

relief. The Government is thinking on these lines. Views have been expressed on ISI. If on the one hand, I say that it is not functioning well and on the other hand, I say that it is having a good image, that will be saying two opposite things. Actually, it is doing good work. Its area of functioning is quite large. There is no doubt that it has offices in other countries which command good respect in the international forum. The confidence of the people in it has increased but with the passage of time its responsibilities have also increased. There has been interaction with the non-aligned countries which has resulted in increased responsibilities. There are no two opinions that it needs to be strengthened. I think very good views have been expressed by the hon. Members during the discussion. We will try to do our best to get its provisions implemented. I thank the hon. Members for extending cooperation to this Bill basically.

[English]

MR. DEPUTY SPEAKER : The question is :

“That the Bill to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER: We shall now take up Clause by Clause consideration of the Bill.

The question is :

“That Clauses 2 to 42 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 42 were added to the Bill.

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

SHRI H. K. L. BHAGAT : Sir, I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

17 05 hrs.

ATOMIC ENERGY (AMENDMENT) BILL, 1986

[English]

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K. R. NARAYANAN) : I beg to move :

“That the Bill further to amend the Atomic Energy Act, 1962, be taken into consideration.”

The Atomic Energy Act of 1962 provides for the development control and use of Atomic Energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith.

Section 6 of the Act deals with disposal of uranium and provides that any mineral, concentrate or other material which contain uranium in its natural state in excess of such proportion as may be prescribed by notification by the Central Government shall, on service of a notice and payment of compensation in accordance with section 21, become the property of the Central Government. A reading of this provision in section 6(2) which makes payment of compensation a condition precedent to vesting of the property in the material in the Central Government combined with section 21 (1) (a) which provides for fixation of compensation by agreement, could give rise to an argument that the element of mutual consents is not altogether excluded

[Shri K. R. Narayanan]

in the transaction. So it will be argued that the existing provision of compulsory acquisition has an element of volition and therefore could be construed as sale. It is, therefore, considered necessary to put an end to this by making a specific legislative provision and such a provision should obviously cover every transaction of acquisition of uranium under the Act.

Clause 2 of the Bill seeks to amend section 6 of the Atomic Energy, Act, 1962 retrospectively so as to provide that payment of compensation for compulsory acquisition of minerals, concentrates and other materials under that section should, instead of being a condition precedent to their acquisition, be a condition to be given effect to after such minerals, concentrates or other materials become the property of the Central Government, so as to dispel any doubt that compulsory acquisition of such minerals, concentrates and other materials under that section will amount to sale.

Apart from section 6, uranium can also be acquired under section 11 which inter-alia deals with the acquisition of prescribed substances and uranium is one of them. This section also prescribes the mode of acquisition and compensation to be given in terms of section 21.

Therefore, in order to clarify the position unequivocally regarding the transaction of acquisition of uranium, it would be better to insert a new section stating that the acquisition of uranium both under section 6 and 11 would not amount to sale. A new section 11A is therefore, proposed to be inserted retrospectively so as to make it clear beyond doubt that the compulsory acquisition under section 6 and 11 shall not be deemed to be a sale for any purpose whatsoever.

The proposed Bill shall come into force with retrospective effect from the original date of commencement of the Atomic Energy Act, 1962.

The proposed amendments are purely clarificatory in nature and do not involve any substantial change in the provisions of the Act. As such this is a simple Bill.

I commend the Bill.

MR. DEPUTY SPEAKER : Motion moved :

“That the Bill further to amend the Atomic Energy Act, 1962, be taken into consideration.”

SHRI C. MADHAV REDDI (Adilabad) : Just now the hon. Minister has said that it is a very simple Bill. I agree that this is a very simple Bill, because section 6 of the Atomic Energy Act mainly is sought to be amended. Well, there must be some background for this amendment. I am not prepared to accept, as has been explained in the Statement of Objects and Reasons, that this is just a simple Bill and this is being brought just to make certain clarifications so that we may clarify that this taking over is not to be deemed as a sale. If that is so, it is a very simple Bill. But I do not understand why you are going back to 24 years and giving retrospective effect to the provisions of the Bill. When you are doing this, please tell us if there is any background. Suppose you have tried to acquire certain mines and minerals where there is uranium or uranium material or some other thing and you encountered difficulties with the private owners and they have gone to court—High Court or Supreme Court—and finally you want to rectify this, then the House should be told about that. This has not been told to the House. Otherwise I cannot understand why you should give retrospective effect. There is nothing wrong in giving retrospective effect as such because we have been passing several Bills in this House giving retrospective effect. But giving retrospective effect by going back to 24 years is bad in law because it goes against the spirit of the rule of law. After all, several transactions must have taken place, several acts must have been done by the State Governments or the Central

Government and now suddenly you are going to give retrospective effect to this and telling that this is a very simple Bill. Unless we are told the background of this, I am not prepared to accept that this is just a simple and innocuous Bill.

As far as this mineral is concerned, I have nothing to say. After all, this mineral which is a very precious mineral, which is required for atomic energy and for many other strategic purposes, has to be acquired by the Government. As a matter of fact, that mineral has to be nationalised. There is no question of any private individual owning a mine or extracting or possessing the mineral of this nature. It is like gold. Nobody can take the gold mine and extract gold and make gold. It is not possible. Why don't you straightaway ban and say that nobody can be given a lease for this particular mineral and even if a lease has been granted to somebody, that lease is deemed to be cancelled if it is found that he is extracting uranium in the natural form or in any other form? So, there is a case for actually banning the private exploitation of this mineral. That is to be understood very clearly.

When we are amending a Bill of this nature—the Atomic Energy Bill—even though it is a simple Bill, yet there are certain other factors which come to our mind. Only today there were two questions on this subject and one was relating to the operation of the mines. There was a report in the Press that the workers working in a particular mine in Singhbhum district in Bihar have been affected. Well, the Minister said that it is not a fact. But it did not come for putting supplementaries. We had some information to show that actually certain workers had been affected and safety measures had not been taken in the mines. These are the mines which are being operated by the Commission.

Similarly, there was another question regarding the safety in the nuclear energy plants. I do not want to dwell too much at length on this because the Minister might say that it is not strictly relevant because the Bill only deals with certain provisions

relating to the minerals and not relating to the atomic energy. But it is a related subject. Certainly, we are well within the limits to go into this aspect also. When he is bringing forward this Bill at this stage, why not to wait for some time? Let him withdraw this Bill, wait for some time and work out all the provisions of safety which has been talking about. Only the other day the Prime Minister also assured this House that we are going to have a full scale debate on this. He said that there is going to be a full scale debate in this House before anything is done about safety because after the Chernobyl incident, anything we do we have to be very careful to see that our plants which we have established so far work satisfactorily and there is no risk involved in these plants. I know that the hon. Minister had been asserting time and again about safety and Shri Raja Ramanna, of course, he is very jubilant about these plants and is very optimistic about our plants functioning safely in our country. So, the point is you may be optimistic about your plant. You may say that your plants are very very safe and nothing is going to happen to our plant. Our technology is our own. We are proud of our technology. Certainly, it is our own technology. By trial and error we have developed our own technology. After the episode of Tarapur plant with which we are tied up with the United States, the United States have deceived us and failed to give us uranium and we had to change the technology we had to develop our own power based on natural uranium. That is very good. The assurances of safety are all right. But there are accidents. Whatever assurance you give and precaution take, accidents do occur. And then are you going to say that the Russians were not very careful? Are you going to tell that Russians were careless about their plant? How did it happen? How did it happen in the United States also? Even in our own country there have been reports that Tarapur and in some other place in Rajasthan also there was trouble in the plant. Not that our plants were completely free from trouble. May be they are minor accidents.

But all the same accidents were there.

[Shri C. Madhav Reddi]

My point is there is scope and because of oversight, because of lack of training on the part of the workers, on the part of the management, some mistake may occur and there may be accidents and you have to be very careful. About this I am happy that the hon. Minister said today that in our new plants which we are going to build now, we will be having the latest technology and all the safeguards are being looked into. There is going to be some sort of five kilometres sterile zone and there is a provision for evacuating people. If there is accident, people will be evacuated. All these measures are all right. Where is the provision? Which law tells the people that this is possible? Which law tells the people that this will be done? Can you tell that this is the law, this is the Act? In this Bill you should have provided all these safeguards. Why have you not done this? Are you still thinking? Are you still waiting? Are you still waiting for the national debate as the hon. Prime Minister has promised? If so, please withdraw this Bill. There is no hurry about it. As you said it is very simple and innocuous Bill. Why should you come before the House with innocuous Bill? You come to the House with exhaustive Bill giving all the safeguards so that people are assured, our workers are assured, everybody is assured that safeguards are there in our plants and there is not going to be any chernobyl repeated in this country.

PROF. P. J. KURIEN (Idukki) : While supporting this Bill, I also do not hesitate to request the Minister to tell why such a long retrospectivity for 24 years is needed. I do not agree with my friend Shri Madhav Reddi when he says that retrospectivity is bad in law. If the law is good, it is good then retrospectivity is also good. However, why such a long retrospectivity is required, may please be told to the House.

With regard to other aspects of the Bill, that accusation should not be treated as sale I fully agree. There is no point to be disputed in this regard. Therefore, I do not want to dwell too much on that aspect of it.

With regard to atomic energy policy, it is well-known that we are committed to peaceful use of atomic energy. That policy was formulated by late Pandit Jawaharlal Nehru and Indiraji vigorously pursued that policy and we are still in the same track, i.e., we are committed to peaceful uses of atomic energy, and therefore, we are having atomic power plant in Tarapore, in Madras and in Rajasthan and all are working satisfactorily. Only today the hon. Minister said in this House that technologies used in these plants are the latest and they are comparable to any modern plant anywhere in the world. So, I would congratulate the hon. Minister, the Government and our scientists specially, for this achievement.

However, I have also to dwell on certain criticism against using atomic power plants. Even while we were planning to have atomic power plants there was criticism against it, especially about the effect of radiations from atomic power plants. It was argued that we have enough coal for another 50 or 100 years. Then why should we go in for atomic energy which is more costly and which causes radiation hazard. But we should know that Dr. Bhabha, who was our pioneer scientist in the nuclear field, said once that if we use our coal mines at the rate at which being used in any other developed country, our coal will be exhausted within a period of 20 years. So, it is not wise on our part to depend on coal and hydel energy alone, but it is for us to exploit all forms of energy including the nuclear energy even if the cost is a little high. Otherwise we will not be doing justice to posterity.

These criticisms are there. But today the situation is little different. After the disaster in the Soviet Union at Chernobyl even those who supported use of nuclear power are doubtful whether it suits our conditions or not. Such a debate is going on in the country also. In the media there is a debate going on about the suitability of nuclear energy to the country after the Chernobyl accident. I am fully in favour of atomic energy and therefore, I would like to request the Minister that the fears of the people should be allayed. It is for the Government and the Department concerned to explain to the people

some of the genuine doubts they are having. So, I would like to know from the Minister whether, after the Chernobyl disaster had taken place, Government has examined the safety aspect of our atomic power plants and how perfect are our safety measures; how do they compare with international standards. I would like to get a specific answer to this question from the Minister.

Again, the hon. Prime Minister himself said in this House that our atomic plants are safe. It is Okay. Even then there is always a possibility of a disaster or accident. In Soviet Union it was reported that the accident took place because of human error. Therefore, in case an accident takes place, have you got enough capability for coping with the situation? Have you got enough capacity for disaster management for evacuating the people and taking other measures? It has been reported that in Soviet Union even though there was a disaster, they could successfully manage it within a short time and therefore, the casualties were less. What is our capacity in regard to disaster management, I would like to know from the hon. Minister.

Again, there is a genuine doubt that after the life-span of a nuclear power plant is over the burial of the waste will be a serious problem. I read in some of the magazines that even in the United States and other developed countries, they do not have the technology as to how to bury the waste. Wherever you go and bury it, there will be radiation. Even if you bury in the sea there will be problem. And also, the cost of burial is very high. So, the cost of burial of this waste is also to be calculated and to be considered as capital cost or production cost. Anyhow, I would like to know, what is our position? Are we having that technology? Or, are we still uncertain about how this nuclear waste to be buried after its life-span is over? Why I say this is, these are the doubts in the minds of the people and even among the scientists. There is a discussion going on in the media in this regard. Therefore, it is for the Government to answer all these points and clear their doubts off the doubts from the minds of the people.

It is necessary to clear because we have evolved an ambitious programme of nuclear power generation. I understand that by 2,000 A.D., i.e. within 14 years from now, we are planning to have 10,000 mega watt of power generation from nuclear plants alone. That means it is 10% of our projected total production. That can only be possible, if you get the co-operation of the people and the confidence. I will quote an analogy. You know in Kerala, there was a proposal earlier to have a nuclear power plant. Government even had located the site. But finally the Kerala Chief Minister himself said, it is not needed there because of the objections from the people. You know, Kerala is an educated State. In an educated State like Kerala, people began to resent the setting up of nuclear power plant. It is because there are some genuine doubts. Therefore, if we have to achieve our targets of nuclear generation of 10,000 mega watt of power by 2,000 A.D., fears from the minds of the people clearly allayed and we should go ahead with our ambitious programme of generating 10,000 mega watt nuclear power. Therefore, for the further expansion of our nuclear programme, this is vital that these doubts are removed.

One more point, I would like to make. I had asked in the morning itself, when there was a question about the technology which we are using. I have to repeat. It has been reported that our reactors especially the Canadian reactors and their technologies are obsolete. Of course, the Canadians had up-to-date technology at that time. But later on, those old reactors have been given to us and they have updated their technology and they are having better reactors now. But we are using those old reactors. Therefore, naturally, our technology must be to that extent obsolete. It is said that the Canadians have reactors whose availability factor is up to 90%. Whereas you yourself admitted that ours is up to 65%. I congratulate you and our scientists because we have our own technology and it is, of course, comparable with others. But my point is that the cost factor can be further reduced if this aspect is looked into and if there is any up-dating of our technology,

[Prof. P. J. Kurien]

It is because, in that case, the cost factor can be further reduced, and one of the main objections against the nuclear energy can be eliminated.

With these words, I support the Bill and I hope the hon. Minister will explain the genuine doubts raised by me in order to allay the fears of the people and in order to boost our production of nuclear energy.

MR. DEPUTY SPEAKER : The discussion will continue tomorrow. Now, we will take up Half-an-hour discussion.

— 4 —

17 30 hrs.

HALF-AN-HOUR DISCUSSION

[English]

Low Wages for tea Plantation Workers

MR. DEPUTY SPEAKER : Shri Piyus Tiraky.

SHRI PIYUS TIRAKY (Alipurduars) : Sir, this Half-an-Hour discussion is on the poor payment of wages to the workers in the tea gardens. The hon. Minister has replied to the question that has arisen. But the hon. Minister has gracefully avoided to clarify how much foreign exchange the Government is getting from tea exports from India and what is the condition of the labourers in general in the tea plantations.

Tea industry is a very profitable industry at present in India because we are earning Rs. 700 crores by way of foreign exchange for our country through tea trade.

I would like to elaborate to some extent the general condition of the labourers in the tea industry in India. The

daily wage of tea labourers is fixed at Rs. 11.8 paise whereas for the agricultural labourer the scale is fixed at Rs. 13.50. But tea industry is said to be of both agrarian and industrial nature and because of this reason, this industry has earned lot of money for the country and naturally the shares of the profits should go to the labourers and the workers engaged in the tea industry and they have every right to demand more pay and have it.

In regard to the rationing supplied to the tea labourers, rice and atta are given to them at 50:50 ratio. But the plantation workers prefer to forego their 50% quota of rice because of price consideration and even if the rice is supplied, it is of very poor quality and sometimes it is not fit for human consumption. The workers in the tea gardens are thus exploited to the greatest extent. Atta is supplied to the labourers simply because the price of atta is less than the price of rice. The Government should look into this matter.

In the case of fuel, it is a scarce commodity. Fuel is not available everywhere. The tea garden workers are not getting their due share of fuel which is 25 maunds per family per worker because of scarcity of fuel in the country and, therefore, the Government should give them coking coal or kerosene to pave the forest products and fuel in our country.

The acreage of plantation under tea has increased because tea is a profitable industry but the ratio of employment in the tea industry has not kept pace with it. Unemployment problem is very acute in the tea gardens. The poor and illiterate labour employed in the industry constitute only 40% of the residential labour population in tea gardens. If such a big portion of residential labour is unemployed, then it will be very difficult for the tea industry to grow because naturally the tea industry may face troubles.

When Government is earning lot of money from tea industry, why are they not improving the condition of labour by setting up auxiliary industries in and