

issue of revision of pay-scales will be considered every seven years. The report of the Malhotra Committee has also perhaps been received by the Government but even then the Government has not taken any final decision so far.

I would request the Education Minister to grant the revised pay-scales to the University teachers at the earliest.

12 20 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF COAL MINES
NATIONALISATION LAWS (AMEND-
MENT) ORDINANCE, 1986

AND

COAL MINES NATIONALISATION
LAWS (ADMENDMENT) BILL, 1986-
contd.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Deputy Speaker, Sir, I rise to support the Coal Mines Nationalisation Laws (Amendment) Bill, 1986 brought forward before the House by the hon. Minister for Energy. The Coal Mines Nationalisation Laws (Amendment) Bill refers to two Acts which are being amended i. e. (i) the Coking Coal Mines (Nationalisation) Act, 1972 and (ii) the Coal Mines (Nationalisation) Act, 1973. There is in fact nothing to oppose the amendments brought forward by the hon. Minister. The amendments only seek to clarify the intention of the Parliament keeping in view the judgement of different Courts including the Supreme Court Judgement in the Bhubaneswar Singh's case on payment of value of coal stocks lying in the mines at the time of nationalisation.

There has been some criticism from the other side of the House that the hon. Minister should not have come out with an Ordinance. They have not challenged nor opposed the contents of this amendment Bill. What they have opposed is the promulgation of the Ordinance and that has been made amply clear by the

hon. Minister that there was no way out other than coming out with an Ordinance since there was a directive given by the Supreme Court to enforce something which would have meant double payment to some of the coal mine owners and that would have been given effect to before the 17th October. Since the House was not in session. What else could have been done without resorting to promulgation of an Ordinance? In fact, there is nothing to oppose and that way also there is no opposition from either side of the House.

Also, while commending the Bill for consideration of the House, the hon. Minister has observed that everytime there is a Coal Bill in the House, the entire gamut of the Coal Industry is being discussed. I would say that the hon. Minister should not grudge a discussion on different aspects of the coal industry because the House rightly utilises the opportunity to discuss the different aspects and hon. Members give their valuable suggestions also as to how the working of the coal industry could be improved upon.

While supporting the Amendment Bill, I would like to ask why abundant precaution is not being taken by the Government, particularly by those who deal with the legal aspect of it at the time of drafting Bills. I am constrained to observe, I am pained to observe, that, since 1969, the Congress Government under the leadership of late Prime Minister Shrimati Indira Gandhi has brought forward so many progressive legislations like bank nationalisation, abolition of privy purses, etc., but on some plea or the other, on some pretext or the other, almost all the progressive laws have been challenged in different courts including the Supreme Court. In 1972-73 when the coal industry was being nationalised—it was in fact nationalised—Government should have been very careful at the time of drafting of these Bills—the Coking Coal Mines Nationalisation Bill, 1972 and also the Coal Mines Nationalisation Bill, 1973—so that there should not have been some loopholes provided or opportunity provided for the coal vested interests, that is, in this case the coal-mine owners, to agitate the matter in different courts, including

[Shri Sriballav Panigrahi]

the Supreme Court. Now, whatever has been done has already been done. Henceforward, I would request the Minister; abundant care and caution will have to be exercised while drafting important legislations.

Now, coming to the working of the coal industry, the hon. Minister should not grudge a discussion, a detailed discussion, on different aspects of the coal industry because this is very vital from the point of view of national economy. As you know, Sir, power is at the root of everything—progress and prosperity of the country—and for power generation coal is the basic input. We have plentiful of coal reserves in our country. Since nationalisation, for the last about 1.5 decade, 13 or 14 years, we have made a lot of strides in the coal industry. The production has been almost doubled; the socio-economic conditions of the workers have registered remarkable improvement; their wages have been increased manifold. But at the same time we are far below the requirement and expectation and it has to be admitted. Our record production was in the year 1984-85—it was of the order of 147 million tonnes—and even with our having a record production in that year, in 1984-85, we were below the expectation or the target. The target was revised at 152 million tonnes. Originally it was something about 164 million tonnes, it was reduced to about 152 million tonnes and even that 152 million tonnes could not be achieved. 147 million tonnes was the record production.

MR. DEPUTY SPEAKER : Please conclude. I have to accommodate many people. When you are taking a lot of time, I will have to give so much time to other speakers also.

SHRI SRIBALLAV PANIGRAHI : There are not many members to speak on this. I am just starting Sir.

MR. DEPUTY SPEAKER : I am very sorry, you have already taken ten minutes.

SHRI SRIBALLAV PANIGRAHI :

Kindly check up the watch sir. I have not taken ten minutes, I have taken only five minutes. Please give me another five to seven minutes.

The growth in production in the coal industry has been something about 5.3% in the 6th Plan and our expected growth in the 7th Plan is just the double—something about 11%. At this rate if we continue in this field we will be having 226 million tonnes of production at the end of this plan which is again a short of the minimum worked out requirement which is 236 million tonnes by the turn of this plan. We require 236 million tonnes of coal as against our target of 225 or 220 million tonnes.

From all the existing coal mines we will be getting only about 66 million tonnes. So, to reach this target also we will have to depend on new projects, new mines for the rest of about 160 million tonnes.

I would like to put a question to the Hon. Minister. I know his sincerity, he is very sincere, he is anxious, he has expressed anxiety very rightly over how things can be improved upon. Are we really making necessary preparations in all our new units? What is the problem in the coal industry? It is, low productivity. How to bring down the production cost, how to improve the quality of coal and to remove the ash content, how to evolve a new technology in this country, how to make the steel plants and other factories not to depend on import of coking coal from Australia or Canada and to see that our own indigenous coal will fit into our steel plants etc? I have all the figures; but I am afraid to give it because of the way you have started ringing the bell.

MR. DEPUTY SPEAKER : You can give it in writing.

SHRI SRIBALLAV PANIGRAHI : The challenging situation that is ahead of the Government in regard to coal industry is to increase productivity, is to bring down the production cost and again is to improve the technology—and also to

improve the quality of coal by setting up washeries at pit-heads etc.

As I told you, there are two reasons for low productivity. The OMS—i. e., output of a man per shift—is 0.86 tonnes in 1984-85 in India as against 2.5 tonnes in Australia. Secondly resource constraint is the biggest factor. We have to modernise our equipment, we have to modernise our system, we have to modernise our coal mines in different areas and that way we have to improve. There are many other aspects. I have always insisted on evolving a new work culture in the public sector as a whole and more so in coal sector. There should be involvement of labour in the management. A sub-group of the Consultative Committee attached to the Ministry of Energy has gone into some aspects of the working of the coal industry. Its report has been discussed once in that committee and now it is with the Minister. I would request him to make a careful study and implement its recommendations. The coal industry as a whole will benefit therefrom. Sir, not only inflated production has been shown but also accounts have been manipulated. These things have to be tightened up. Managerial failures have to be plugged. The financial procedure has to be strictly enforced. Internal audit system has to be strengthened.

Finally, Sir, GSI has come out recently with its survey report. It shows a huge coal reserve of 2343 million tonnes in five States. Out of this as much as 925 million tonnes reserves have been shown in Orissa. With anguish and pain I bring it to the notice of the hon. Minister that till today Orissa with such good reserves remains utterly neglected in as much as there is not even a Division far from speaking of a company in Orissa. There should be a subsidiary coal company set-up in Orissa with two Divisions—one at Ib valley and the other in Talcher area.

Sir, as you are ringing the bell with these words I support the Bill and Conclude. The Minister incharge of Coal is quite enthusiastic and we have a lot of expectations from him. We believe that a new work culture will be get evolved.

With labour participation and tightening the management there will be better results and he will be able to effectively meet the challenge. Of course, necessary financial support will have to be given to the Ministry of Energy.

SHRI NARAYAN CHOUBEY (Midnapore) : Sir, as comrade Geeta Mukherjee explained earlier our intention is not to oppose the contents of the Bill. We have brought this motion of disapproval because tremendous delay has taken place. Although the Minister has explained the reason for the delay yet we are not convinced. I am of the view that this delay is mainly due to the bungling of the bureaucrats in the Ministry of Coal and Mines.

Sir, I will make a few points which will help the Minister to realise the conditions obtaining in the coal mines. At the outset I would like to say a word about the policy on coal mines. We find enough coal stagnates at the pit heads. Then through an internal circular you said no more increase of production. It was happening a few years back. Then you said there should be increase in production.

Sir, coal is the most natural indigenous energy of this country. We cannot play with coal. There should be a certain long-term national plan for this coal industry which should be evolved by discussion with all.

My second point is that in the old collieries of Bihar and Bengal we are facing many problems and the Minister and the officers have come to the conclusion that it is mainly the problem of labour. It is not that. These days our Minister—who was very much an exponent of public sector earlier—is little bit frustrated with the performance of the public sector. He is gradually leaning on the private sector more and more. Whenever there is a problem, there is always a tendency to blame the workers and the trade unions. But actually in West Bengal and Bihar, the problems which we face today in the collieries are due to the private owners who

[Shri Narayan Choubey]

have been operating there for a number of years. The mining was done by them in an unplanned, ruthless and haphazard manner. There are certain milkmen, who draw milk from the cows by giving injections. They get more milk, but the cow which was to live for twenty years, lives only for five years. Exactly in the same way, the private colliery owners of Bengal and Bihar have behaved. And it is for that reason that we are facing troubles in that area. Had the nationalization been done earlier, the problems in these areas would have been much less ?

The Minister knows that the entire township of Raniganj is sinking. It is not because of the Government agencies, but because of the disproportionate and bad mining by the private colliery owners.

There is another point regarding the illegal coal mining of Bihar collieries. He knows it very well how the coal mafia is operating in the Dhanbad area. There is no *Bharat Sarkar* or *Bihar Sarkar*, but it is mafia *sarkar*. You will be surprised that in Dhanbad town you would not find any stalls for selling coal. It is not there; you have to take coal from the mafia. If anybody gets a licence for such a stall there, he is likely to be killed by the mafia. There is no licenced stall for selling coal in Dhanbad. You can find it for yourself. And this mafia is operating under the protective wings of the ruling party. If this party can win the elections, kill the workers why can't they control the mafias ? I do not know if it is because of elections.

Farthly, most of the safety measures in these collieries go by default. Recommendations of the safety conferences remain only recommendations, they are not implemented. I request the hon. Minister to go through all the papers and see that the measures as recommended by the Safety Conferences are implemented.

Then, we are not against mechanization. If mechanization brings safety measures and increased production, we do not disagree with it, but the tendency of inducting private agencies in the coal mines as also in other areas is uncalled

for. It is very much there in the collieries. Even jobs like shifting of coal from the pit to the godowns which was being done by the departmental transport, are being done by contractors. I urge that this should not be done. We want improvement in production, but at the same time, the Government should keep in view that while increased production is welcome, unemployment also is one of the biggest problems facing India. Whenever you bring mechanization, kindly keep in view the unemployment problem in the country. We have been told many times that there is one lakh surplus labour. We have been hearing that for the last ten years, in fact, from the time of Shri K. D. Malviya. All the trade unions including the INTUC have been wanting to know the break up. May I request the Minister to give us the break up as also to all the unions, so that we can sit together and help in absorbing all these workers, where they can be shifted.

Participation of workers in the management is one of few subjects of Shri Vasant Sathe, but he has failed to implement it. I do not know why. Some trade unions including AITUC have given some proposals. But some other unions have not given him a helping hand so that he can implement it. Whatever be the reason, why should a proper and correct cause continue to suffer ? I also want that you should induct labour in management, marketing, production and so on. Our hon. Minister is very much in favour of participation of labour in the management. If you want to save the public sector, you know very well that you should induct committed people. If you induct into public sector those people who are not committed to public sector but committed to private sector, and if you expect them to make profits for public sector, such executives will create havoc in the public sector.

You should also not compromise with corruption. Sometimes you say, "What to do, all will combine...and so on". You try to fight corruption as it should be.

You must implement the bipartite

agreement of 1983. It is not yet implemented. It was agreed that jobs should be given to the dependents of the employees who would be retiring. Your Ministry agreed to it; Law Department agreed; and the Bureau of Public Enterprises also agreed. But it is not implemented. When an agreement is reached after a long struggle and even when you have signed it, if you do not implement it, how do you expect the workers to remain silent? That is why another strike took place in 1986 and you promised to have a dialogue with them. But that dialogue never took place. What stands in your way to have a dialogue with the workers?

I have just one more point. Uneconomic mines in West Bengal are mostly facing closure. We are not saying that uneconomic mines should be allowed to continue. We do not say that you should continue to have more and more losses. But what is your proposal to absorb those workers? How are you giving to tackle this problem? I hope you will look into this aspect.

I have raised all these points hoping that the hon. Minister will answer them. With regard to the point that is most favourable to him, viz. participation of workers in management, I would like to know as to what difficulty you are facing and how you are trying to overcome the problem.

[Translation]

SHRI RAJ KUMAR RAI (Ghosi) :
 Mr. Deputy Speaker, Sir, I rise to support the amending Bill introduced by the hon. Minister of Energy, to replace the ordinance issued by the President in the month of October and I thank you for giving me this opportunity to speak on this Bill. The Resolution for disapproval moved by Shrimati Geeta Mukherjee is, in my opinion, not at all justified.

The coal industry was nationalised in 1972 and 1973. After that, several discrepancies and contradictions arose resulting in difficulties and creating ambi-

guities. Therefore, when some verdicts of the courts go against the Government it becomes essential for any Ministry to bring an amending Bill in order to rectify the position. Hence, I support the present amending Bill.

Coal is a very important commodity in the country. It is used in big industries as well as for domestic purposes. Therefore, Government should pay maximum attention to it. At places, coal is not supplied at all and at others, its supply is less than the requirements. Such places should, therefore, be identified and the hon. Minister must ensure that these shortages are removed. You are well aware that felling of trees has been banned to protect environment but at the same time LPG is also not available in adequate quantity. It is, therefore, essential to make coal available for domestic purposes at cheaper rates. As you know the demand for coal is on the increase. According to the experts, by the year 2004-2005 its production will touch 227 million tonnes. The Hon. Prime Minister has taken upon himself the responsibility to achieve progress in the 21st century and the senior Ministers are assisting him in this endeavour. But coal production has increased by only 5.56 per cent in the Sixth Five Year Plan and an increase of 11 per cent is envisaged during the Seventh Five Year Plan. When we see this rate of progress we feel as if we shall not be able to achieve our target. Therefore, it is essential to increase coal production today so that people could derive its benefits. The production at present has been very good and a record production of 147 million tonnes has been achieved, beating all previous records. The previous record was 138 million tonnes. It is very heartening to know that the coal industry is getting so much of encouragement and I am thankful to the Government for it. However, in spite of the fact that all the units of E.C.C.L., B.C.C.L., W.C.L., C.C.L., N.E.C.L. are engaged in increasing the production of coal, our requirements are not being fulfilled. The situation in the villages is very bad. The bricks have become very costly. The Hon. Prime Minister has said that food and shelter are the two basic needs of life,

We have become self-sufficient in the matter of food but there is still a great shortage of houses in the rural areas. A subsidy of Rs. 2000 is made available to the poor farmers and members of the Schedule Castes and Schedule Tribes, by the Central and the State Governments for house building purposes but that is not adequate for construction of a pucca house, as the prices of bricks have increased considerably. I would request that it would be a progressive step if cheaper coal is supplied to those brick-kilns where bricks are produced for the purposes of constructing houses for the poor with Government subsidy so that prices of bricks for them could be reduced. For this, the hon. Minister should find a way so that certain kilns could be set up which may be supplied cheaper coal for reducing the rates of bricks and thereby making available bricks to the poor who may be able to construct pucca houses. Otherwise Government assistance will become useless, for kucha-chha houses do not last for more than 10 years. Once brick houses are constructed, it will be of great use to them.

Sir, coal production is decreasing today and it is not upto the desired extent. It is so because the latest machinery is not available with us. The latest mining equipment used in Poland, Northern Europe, United Kingdom, Australia is not available with us. I would request the Hon. Prime Minister and the hon. Ministers of Coal and Mines and of Planning to allot whatever amount is required for acquiring latest machinery for the exploration of coal. Moreover, I would submit that our mines have very low output. I would urge the officers that the employees should be given more facilities and the working hours should be increased in a manner that more coal is mined in a single shift, so that the targets are achieved.

With these words, I conclude and thank you for giving me an opportunity to express my opinion.

SHRI THAMPAN THOMAS (Mavelikara): Two aspects I would like to bring out; one, there is an ordinance issued, before this amending Bill. Of course, it is stated that since 17th October was the crucial date and since Parliament was not in session, an ordinance had to be brought in. I would like to know this: after the Supreme Court's decision, did Parliament meet? If so, why was this not brought in, in time?

Of course, in emergencies, the Executive has the power to use the ordinance-making power; but once again I would stress the point: the power to promulgate ordinance will have to be used very sparingly; and any use of that power is an encroachment on the powers of this House. If it is clarified that after Supreme Court's decision there was no meeting of Parliament, and hence there was no opportunity to bring it here, of course the Executive stands justified. Otherwise, this should not happen in the future.

Secondly, I would like to point out how cases were prosecuted before the Supreme Court's decision. This has to be investigated. There are occasions when briefs are given by public undertakings, and they are defended by lawyers in various courts. They are not properly defended, and ultimately, public money is involved i.e. disbursement has to be made from public money, to private persons. It is quite common when a compensation case is there, some land is acquired for the purpose of public undertakings and finally, it appears that whenever it goes to the courts, at every stage double or three times the payment has to be made. If that is the case, once again I request that Government will have to be alert on all these things. If it has happened for that account, that has to be investigated, and a proper machinery will have to be created for that purpose.

In the amending Bill there is nothing much to oppose, it is only a natural thing. But at the same time I would like to refer

to the position of coal mines in this country. The hon. Minister will have to study the question of coal and its ownership by the nation.

I submit that there has been a lot of discussion about the point regarding private mining which is taking place. Why is it taking place? How is it possible? If coal is national property and its possession can be there only with a proper authority, and if anybody in any case, wherever it may be, processes coal without a proper document and that coal is confiscated and made national wealth, I think this can be prevented. I do not know whether there is any law to see that coal possessed by somebody without proper documents can be taken as national wealth. So, I submit that coal has to be declared as national wealth; and no private person should possess it without a proper authority of law. If that part of the law is implemented, or if there is no law by bringing in such a law and implementing it, private mining, private selling and private marketing can be curbed. Only because there is a possibility of marketing it, it is possible for the *mafia* to do this, to sell it and make money. If the possibility is not there, the private operation would come to a standstill. I suggest that action may be taken in this matter.

I would like to point out the difficulties of people who are living in and around the mine areas. There is not even drinking water facility in the mining area. It has been reported by various committees which have gone into and studied the matter, that a majority of people who live there are suffering from various types of diseases and occupational hazards such as silicosis, neomycosis, flucrosis and all that. This has been reported in various papers. So, in and around a mine, a poor community is generated. People who are in and around these areas are very poor. They have no livelihood. They steal some coal, give it to some people and pool it together. Somebody takes it away.

13.00 hrs.

They got a livelihood as a result of that. So, a study of the area in and

around a mine is absolutely necessary. The health condition therein and the living condition therein has to be improved. For this purpose, some effective steps will have to be taken by the government.

[Translation]

SHRI SALAHUDDIN (GODDA) : I support this Bill and would like to analyse it in a few words. It seems that there is no likelihood in future of amending this Bill anymore. I give credit to the hon. Minister of Energy for amending it by taking a bold step. The Coal industry is facing a serious problem. Our coal production was 77 million tonnes in 1973, which has now doubled to 154 million tonnes whereas the labourers who were getting Rs. 16 at that time are now getting Rs. 96 which is a 6 times increase. The picture before us is very serious. There are about 6 lakh labourers in our Coal Industry. I would like to tell the hon. Minister that at least 50 per cent of the staff is surplus and would like to suggest that we can improve the situation by diverting the 50 per cent workers. Unless you take a bold step, I do not think that you would be able to bring any improvement in this Industry. I do not ask for their retrenchment. Instead, we should bring those persons to the dead collieries by revising their rules. You can entrust these collieries to the State Governments concerned or to private agencies. Though 50 per cent of the staff is surplus, yet we are not getting the required production. We also have world figures before us. In Australia, the production is 145 million tonnes but with lesser number of labourers. The people also complain that our coal is sub-standard which affects power generation. Some days ago, I had been to Singrauli. There I witnessed a strange thing. The State Thermal Power Station had 32 per cent P.L.F. and the Central Thermal Power Station had 52 per cent P.L.F. I visited the Renu Sagar Plant of Birla also which had 100 per cent P.L.F. though source of supply for all these three is Singrauli. I fail to understand how the P.L.F. of the State Government and the Centre is 32 and 52 respectively. You should make an enquiry to ascertain its causes.

[Shri Salahuddin]

The difference of 5 to 10 percent is admissible but the difference between 30 and 100 P.L.F. is too much.

Hon. Minister has introduced the Coal Mines Nationalisation Laws (Amendment) Bill in the House. He deserves congratulations for the measures he wants to take. He has done a commendable work by introducing this Bill. Previously, we were running at a loss. Alongwith this I would also like to say that at present we do not have any scope for the sophisticated technology in our country and we cannot improve the situation by using it. I have experienced it myself at various places. Unloading and loading of coal in a wagon was being done in a minute. In Singrauli a rack was filled completely within 60 minutes. On my query as to why these machines worth crores of rupees were being used for one hour only, I was told that due to lack of capacity the loading and unloading work could not be taken up for more time. As a result the machine remains unused for 23 hours a day. Therefore, I do not recommend use of modern technology in any of the States because we cannot fully utilise their potentiality. With these words I support the Coal Mines Nationalisation Laws (Amendment) Bill.

[English]

SHRI BHADRESWAR TANTI (Kaliabor): I thank you very much for giving me this opportunity to participate in this debate on the Coal Mines Nationalisation Laws (Amendment) Bill, 1986. My humble submission before this august House is that we are almost every day amending the laws time and again and we have been hoping for a better tomorrow. But whether the people at large, particularly the working classes or the workers in the various industries and coalmines are being benefited by these laws and amended laws, is the question. The people who have been working, particularly the working classes in the coal mines they are just living below the standard life or shall I say a sub-standard life. Because, I have seen in

Mergherita coalmine the working conditions are very bad. The living conditions are very poor. No facilities or amenities are provided to the workers. The workers go to the coal mines and they are away for more than eight or nine hours, and the family members do not know when they will come back from the deep of the coalmines. When he comes back home he does not get the minimum facilities for a decent living, just to live like a human being. Therefore, they should be given all amenities; medical facilities, their children should have educational facilities, recreation places, all should be provided. Out of the meagre income provided to the workers whether it be the coal mine workers or the workers in the other industries.

By Clause 6 of the Bill, the Section 17 of the Coking Coal Act is being amended, which says, that.

“...the services of any officer or other employee employed in a coking coal mine or coke oven plant shall be liable to be transferred to any other coking coal mine or coke oven plant and such transfer shall not entitle such officer or other employees.....”

This is a very serious one. The officer who does not like any worker, he may take a vindictive or biased view and transfer one worker from one State to another State. This is a very serious provision because the workers who happen to work in the coal mine or company may be transferred to some other mine, just because he displeased his officer. This provision should not be allowed to be implemented and I request the hon. Minister to see that workers are not harassed by the so-called officers due to this provision.

Regarding employment opportunities, where coal industry is there, local persons must be encouraged to get employment in the industry. I have seen in Assam and Meghalaya that unscrupulous contractors and lease holders have brought people from other places, depriving the local

youth the employment opportunity. Opportunity to local youth should not be denied and they should be encouraged.

Government must properly implement the laws. Only amending the law will be of no use. We have so many laws so far as coal and other industries are concerned. But the Government have failed to implement these laws. That is why, I submit that the Government should take keen interest in implementing the laws.

SHRI ASUTOSH LAW (Dum. Dum) :
I rise to support the amending Bill.

Coal is one of the most important indigenous energy sources in our country. Not only as a source of energy but also economically, coal plays a big role in eastern India.

The coal mines were nationalised in 1972-73. Since then there were certain anomalies in the Act. I congratulate the Hon. Minister for proposing these amendments which are the need of the hour. Unless such amendments are made, double payment has to be made to the colliery owners.

Taking opportunity of this proposed amendment I am projecting some of the problems which are now prevailing in coal mine areas. Regarding production, it is true that the production has gone up. But it has not gone up to the desired extent. Only with the increase in production and efficiency we can bring about self-sufficiency in coal mines and bring down prices of coal. In order to increase production, two factors play a very big role i. e. cooperation from the labour and workers and modernisation of colliery machinery and equipment. In the coal fields of Bihar and West Bengal, still we are using all the old out-dated machineries which are not competent enough to give optimum production which we require at present. Therefore, I request the hon. Minister to take immediate steps or to make such an amendment in the Act so that all the collieries may go in for modernisation of the machinery in order to achieve more production.

Another point is very important in order to achieve more production from the coalmines and that is incentive to the labour and workers.

Welfare of a large number of workers in the coal field is a very big question. We do not have social security for the coal workers. Therefore, it is high time that we should think over it and protect them by providing social security by further legislation, if necessary.

One of our hon. Members talked about the mafia role. I agree with him that these coal mafia are creating lot of problems in the coal field areas. But I do not agree with Mr. Chaubey who has said that only the ruling party is giving protection to the coal mafias. That is not the fact. The position is this that the ruling party is not giving the protection but the people with vested interests and the erstwhile owners of the coal mines, irrespective of their party affiliations, whether they belong to ruling party or not, they are giving protection to these coal mafias. These coal mafias are not only operating in the coalfields and hampering the production and movement of coal, but are also operating privately. I am sure this is in the knowledge of the Minister that even in Bihar and in some parts of West Bengal, lot of private mining is going on by way of rat-holes which has to be stopped immediately.

Regarding the development and opening of new coalfields, in West Bengal, particularly in Raniganj, there are tremendous possibilities for further opening of new coalfields. After all, by the end of this century, we will not be in a position to provide energy to our industries unless and until we can make proper survey to find out whether new collieries can be operated or not. So, I request the hon. Minister that proper investigation and surveys be made otherwise we will face tremendous difficulty regarding the source of energy. With these words, I support this amendment Bill.

[*Translation*]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Deputy Speaker, Sir,

[Shri Yogeshwar Prasad Yogesh]

I congratulate the hon. Minister for introducing an important Bill. Previously Coking Coal Mines (Nationalisation) Act 1972 and Coal Mines (Nationalisation) Act 1973 had also become necessary. The way work was being done in the coal mines was creating a lot of legal problems and was also not fulfilling our basic aims. The aim of nationalisation was to bring a ray of hope in the lives of thousands of the labourers of coal mines and also to save them from the exploitation by the owners. These were very effective and result oriented measures which brought a new ray of hope in the lives of seven and a half lakh people.

The second reason for nationalising the coal mines was the exploitation of labourers by big mine owners and illegal and unscientific coal-mines. The Government adopted scientific techniques of mining. It has also prevented the wastage of coal, specially coking coal. This is the fulfilment of the basic aims of the Government. But one thing I would like to submit is that so far we have not been able to produce coal of good quality, the reason being lack of right environment which is a must in the coal mines.

Today, there is need of an effective communication also in the coal mines. There is lack of coordination between the coal mine workers and the managements. To my mind, in the absence of this coordination, they cannot have faith in each other which would nullify the basic aim of nationalisation of coal mines. The officers consider themselves to be a distinct class vis-a-vis the workers. Therefore, in coal mines, we find that the management and the labourers do not have good relations which leads to misunderstanding. This is not the right. The reason is that the officers who have previously worked with the earlier mine owners have capitalistic and feudalistic outlook and as such have not been able to adjust themselves after nationalisation. Therefore, I feel that there is a need of an effective communication and for this purpose one should give attention towards safety and production.

Every month, there should be direct dialogue between the labourers' leaders and the management and it should be discussed as to how production as well as the atmosphere in coal mines can be improved by joint efforts.

A lot of things have been mentioned just now about mafia. I also want to mention few things in this regard. There is no doubt that Mafia gangs are looting coal mines but in the management too there are certain people without whose collusion Mafia cannot operate like this. Shri Tandon perhaps mentioned somewhere that first we would have to remove the mafia from the Department itself. I am happy that at least he felt that unless those people in the Department who are protecting the mafia are not set right, things are not going to improve. As they define that slurry is not coal. They have brought this definition from High Court and other courts. Such things help Mafia people in their operation. There are many such judgements and officers refer to them on the pretext of legal opinions. Therefore, I request that both type of Mafia should be taken care of.

Similarly, illegal mining is continuing. One can find thousands of people carrying coal daily on their bicycles. Where-from they are getting it and where it is being carried to? At some place or the other Mafia is there which is supplying coal on small scale and in this way is running parallel coal mining. This is the reason why many people are dying in chapapur collieries and such accidents are common there.

I would like to draw the attention of the hon. Minister towards these points and thank you for providing me an opportunity to speak.

[English]

SHRI BASUDEB ACHARIA
(Bankura) : Mr. Deputy Speaker, Sir, the purpose of this amendment Bill is to undo what has been pronounced by the Supreme Court in its recent judgement. But my question is, why this lacuna which was

there in the Coal Mines (Nationalisation) Act and detected earlier, was not rectified? The erstwhile owners went to the Supreme Court to claim more compensation for their stock of coal. I am very much against paying compensation to the erstwhile owners because they plundered the coal mines by adopting unscientific mining and now Coal India Ltd., after nationalisation, are facing all these problems.

Now, one new section is to be added about the question of excess payment. Why does this question come? Is it due to the fact that at the time of nationalisation, an inflated statement of account was shown and thus this excess amount of compensation was paid and now the question of recovery of this excess amount comes in? That is why, you are adding this new provision in section 25 of the Coal Mines (Nationalisation) Laws?

Another new provision which I want to oppose is to debar an employee from claiming compensation or allowance for being transferred from one coal mine to another. Now, these colliery workers are being transferred and handed over the transfer orders. When these workers are being transferred, they go to join another colliery. But they are not being allowed to join there. They also face problem of accommodation etc. So, there should be some allowance to be paid for the workers when they are being transferred.

After nationalisation, huge amount was invested—about Rs. 5,000 crores, I think. Rs. 3,000 crores was invested only for mechanisation and Rs. 800 crores was spent for mechanisation in Eastern Coalfield Limited only. But this mechanisation yielded no result. The production has been reduced in Eastern Coalfield Limited. So, this whole process of mechanisation in coal mines should be reviewed again. The target of coal production during the 6th Plan was 165 million tonnes but subsequently it was revised and reduced. And the actual production was 147 million tonnes. The target for the year 1985-86 was 158.5 million tonnes and the production was

154 million tonnes. Unscientific mining is still going on. Although after 13 years of nationalisation, this unscientific mining is still going on. The workers are still staying in unhygienic conditions and there are no proper sanitation facilities. Proper drinking water is not being supplied. There is no hospital arrangement also in various coal mines for the colliery workers. Recently two committees submitted their reports—one for ECL and another for BCCL. We have seen it and even during the last session it was discussed that there were some uneconomic mines unviable mines and due to these mines, there are production losses in ECL. So, the Government wants to close down 12 uneconomic coal mines in ECL. But a commitment was given in this very House during the last session by the Minister himself that no final decision will be taken without consulting the JBCCI. I want to know whether this issue of particularly closing down of 12 coal mines in ECC was discussed in JBCCI and whether it was discussed with the representatives of the trade union. If at all, these coal mines are to be closed down, is there any scheme for redeployment of these workers who will be rendered surplus? I know, out of these 12 coal mines, one is located in Ranipur colliery where there is enough reserve of coal. It is a very good quality of coal. This coal is used in thermal power station which is in Ranipur under Eastern Coal Ltd. One machine was bought three or four years back spending lakhs of rupees but this machine is still unutilised. I suggest that this mechanisation in the coal mines should be reviewed.

With regard to the problem of land losers, recently an instruction has been issued by the Bureau of Public Enterprises that no land loser will be given employment under Coal India Ltd. Since nationalisation, how many land losers were given employment? In 13 years, 12,000 land losers have been given employment in lieu of taking away their land and the hon. Minister also stated recently that no project will be sanctioned if the land for the project is not handed over to the Coal India Ltd. If this decision is taken, then no new project can be started, which was

[Shri Basudev Acharia]

sanctioned. Even the projects which were sanctioned during the Sixth Five Year Plan are still non-starters because there is a Research Wing, CMPDIL. They are to prepare the design works. They take much time. That is why, Chari Committee also suggested that instead of one Wing, there should be a separate Wing for all these subsidaries of Coal India Ltd. so that this preparing- designing etc. will be expedited.

The hon. Minister has forgotten about workers' participation in the management. Why is he insisting for check-up system? Last year, the moment the hon. Minister announced this scheme, the mafia started collecting the forms forcibly from the workers. Why not adopt the secret ballot system? Through the secret ballot system, there will be a meaningful participation in the management. I think instead of check-up system, secret ballot system should be adopted.

With these words, I conclude.

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : I am really obliged to the hon. Members who have participated and made their valuable suggestions in this Bill. As I have said when I open my remarks, as far as the merits of this Bill are concerned, there is hardly anything to be said but this occasion has been used to discuss the working of the coal industry and rightly so. I would therefore like to concentrate more on the remarks made about the entire working of the coal industry.

I entirely agree that coal is one of the most important and basic inputs of our country's infrastructural growth particularly for energy, in terms of power and electricity. We have such a good rich resource of coal in this country. Although compared to other countries like USSR, USA or even China, we come about sixth in the world as far as coal reserves are concerned. But compared to what we have exploited upto now, our coal reserves, even the known coal reserves,

can last for the next 200 years. That is what is estimated. Coal is a perishable resource like petroleum. Some day it will get exhausted. We have therefore, to see that we use this resource in most scientific and economic manner. We just cannot afford to squander this resource. It is with this objective that nationalisation of Coal Industry was done under the leadership of late Prime Minister Smt. Indira Gandhi and Shri Mohan Kumaramangalam.

It is true that before nationalisation, Coal Industry in private hands was one of the most, exploited industries of this country. Not only was the working class exploited and were very poor who had to work under very difficult and bad conditions particularly in the underground mines of Bihar. Bengal and that region but even the mining was done in unscientific manner, known as 'slaughter mining'. So-much-so, even after nationalisation we continue to suffer from the effects of this unscientific mining which caused fires in a large number of mines. You will be amazed that these fires are going on for the last more than 60-70 years in some of our mines. And all our good coal is getting burnt and lost. This is because of the unscientific mining. But let me be honest as I have said publicly; I have written about it so much, our hope is that after nationalisation we would be able to operate this infrastructure industry in more scientific manner; in more economic manner; in more efficient manner so that using the public money, the hard-earned public resource of the poor people of this country when we utilise for development of our coal sector, we would use it in a manner which will give the best results. I am afraid if you compare the productivity, compare the method of production by any standard, we are not living in isolation in this world. We are not a small island as it were and connected with anybody. After-all, a nations' economy depends upon its dealing with its trade, its export, its imports. You import machinery. You have to export goods. So, we are living in a world which is coming closer and closer and therefore you have to depend upon your trade balance. Also the scientific know-how, that you learn

from others. It is in this context that I want to plead with this House; I have been trying to plead with this House again and again that let us take a fresh look at our entire economic activity. We wanted public sector to have a commanding height on the economy of this country. Jawaharlal Nehru's dream was that we will use public money in the infrastructure areas. The dams that he built, the huge projects like steel plants that he helped to set up—all of them were done with this object and we will build infrastructure in this country in a much faster way; bigger way using the public money & our brilliant men in this country and achieve a commanding height by producing more infrastructure goods at most economic levels.

Do you know in the coal sector after nationalisation—that is why I had given figures of some of the countries—we have invested Rs. 6,000 crores? And in the Seventh Plan alone we are providing about Rs. 5,000 crores. Imagine this public investment. And how much additional production has been made? In the entire Sixth Plan, we added only 77 million tonnes of coal more. When we nationalised, we were producing 77 million tonnes of coal. The coal that was produced till then, till 1972-73, the production that was reached till then, we have only doubled that. And how many times more have we invested? Instead of the Rs. 50 crore investment which had been made upto 1972-73, we have invested Rs. 6,000 crores—nearly 100 times more. And yet, if this is the result that we have to get, shall we not take a fresh look at where we have gone wrong? I have tried to give the reasons. The reasons are ultimately of total management. When I use the word 'management'...

SHRI BASUDEB ACHARIA : Mismanagement.

SHRI VASANT SATHE : Rather mismanagement. But what is that mismanagement? Mismanagement cannot be attributed only to a few officers. It is the entire responsibility of the work force...

SHRI BASUDEB ACHARIA : In the system also.

SHRI VASANT SATHE : In the system—you are right. In that system, the most important role is that of the working class in any economy. It is my humble submission that the most important role for adding value, for generating surplus, for generating wealth, in any economy in any country in the world is that of the working class. It is the workers, it is the labour, which adds wealth, which creates wealth. Therefore, if we had taken all our work force together at least in the public sector into confidence, as a collective whole, and then made them responsible not only for their welfare but for the results by creating a feeling of belonging, I am sure our people would have shown much better results. Our people are capable of doing miraculous work. They have done it in other countries whenever they got chances. Why can't our people do the same thing in our country? And that can be done provided we create those conditions. Unfortunately, what has happened in the public sector? In the public sector also, we had the employer-employee concept brought in, which is the concept of a capitalist system. Here who is the employer? Government is not the employer. Government is also Government of the people, representatives of the people. Therefore, the management of the public sector undertaking is not an employer. They are also employees of the people. So also the workers. Why should there not be a sense of participation? This is what is absolutely necessary if we really want to bring about a change. I have never said—unfortunately, some people have tried to distort my thoughts, or what I have said—anywhere that the public sector should be abolished; I have never said anywhere that there should be privatisation of the public sector. All I have said is...

SHRI BASUDEB ACHARIA : 'The holy cow', you said.

SHRI VASANT SATHE : Of course, I did. All I have said is, we must make the public sector more efficient. If you

[Shri Vasant Sathe]

want public sector to have commanding height, if you want it to become an instrument of achieving socialism in this country under democratic circumstances, then we must make our public sector more efficient, accountable, result-oriented. That, I said, can be achieved only if you have a new participatory work culture introduced in public sector. I want to know what objections my friends who claim to be socialists, who claim to be communists can have to this proposition. Therefore, it is no use trying to distort a contention.

SHRI BASUDEB ACHARIA : It should not be in isolation, you have to consider the whole system.

SHRI VASANT SATHE : You take one sentence in isolation from my article. I said the holy cow. What is the meaning of the holy cow? If something is wrong in public sector and if you say please examine it, don't push it under the carpet, here is mis-management, here is squandering; immediately some of our friends jumped up and said how do you challenge the public sector don't question the working of the public sector. That is what I called holy cow. This attitude of treating something as sacrosanct is wrong. Let us not get swayed by ideological slogans. Ultimately even socialism is not an end in itself. Socialism is a means to the welfare of the people so that the entire society develops in a balanced way, all members of the society are able to live a good and decent life free from exploitation. That is the objective of socialism.

SHRI BASUDEB ACHARIA : This is not possible here in India in this mixed economy.

SHRI VASANT SATHE : Look. It was possible provided we had implemented it in the spirit in which it was meant.

SHRI BASUDEB ACHARIA : How can you implement it?

SHRI VASANT SATHE : That is the

whole meaning of democratic socialism. Democracy and socialism, we tried to experiment. This is the only country which tried to experiment with both democracy and socialism.

SHRI BASUDEB ACHARIA : If you put Ratan Tata at the head of the public enterprise...

SHRI VASANT SATHE : After all, Ratan Tata is also a citizen of this country. Again, you are suffering from this fobia against individuals by a label. By putting a label you cannot get away. Ratan Tata, Birla, Bajaj all of them are citizens. All that I am saying again, I want to remind you. What I have said is that private sector and public sector are labels which are misnomers. Every economic activity must be treated as a national sector and must be made accountable to national good. This is what we meant by democratic socialism. This is what we meant by mixed economy.

SHRI R. P. DAS (Krishnagar) : How can you have socialism when you put bureaucrats at our heads?

SHRI VASANT SATHE : I am not in favour of putting a bureaucratic head. I have suggested alternatives. All I have pleaded—I have not pleaded for a bureaucratic head—is whosoever you put at the helm of affairs of the public sector, two things are necessary. Firstly he must be a competent man, he must know the job. Secondly, he must have authority with continuity. Unless you give this, unless his tenure is made result-oriented, you cannot get results.

SHRI R.P. DAS : Why don't you evolve this? Unless you evolve that management in India you cannot do it with the bureaucratic top.

SHRI VASANT SATHE : Why can't you do it?

All I am saying is that we all Members of Parliament, we represent 700 million people, 75 crores now, have a duty to think how we can utilise the public money.

How we can evolve a working by which we can get those results. What do you want ! Do you want more coal so that we can produce more power, generate more industries and give more employment ? Do you want this or do you want less production to have a few lakh people employed and high cost stagnation. I gave an example of steel. We are stuck at 10 million tonnes of steel production - for last 20 years Ours is the highest cost of production of steel, namely, Rs. 8000/- per tonne. Please understand this. Can we generate more employment ? Now how much employment we are generating Production of one million tonne of steel generates employment for about 2.5 lakh people. So the total employment generated in the country for producing 10 million tonnes of steel—5.6 million tonnes in the public sector and 4 million tonnes in the private sector—it will come to 25 lakh people in a country of 70 crores. If you were to produce—as is being done in China—50 million tonnes of steel then you would be generating employment for 2.5 crores of people. Now what do you want ! What is your objective ? Is it to generate employment for only 2.5 lakh people or 2.5 crore people ? This is what we are doing. We must generate employment for people in rural areas and that can be done only by producing more steel and at a cheaper rate. But what happens now ! Your cost of production of steel is the highest in the world.

Mr. Acharia you were laughing when I gave the example of South Korea but I may tell you South Korea imports iron-ore, coking coal, lime-stone and even then produces cheapest steel in the world, viz., Rs. 3,000 per tonne.

SHRI R. P. DAS : Sir, unless productivity increases...

SHRI VASANT SATHE : That is what I am trying to plead. I am not wanting to score a debating point. I am trying to plead with this House that let this House some day sit and discuss this economic policy of production and productivity for 2-3 days. I am afraid on an investment of Rs. 50,000 crores that

we have done in public sector if there is no resource generation and no surplus generated from where are you going to find investment. Then you will have to resort to deficit financing and it will result only in high-cost push economy.

Therefore, instead of exporting 2 tonnes of iron-ore which earns you Rs. 150 at the rate of Rs. 75 per tonne, one tonne of steel earns you Rs. 3,000 per tonne even at international prices. Now what would you like to do ? Would you like to earn Rs. 3,000/- and also have the benefit of employment generation or the other thing ? Shall we do in this country value added production and earn foreign exchange or export iron-ore and earn Rs. 75. per tonne. What is this ? Is this economics ? Australia is not out of the world. If you want to compare it with the Soviet Union, I will tell you. We went there the other day. In an open cast mine, where they produce 15 million tonnes of coal, OMS is 48 tonnes per worker, hardly 950 workers produce 15 million tonnes of coal. In Singreni colliery, my friend comes from Andhra Pradesh and he knows that, more than one lakh people are employed producing 15 million tonnes of coal for which in Soviet Union they employ less than one thousand people. What are we talking about ? The other day a delegation had come from Australia and they also have fifty per cent of their coal produced from underground and fifty per cent from open cast mines, and they employ 3 thirty thousand people to produce 150 million tonnes of coal and we employ seven and a half lakh people for approximately the same quantity of coal. How can we compete with the world ? Do you know that today even in Europe there is a demand for Indian coal which has low sulphur content. But our cost of production is so high besides the transportation charges, that nobody will buy it. That would have meant a lot of foreign exchange for us otherwise. Therefore, in the field of coal, the whole work culture must change.

You talk of participation. I have been pleading for that. The workers should

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have meaningful, purposeful and full participation directly. I have been talking to the trade unions for the last two years, but there is no unanimity, there is no agreement. Some unions want it only through elections, some want it by checking up method. What can we do? Now, I am suggesting that we should have workers directly as partners, as shareholders. Let them elect their representatives.

SHRI BASUDEB ACHARIA :
Through secret ballot.

SHRI VASANT SATHE : Of course,
through elections by secret ballot.

13.59 hrs.

[SHRIMATI BASAVARAJESWARI
in the Chair]

But, what is the secrecy there? Once you are shareholders, what is the secrecy? Here also we have elections. There is no question of any secrecy. Secrecy comes when there is fear. When there is no fear and the entire force acts as one family, there would be no need for hiding anything. Mafia and all that can be taken care of only if workers have a feeling of belonging. There is no shortcut to this. You cannot use a gun, you cannot adopt high handed authoritarian methods to get the work done. The only way in a democratic process to get results is by creating a feeling of belonging in the working class. If we do that, I have no doubt that we will be able to achieve our objectives.

As far as this Bill is concerned, I have already spelt out the reasons clearly. The Supreme Court had given a ruling and this was to meet the contingency arising out of that. Although, it was specifically spelt out, but sometimes it so happens that the interpretation is given on very thin grounds and therefore, to correct that, we have brought this Bill. I am thankful to the hon. Members for their general support as far as this Bill is concerned.

14.00 hrs.

I have dealt with various other things also. If there are any individual grievances which I might have missed, I would take it up with individual members. They can come and discuss the problems with me.

SHRI BASUDEB ACHARIA : You have not said anything about closure of the 12 mines.

SHRI VASANT SATHE : I can tell this House and the hon. members that we will not close down any mine till we discuss this matter in the JBCCI and also with the representatives of the workers concerned. But you will also agree that there is no point in operating a mine which has exhausted, a mine where the cost of per tonne production is more than Rs. 500. The cost is prohibitive and it is against interest of the country to operate such mines. It is even against the interest of the employees to operate it. It is true that these employees will have to be deployed in other mines. I may assure that we are trying to do it. For example in ECC in Bengal, we are trying to open new mines. And in Sonpur Bazar we are trying it. We have not got the land. I will plead with Shri Basudeb Acharia to tell the employees also as to how we can have both the things, i.e. to employ people from the land oustee's family and also to employ the surplus labour from other areas. If we have to do both these things, how can we afford it?

SHRI BASUDEB ACHARIA : You will have to adjust in some way.

SHRI VASANT SATHE : Yes. That is what we are trying to do. I want to be fair to all. We will try to accommodate all to the best of our ability. But we should also ensure that these mines work economically and efficiently with a cost benefit analysis so that surplus is generated in the working of these mines.

With these remarks once again, I want

to thank all the members for their valuable suggestions.

MR. CHAIRMAN : Shrimati Geeta Mukherjee has moved a Statutory Resolution. She is now not here. But we will dispose of this item. I shall now put the Resolution moved by Shrimati Geeta Mukherjee to the vote of the House. The question is :

“This House disapproves of the Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986 (Ordinance No. 7 of 1986) promulgated by the President on on the 7th October, 1986.”

The motion was negatived.

MR. CHAIRMAN : The question is :

“That the Bill further to amend the Coking Coal Mines (Nationalisation) Act, 1972 and the Coal Mines (Nationalisation) Act, 1973 be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : We will now take up clause by clause consideration of the Bill. There are no amendments to Clauses 2 and 3.

The question is :

“That Clauses 2 stand part of Bill.

The motion was adopted

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 (Amendment of Section 10)

SHRI MOOL CHAND DAGA (Pali) : I beg to move :

Page 2 line 15,—

after “In respect of” insert—

“rights, title and assets including” (i)

Page 2, line 15,—

for “or” substitute “and” (2)

I have brought these amendments to make things more clear. Otherwise this trouble may again arise. That is why I include these words.

SHRI VASANT SATHE : It is not necessary madam. They are already included. I would request Shri Daga not to insist on it.

MR. CHAIRMAN : Are you withdrawing amendments ?

SHRI MOOL CHAND DAGA : Yes Madam.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 1 and 2 were, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

MR. CHAIRMAN : In Clause 5, there is no Amendment.

The question is :

“That Clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 (Substitution of new section for section 17.

MR. CHAIRMAN : In Clause 6, there is an Amendment by Shri Mool Chand Daga. Are you moving.

SHRI MOOL CHAND DAGA :
(Pali) I beg to move :

Page 2, line 41,—

add at the end—

“but, he may make a representation to the Government which shall be decided within two months and pending consideration of the representation, the said order shall not be implemented.”

(3)

A simple Amendment in Clause 6 is that a man or labour or any employee can make a representation to the Government which shall be decided within two months and pending consideration of the representation, the said orders shall not be implemented. Because, after all the workers who are working there will be unnecessarily transferred to other colliery and you said that law will be suitably enforced and no such claim shall be entertained by any court, tribunal or any authority. You have done that and they will not be able to challenge it in the court of law. You cannot deprive a man by going to a court of law. He can challenge the order. He can just go. But here you have already said that no such claim shall be entertained by any court, tribunal or other authority. Therefore, I submit that at least he must be given a chance to represent his case and which shall be decided within two months. Supposing a man belonging to one place and he has got certain inconvenience, some human problems or any other problem, why should he be debarred from going to a court of law? If he gives a representation, you kindly give him a hearing. Because justice wants that, if you want to take a decision, you must give an opportunity to hear him first.

SHRI VASANT SATHE : It is not necessary. This is a condition at the time of taking over the mine. We cannot ensure every employee that he will get a job then and there only. This is not a normal course that a person is being transferred. Supposing there is no work

with mine or supposing it is not economical, then what do we do with the people? If such a provision was not put, it will not be possible even to operate the Act. That is why, this condition has been put so that it is in the interest of employees also. I do not think that such a provision can be really objected to by my colleague.

MR. CHAIRMAN : Mr. Daga, are you going to withdraw it.

SHRI MOOL CHAND DAGA (Pali) : It is okay. Whatever he says, it is okay. After all when a judgment is passed against a particular person, he must be given an opportunity of hearing. That is the natural principle of justice. This is against the natural principle of justice.

SHRI VASANT SATHE : This is not against the natural principle of justice. This is not a case of judgement. It is not a punishment. This is not in the normal course of employment.

SHRI MOOL CHAND DAGA : He will be debarred from going to any court of law. How can he be just debarred?

MR. CHAIRMAN : What do you say, are you going to withdraw your amendments?

SHRI MOOL CHAND DAGA : Yes, Madam.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS : Yes, Madam.

Amendment No. 3 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That Clause 6 stand part of the Bill”

The motion was adopted.

Clauses 7 and were added to the Bill.

MR. CHAIRMAN : Clauses 9 and 10.
Mr Daga is not moving his amendment.

The question is :

Clauses 9 and 10 stand part of the Bill
The motion was adopted.

Clauses 9 and 10 were added to the Bill.

Clause 11 (Amendment of Section 3)

MR. CHAIRMAN : There is an
amendment. Are you moving it, Mr.
Daga ?

SHRI MOOL CHAND DAGA : Yes.
I beg to move :

Page 4, line 41, —

after "made" insert—

"without giving a prior notice
to the concerned persons" (5)

This is a very simple amendment. You
have said in line 39 :

"Provided that no such correction
in relation to the ownership
of a coal mine shall be
made where such ownership is
in dispute."

You must first give a notice to the
concerned person. When you want to
take some action, you must give notice.
So, I want to insert this amendment. First
you must give a notice to the concerned
persons.

SHRI VASANT SATHE : In this
case, there is no question of notice. It is
done only after the intimation is received.
It is not a matter of dispute. Therefore,
there is no question of giving notice,

SHRI MOOL CHAND DAGA : You
have already said in the Bill— "Provided
there is no such correction..."

SHRI VASANT SATHE : This proviso
is there after the main section comes
into operation. That is where the proviso
come in. The man has already got the
notice.

MR. CHAIRMAN : Mr. Daga, are
you withdrawing it ?

SHRI MOOL CHAND DAGA : Yes.

MR. CHAIRMAN : Has Mr. Daga the
leave of the House to withdraw his amend-
ment ?

SEVERAL HON. MEMBERS :
Yes.

*Amendment No. 5 was, by leave,
withdrawn.*

MR. CHAIRMAN : There are no
amendments to Clause 12 and 13. So, I
will put Clauses 11, 12 and 13 together to
the vote of the House. The question is :

"That Clauses 11 to 13 stand part of
the Bill."

The motion was adopted.

Clause 11 to 13 were added to the Bill.

MR. CHAIRMAN : Clause 14. Mr.
Daga, are you moving the amendment ?

SHRI MOOL CHAND DAGA :
No.

MR. CHAIRMAN : There are no
amendments to Clauses 15 to 20. So, I
put clauses 14 to 20 together to the vote
of the House.

The question is :

"That Clauses 14 to 20 stand part of
the Bill."

The motion was adopted.

Clauses 14 to 20 were added to the Bill.

MR. CHAIRMAN : The question is :

“That Clause 1, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

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

MR. CHAIRMAN : Now the Minister.

SHRI VASANT SATHE : I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

14.12 hrs .

BUREAU OF INDIAN
STANDARDS BILL, 1986

[English]

MR. CHAIRMAN : Now Shri H.K.L. Bhagat.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H.K.L. BHAGAT) : I beg to move :

“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.”

Sir, while moving this I would like to make the following observations :

The Indian Standards Institution was set up in the same year in which our country attained independence. It was established with the objectives of preparing and promoting standards. In pursuance of these objectives, ISI has done commendable work in formulating standards and in operating the certification marks scheme which is governed by the Indian Standards Institution (Certification Marks) Act, 1952 and rules and regulations framed thereunder.

ISI has built an image over the years both within the country and abroad. It has played a pioneering role in evolving national standards and their implementation, and in spreading quality consciousness in the country. In this connection, mention may be made of the significant part played by ISI in the introduction of the metric system in India. ISI has so far formulated more than 13,000 standards covering diverse areas such as civil engineering, chemicals, electronics and telecommunication, mechanical engineering, textiles and consumer products. At the end of October 1986, nearly 9,000 ISI certification marks licences were in operation. The certification scheme is basically voluntary in character. However for 112 items, affecting health and safety of the consumer, Government of India has made it obligatory through various statutory measures to make ISI marking mandatory for them. Government is considering to cover more products under mandatory certification marking.

ISI has played an important role as a developing country in standardisation at international level. ISI is a member and active participant in the two most important international organisations namely, International Organisation for Standardisation and International Electrotechnical