेरी नालिज में है कि इन पीस वर्कर्स को  
 जो छोटी छोटी इंडस्ट्रीज में, स्माल स्केल  
 इंडस्ट्रीज में काम करते हैं, उनको कई  
 जगह पर कम्पेन्सेशन नहीं मिलता है ।  
 तो इसको भी आप देखें ।

चौथी बात यह है कि आपने जो इसमें  
 लिमिट रखा है, उस के बारे में मेरा कहना है  
 यह कि एम्प्लायर्स लोग यह कोशिश करते  
 हैं कि किसी के नोटिस को, किसी के टाइम  
 को जानबूझ कर आपसे पीछे कर देते हैं  
 जिससे कि उन्हें कम्पेन्सेशन न देना पड़े ।  
 बहुत से केसिज में ऐसा हुआ है । यह  
 भी आपको देखना है ।

एक चीज मैं आप से और कहना चाहता  
 हूँ । इस बिल में एक चीज और लानी  
 चाहिए थी । जैसे कई दफा इंसट पड  
 जाता है कम्पेन्सेशन के मामले में, ये  
 जो मोहम्मडन वर्कर्स हैं, उनकी प्रीमिलीज  
 बड़ी होती है, किसी के दो बीबी  
 होती है, किसी के चार होते हैं । किसी की  
 दो और किसी की चार बीबियां होती हैं ।  
 जब कम्पेन्सेशन का सवाल आता है तो उस  
 वकत उन को यह राशि मिलने में बड़ी दिक्कत  
 होती है । सभी बखोस करने लग जाती हैं ।  
 बस बीस साल के बाद अगर कहीं उनकी भी  
 डेथ हो जाए तो कम्पेन्सेशन किसी को मिलता

### [संसार स्वर्ण सिंह जीकी]

नहीं है। इस तरह की गिसालें जमशेदपुर में मेरे मालेज में घाई हैं। इस को भी आप को देखना चाहिये। जिस को देना हो उसको जल्दी दे दिया जाना चाहिये। इस में सहूलियत वाली कोई बात आपको पेश करनी चाहिये। प्राबन्धक अडचनें जो हैं उनको दूर करना चाहिये।

कम्पेंशन कैलकुलैट करने का जो तरीका है इस को भी आप बदले। ईअरली या मंथली जो भी हिसाब है उस पर आपने कम्पेंशन का फार्मुला बेस किया है और कहा है कि उस हिसाब से दिया जाएगा। एक्सीडेंट में कोई लेबरर मर जाना है तो क्यों नहीं आप उस रेट पर उस को कम्पेंशन देते हैं जो तन्खाह वह उस दिन पाता होता है। इस पर भी आप को विचार करना चाहिये। इसस कैलकुलैट करने में बड़ी आसानी हो जाएगी।

आपको इस पर भी विचार करना चाहिये कि आदमी जब घर से निकले और जब तक घर वापिस न आ जाए, उसको ड्यूटी पर ही समझा जाए। मान लें सबह छ बजे वह ड्यूटी पर जाता है और दिन में दो या तीन बजे वह घर वापिस आता है, जब तक इस बीच वह घर वापिस न आ जाए उसको ड्यूटी पर समझा जाए और अगर एक्सीडेंट हो जाए तो उसी तरह से उसको कम्पेंशन मिले जिस तरह से जहा पर वह काम करता है वहा पर एक्सीडेंट होने पर मिलता है। इस चीज को आपको क्लियर कर देना चाहिये।

फर्न्ट एड पोस्ट्स जो है या जो डिम्पेंसरीज छोटी छोटी है ये भी आंशकों वहा पर कम्प्लेसरी कर लेनी चाहिये। सब अंगह इस तरह की पोस्ट्स होनी चाहिये। बड़ी कम्पनियों में तो यह व्यवस्था रहती है लेकिन स्माल स्केल इंडस्ट्रीज में भी आपको इस तरह की व्यवस्था करना

अधिकार्य कर देना चाहिये। फर्न्ट एड पोस्ट अवर हो तो कई बार आदमी की जान बच सकती है। आदमी की जान की कोई कीमत नहीं है। कितना भी कम्पेंशन आप दे दे आप आदमी वापिस नहीं दे सकते हैं। इस बास्ते हर कोशिश यह होनी चाहिये कि उसकी जान बच जाय। इसके लिए फर्न्ट एड पोस्ट का होना बहुत जरूरी है ताकि चायल होने पर भरहम पट्टी तो हो सके।

आपके जो लेबर इन्स्पेक्टर्स हैं उन को भी समय समय पर जा कर देखना चाहिये, इन्स्पेक्ट करते रहना चाहिये कि कानूनों का पालन हो रहा है या नहीं हो रहा है, कौन आदमी कानून के मुताबिक काम कर रहा है और कौन नहीं कर रहा है।

इनश्योरेस की बहुत सी स्कीमें बन गई हैं। लेकिन जब पैसा लेना होता है तो बहुत से अगड कर दिए जाते हैं। छोटे छोटे आबजैवशज लग दिए जाते हैं। एम्प्लायर इनश्योरेस कम्पनी पर मामले को ठेल देता है और इनश्योरेस कम्पनी एम्प्लायर पर ठेल देती है। यह चीज नहीं होनी चाहिये। जो भी कम्पेंशन हो उसको जल्दी दिलाने की व्यवस्था होनी चाहिये। रुपया तो कमिश्नर के यहा जमा हो ही जाता है। इस बास्ते आप कोई एंमा रास्ता निकाले ताकि कम्पेंशन जल्दी जिस को मिलना है मिल जाया करे। आप अपने अफसरों और इन्स्पेक्टरों को हिदायत करें कि वे अपनी ड्यूटी अच्छी तरह से करे और जा कर देखते रहा करें कि कानून के मुताबिक अमल हो रहा है या नहीं हो रहा है।

फाइनेंशियल मेमोरेबम में आपने कहा है -

It is not possible to estimate the amount of increased expenditure.

इसकी भी स्कोरफार्ड करने की जरूरत है। कुछ तो इस्कीबेट आपने बताया ही होगा। जब आप उधार दें तो इसकी भी स्कोरफार्ड करें।

इन शर्तों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री रत्नावतार ज्ञानेश्वी (कटना) : वर्कमैन कम्पेंसेशन संशोधन विधेयक जो अभी लाया गया है उस का मैं समर्थन करता हूँ। बहुत सी बातों पर यहां रोशनी डाली जा चुकी है। उन पर चर्चा हो चुकी है। मैं उनको दोहराना नहीं चाहूंगा। एक दो बातों में कहना चाहूंगा।

पहली बात तो यह है कि इस तरह के बिल की बहुत पहले से आवश्यकता अनुभव की जा रही थी। हम काम में सरकार ने कुछ ढिलाई की है, कुछ बिलम्ब किया है।

माननीय सदस्य, श्री सोबी, ने ठीक कहा है कि इस विधेयक में बारम्बारी दफ्तर संशोधन हो रहा है। हम तरह-तरह-बार संशोधन करने के बजाये सरकार एक और विस्तृत, कामिन्हेंसिव, बिल सदन के सामने क्यों नहीं पेश करती है, ताकि एक तो हम विषय पर ठीक तरह से बहल हो जाये और दूसरे, हम एक ऐसा विधेयक तैयार कर लें, जिस में बार-बार संशोधन करने की आवश्यकता न पड़े।

शिड्यूल 4 के बारे में माननीय सदस्य ने जो कुछ कहा है, मैं उस से बिल्कुल सहमत हूँ। कारखाने में दुर्घटना के कारण मरने की स्थिति में 60 रुपये तक तन्बवाह पाने वाले मजदूर के परिवार को 7,200 रुपये और 1,000 रुपये तक तन्बवाह पाने वाले मजदूर के परिवार को 30,000 रुपये का मुआवजा दिया जायेगा। इन

इन दोनों में जमीन आस्थान का फर्क है—तन्बवाहों में भी फर्क है और मुआवजे में भी फर्क है। लेकिन दोनों की जान में कोई फर्क नहीं है। कोई भिन्न-मंदा हो या बिड़ला सबका टाटा हो, जान सब की बराबर है। लेकिन सरकार ने मरने के बाद मुआवजा देने में इतना बड़ा फर्क रखा है।

स्थायी रूप से अग्र-भंग होने और किसी काम के न रहने की स्थिति में कम से कम मुआवजा 10,080 रुपये और ज्यादा से ज्यादा मुआवजा 42,000 रुपये रखा गया है। जैसा कि कहा गया है। सरकार ने इसी सदन में कुछ साल पहले रेल-दुर्घटना में मृत्यु होने पर मुआवजे की रकम को 50,000 रुपये तक बढ़ाने की व्यवस्था की है और हवाई जहाज में मरने वालों के लिए एक लाख रुपये के मुआवजे की व्यवस्था की है। लेकिन अगर कोई व्यक्ति कारखाने में दुर्घटनाग्रस्त हो कर मर जाये, तो ज्यादा से ज्यादा 30,000 रुपये का मुआवजा दिया जायेगा। समझ में नहीं आता है कि सरकार ने किस आधार पर यह रकम निश्चित की है। यह सरकार समाजवाद की बात करती है। समाजवाद में सब की जान बराबर है और उस में कोई फर्क नहीं माना जाता है। मंत्री महोदय समाजवादी देशों के मजदूर कानूनों को देख लें। यह फर्क नहीं होना चाहिए।

मैं इस बात से सहमत हूँ कि इस राशि को बढ़ाना चाहिए। 30,000 रुपये को बढ़ाकर कम से कम रेलवे से मिलने वाले मुआवजे के बराबर अर्थात् 50,000 रुपये तक करना चाहिए और स्थायी रूप से अग्र-भंग होने की स्थिति में दिये जाने वाले मुआवजे की रकम को भी 42,000 रुपये



### [श्री रामावतार शास्त्री]

से बढ़ाना चाहिए। मंत्री महोदय बतायें कि सरकार ने किस आधार पर यह तालिका तैयार की है और उसका भी राशनल क्या है।

क्या सरकार ने इस बात की भी जांच पड़ताल की है कि मजदूरों के परिवारों को मुआवजे की रकम समय पर मिलती है या नहीं? बहुतों को यह राशि नहीं मिलती है? वारिस प्रयास करते करते थक जाते हैं। इस भ्रष्टाचार के जमाने में उनको मुआवजा भी नहीं मिल पाता है। इनश्योरेंस के सम्बन्ध में मेरा यही अनुभव है। मेरी जान-पहचान के एक व्यक्ति मर गए, लेकिन उन के वारिसों को आज तक इनश्योरेंस का पैसा नहीं मिला है। इस प्रकार की दुश्वारी मुआवजे की रकम की प्राप्ति में भी होती होगी। इसलिए सरकार को इस व्यवस्था को ठीक करने का उपाय करना चाहिये।

18 hrs.

मुआवजा प्राप्त करने के लिए बहुत से फार्म भरने पड़ते हैं और तरह तरह का पैराफरनेलिया होता है। सारे प्रोसीजर को इतना आसान बनाना चाहिए कि मृतक के परिवार को, अथवा जो डिस-

एबलड हो गया हो, उसको समय पर मुआवजा मिल सके।

आखिरी बात कहना चाहता हूँ। इसी में आप ने कहा था कि हाफ मंथली आप तन्खवाह देंगे 30 रुपये से 75 तक अगर कोई अस्थायी रूप से बेकार हुआ, कुछ मामूली चोट लगी या ऐसी चोट लगी जो दो तीन महीने में ठीक हो जाय। उस रकम को भी बढ़ाने की आवश्यकता है ताकि आज की महंगाई के जमाने में वह ठीक से खा पी सके। मुझे विश्वास है कि इन बातों की ओर सरकार का ध्यान जायगा। और इस नुक्ते से अगर आप ने इस विधेयक में संशोधन किया तो श्रमजिवियों को ज्यादा से ज्यादा फायदा होगा। आप का मकसद भी यही है कि ज्यादा से ज्यादा फायदा उनको हो। तो इन बातों की तरफ आप ध्यान दें और इन्हें पूरा करने की कोशिश करें।

18.01 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 19, 1976/Vaisakha 29, 1898 (Saka).*