

*Amendment No. 5 was put and negatived.*

MR. DEPUTY-SPEAKER: There are no amendments to the Enacting Formula and Long Title. 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.*

SHRIMATI RAM DULARI SINHA: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

Shri K. A. Rajan.

SHRI K. A. RAJAN: I want to impress on the hon. Minister 3 points where, unfortunately, on the bonus issue a confrontation may take place. One is the question of LIC. You have to honour the agreement, or the verdict of the court. Two: the question of General Insurance employees where you have to have negotiations and round-the-table discussions, instead of making an arbitrary declaration of 15 per cent, contrary to what you are giving, viz. 20 per cent. Three: the Defence civilian employees who have to get productivity-linked bonus which you have promised, and which you have to implement.

SHRIMATI RAM DULARI SINHA: The hon. Member should come to my office tomorrow. I will talk to him.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

STATUTORY RESOLUTION RE:  
 DISAPPROVAL OF TEA (AMENDMENT) ORDINANCE, AND TEA (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: We now take up the next item, viz. the Statutory Resolution and the Bill on Tea, together. Now Shri Chaturbhuj.

श्री चतुर्भुज (मालावाड़) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ : "यह सभा राष्ट्रपति द्वारा 13 अक्टूबर, 1980 को प्रख्यापित चाय (संशोधन) अध्यादेश, 1980 (1980 का अध्यादेश संख्या 15) का निरनुमोदन करती है।"

MR. DEPUTY-SPEAKER: Resolution moved:

"This House disapproves of the Tea (Amendment) Ordinance, 1980 (Ordinance No. 15 of 1980) promulgated by the President on the 13th October, 1980."

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KHURSHEED ALAM KHAN): I beg to move\*:

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

MR. DEPUTY-SPEAKER: Motion moved:

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

Now Mr. Ananda Pathak.

SHRI ANANDA PATHAK (Darjeeling): I support the Bill with some reservations. Sir, I rise to generally support the Bill with some reservations. I support the Bill because it has now covered a wider range in defining the expression reckless in-

\*Moved with the recommendation of the President.

vestment or creation of incumbrances on the assets of tea undertaking or tea unit. As a matter of fact I had myself proposed in the meeting of the consultative committee for the ministry of commerce to amend this Act in the lines of the Industrial Development and Regulation Act as far as the powers of the Government as well as the authorised person were concerned. I think the Bill empowers the government to take immediate action to prevent any employer, owner or person in charge of tea gardens from acting in a manner that may affect the production of tea, manufactured or produced by the tea undertaking or tea unit, by reckless investment or creation of incumbrances on the assets of the tea undertaking or by diversion and misappropriation of Fund.

There are several instances where it is seen that apart from funds generated through the sweat and blood of the workers, the financial assistance, loan or subsidy sanctioned by the Tea Board or other financial institutions for particular purposes of development were also diverted to other channels or misappropriated. Even the hard earned provident fund money of the workers are misappropriated.

We find that in many of the tea gardens no fresh investments have been made for the development of tea plantations for decades together. No replantation programme has been carried out. In many gardens tea bushes are older than 70 years or 100 years. Tea industry is treated like a grocery shop wherefrom some of the unscrupulous owners want to make quick and easy profit and sell them out on double the price within a year or two and thus ruin the garden.

All these recklessness and short-sightedness and unindustrial policy of tea garden owners have rendered many of the tea gardens sick and uneconomic. Some of these tea gardens have been closed down and abandoned throwing thousands of

workers and their family members on the street.

I hope now this Bill would enable the Central government to act in a determined manner and take over such tea gardens even without investigation wherever necessary. On the basis of the Tea (Amendment) Act, 1956 the Central Government took over some of the closed, sick and un-economic tea gardens in West Bengal and Assam and appointed the Tea trading Corporation of India Ltd. and M/s. Andrew Yule & Co. the West Bengal Tea Development Corporation Ltd., as authorised body to run the management of such tea gardens. The suffering workers of these tea gardens welcomed the take over as well as the new managements with high expectation. But unfortunately their expectations were belied soon, when they came to know that the new managements, the authorised person or body, had no authority to pay their arrear dues of wages, gratuity, provident fund and other liabilities. Nor they can incur capital expenditure for the construction of labour houses, for renovation and replacement of rotten machinery, replanting new bushes etc.

The authorised persons, acting as new management, had no power or authority to secure loan or financial assistance from any bank or any other sources like financial institutions. They have to manage the tea undertaking or unit from the limited fund provided by the Government or the fund generated internally by the taken over undertaking or unit, which is not possible within a short span of time. Consequently, sometimes the workers and employees did not get even their meagre wages and ration for weeks and months together leading to discontentment among the workers and hampering the production. Even after the Bill is passed, I do not know whether the authorised person or body can avail of the benefit of bank finance, housing loan and subsidy, Tea Board Hire Purchase

[Shri Ananda Pathak]

Scheme, replanting subsidy and loan and various other benefits that are available to tea industry, because the authorised person or body does not possess the title deed of the property, because in tea plantation there is a rule that without hypothecating the title deed of the property, they cannot secure any loan or financial assistance. Therefore, I do not know whether after passing this Bill, they can obtain loans, subsidy, etc. It has to be clarified.

The main reason behind this anomaly is the loopholes and lacunae in the Tea Act. However, I think the proposed amendment may remove some of the anomalies and priority would be given to the debts incurred or investment made by the authorised persons for carrying out the management and exercising the function of control in relation to a tea undertaking or tea unit over all other debts so as to enable the authorised persons to obtain finance from financial institutions.

Referring to the new section 15LL proposed in the Bill, I would like to demand that the liability of the workers in respect of their dues of the wages, provident fund, gratuity and other statutory entitlements should get first priority over all other liabilities, because the workers are the weakest section of the industry and they are always deprived of their legitimate rights.

Sir, the Government have already accepted the principle of giving priority to the liability of the workers, as has been seen in the case of the Jute Companies (Nationalisation) Bill, The Bird and Company Limited (Acquisition and Transfer of Undertaking) Bill, etc. So, why not the same be done in the case of taken-over tea undertaking or tea unit?

The main lacuna and weakness of the Tea Act is that the period of notified order for taking over is five years, which may be extended to two years more, making it a maximum period of seven years. Even the Industries (Development and Regulation) Act has the same object of taking over of sick and uneconomic undertakings for a period of five years which may be extended to 12 years. After doing so much exercise of investigation, taking over of the management, pumping enormous amount of money into the hands of the authorised persons from the Government exchequer for carrying out the management of a taken-over tea undertaking or unit and bringing it back to health why should the Government return the undertaking or unit to the same owner who made the undertaking or unit sick and ruined it, deprived the workers of their entitlements, deprived the Government of its revenue and deprived the country of its much needed foreign exchange? The Government have realised this position in the case of other taken-over industries and now the Government have come forward with the Bills for nationalisation in respect of the Jute companies, Bird and Co. and Hind Cycle Ltd. & Sen-Raleigh, which I have already stated. They now realise that without nationalisation, nothing can be done. Moreover, the period of taking over of a tea undertaking is only five years. It is unrealistic because the very nature of the tea industry is quite different from other industry. It is an agro industry and its crop depends on the climate, topography, etc. If the authorised persons have to bring the sick tea plantation to its health, they have to carry out replanting of new bushes and refilling the gaps. It will take 8 to 10 years before the plant reaches economic bearing age. So, from this point of view also it is unrealistic to assume that the authorised persons will invest considerable sum of money in planting and its maintenance knowing fully well that the tea undertaking or unit will have to be returned before any harvesting is done from such

area. So, I propose that the taken over tea undertaking or unit should not be returned to the owner or person in charge from whom such undertaking or unit was taken over.

Now, in the definition of tea unit, the tea estate or garden having no factory has been excluded from the purview of taking over. In a way, this has defeated the very purpose of the Tea (Amendment) Act 1956, because due to mismanagement, negligence or various other unsound reasons, factories in such sick, uneconomic or closed or abandoned tea gardens have been ruined or finished. The Tea Trading Corporation of India Ltd. has made sufficient fund from the trade and business on tea and the Tea Board has also schemes and funds for such purposes. So, the authorised persons or agents be empowered to set up factory in such tea gardens from the above fund or the fund obtained from other financial institutions.

Now, coming to other loopholes in the Tea Act, I find that the more concerned and closely associated workers with the industry are not taken into confidence in the matter of investigation under Section 16B of the Tea (Amendment) Act, 1956. I, therefore, propose that the representatives of the workers as well as professional experts be also included in the body of persons to be appointed for investigation in relation to a tea undertaking or tea unit.

Before I conclude, I would like to say that the directions that may be issued under Section 16C, Sub-section (i), after investigation should also include to assure the regular payment of wages and other statutory entitlements to the workers which is not there in this section.

One of the serious weaknesses in the Act is that after issuing the directions for a certain period, there is no remedy for bringing the defaulting person owning the tea undertaking or

unit to task at any time during the said period. We have bitter experience about such cases where the persons concerned owning the tea undertaking or unit have more recklessly ruined the undertaking even after the directions are issued. In such case, I propose that the period indicated in the direction should be revoked immediately on receipt of the report of such default and the concerned tea undertaking or unit be taken over by the Government under Section 16D.

I hope that the hon. Minister would consider my suggestions and proposals and come forward with a comprehensive Bill to plug all these loopholes in the Tea Act, in the near future.

With these words, I conclude.

**SHRI KHURSHEED ALAM KHAN:**  
Sir, at the outset, I would like to thank the hon. Member who has made some very valuable suggestions. I would like to assure him that all his suggestions will receive our due consideration. Besides, I would also go a step further and say that whenever he has any suggestion, he is always welcome to write to us, and we would certainly look into those suggestions and do whatever is possible.

Briefly I would like to say that the suggestions made were about replantation and looking after the interests of the workers. These will be ensured. I would like to assure the hon. Member and also the hon. House that this will be done, because this is really a very valuable suggestion from our point of view.

This Bill has been brought forward to face certain difficulties regarding the taking over of these gardens. One of the owners had gone to the court and the Calcutta High Court has given a ruling and our appeal was also not successful. Therefore, it was thought that this Bill should be introduced to remove the lacuna in the present Act.

Another reason why this Bill was introduced was that we wanted to make the three Tea Centres which



[Shri Khursheed Alam Khan]  
are functioning in London, Cairo and Sydney viable units. Now people come to these Centres and have just a cup of tea and some snacks. Centres of this type running for example in a place like Oxford in London will not be very paying unless it is re-organised and run as a proper restaurant, of course, not giving up the basic idea of promoting the sale of tea in the country, because London is one of the Centres which consumes a lot of our tea. Therefore, this is also taken care of.

Then hon. Member mentioned about replantation. I want to say for his information that we have agreed that the replantation subsidy will be Rs. 10,400 per hectare for the plains, Rs. 12,800 per hectare for the hill areas and Rs. 15,000 per hectare for Darjeeling, because the Darjeeling tea growers need special consideration, because it is a mountaneous area where the inputs are slightly higher than in the gardens in the plains.

Then, a provision has been made for advancing loans to such gardens which need assistance. The rate is Rs. 20,000 per hectare in the plains, Rs. 25,000 per hectare in the hilly areas and in Darjeeling.

These are some of the basic features of this Bill. Further, we want to make the taking over of the gardens easy and smooth. I want assure him that there is no idea of taking over these gardens, investing or sinking money in them and giving them back to the owners. We do not want to function as a hospital where a patient is restored to health and then handed over to the relatives so that they can again make the unit sick or run it do destruction.

With these words, I commend the Bill for the consideration and acceptance of the House.

**SHRI ANANDA PATHAK:** The Central Government had a scheme to set apart a sum for the replantation

and rejuvenation of the sick tea gardens in Darjeeling. What has happened to that? Would you kindly enlighten me on that?

**SHRI KHURSHEED ALAM KHAN:** A committee is looking into this and a report is being prepared. I can assure him that this will be given due consideration.

**श्री खतुंज :** मंत्री महोदय ने अभी कहा है कि वह एक व्यापक बिल लाना चाहते हैं। इसको उन्हें जल्दी से जल्दी लाना चाहिए।

चाय एक राष्ट्रीय उद्योग है। इसमें हमें बहुत बड़ी विदेशी मुद्रा प्राप्त होती है। सुप्रीम कोर्ट के अन्दर एक छोटा सा केस गया था। उसको ले कर टी बोर्ड को बहुत बाइड पावरज दी जा रही है। आप समझते हैं कि आर्डिनेंस ला कर आप ने बहुत बड़ा तीर मार लिया है। अगर आप को राष्ट्रीय हित प्रिय है तो आपको एक व्यापक बिल अभी लाना चाहिए था। मैं समझता हूँ कि राष्ट्रीय हित में आप को इस को वापिस ले लेना चाहिए और इसके बदले में एक व्यापक बिल लाना चाहिए।

मैंने इस अध्यादेश का विरोध इसलिए किया है कि मैं समझता हूँ कि चाय बागान बीमा स्थिति में हैं। मैदानी इलाके हों या पहाड़ी बागानों में काम करने वाले मजदूरों की स्थिति बहुत खराब है। इस टी बोर्ड की स्थिति खराब है विदेशों में पांच छः और देश में आठ दस इसकी शाखायें हैं और सब की स्थिति खराब है। आप तो जानते ही हैं कि आज

विदेशी मुद्रा को हमें कितनी सख्त जरूरत है। चाय उद्योग ऐसा है जो हमें विदेशी मुद्रा काफी मात्रा में कमा कर देता है। लेकिन इससे आज विदेशी मुद्रा बहुत कम प्राप्त हो रही है हमारे आयात निर्यात व्यापार का सन्तुलन भी बहुत बिगड़ा हुआ है।

यह एक बहुत ही चिन्ताजनक बात है। हम को सोचना चाहिए कि किस तरह से चाय उद्योग से हमें अधिक से अधिक विदेशी मुद्रा प्राप्त हो सकती है और हमारा चाय का नियति बढ़ सकता है। इसको आप छोटे स्तर में न लें। मेरा सुझाव यह है कि आप एक विशेषज्ञ समिति नियुक्त करें। वह इस उद्योग की स्थिति का गम्भीरता से अध्ययन करे, मंथन करके आपको सुझाव दे जिन को आप अमल में ला कर इस उद्योग को आगे बढ़ा सके और यह विदेशी मुद्रा के अर्जन का एक प्रमुख माध्य बन सके।

आप टी बोर्ड को व्यापक अधिकार दे रहे हैं। मैं मांग करता हूँ कि इसके बजाय सरकार को यह सारा काम अपने हाथ में ले लेना चाहिए और टी बोर्ड को भंग किया जाय।

मेरी यही मांग है कि इस विधेयक को आप वापिस लें और एक व्यापक विधेयक लाएं ताकि देश का हित हो सके।

MR. DEPUTY-SPEAKER: Now, I shall put the statutory Resolution to the vote of the House.

The question is:

"This House disapproves the Tea (Amendment) Ordinance, 1980 (Ordinance

number No. 15 of 1980) promulgated by the President on the 13th October, 1980."

*The Motion was negatived.*

MR. DEPUTY-SPEAKER: I shall now put the motion for consideration to the vote of the House.

The question is:

"That the Bill further to amend the Act is that after issuing the direct consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, we shall take up clause by clause consideration of the Bill.

There are no amendments to clauses 2 to 8.

the question is:

"That clauses 2 to 8 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 8 were added to the Bill.*

MR. DEPUTY-SPEAKER: 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.*

SHRI KHURSHEED ALAM KHAN: Sir, I move:

"That the Bill be passed."

(Amdt.) Ord. and Tea

(Amdt.) Bill

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY-SPEAKER: There are still a few minutes left. We take up the Supplementary Demands for Grants (General).

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND WORKS AND  
HOUSING (SHRI BHISHMA NAR-  
AIN SINGH): I am very grateful to

all the Members on both sides for the cooperation they gave us. I request you to postpone this for Monday.

MR. DEPUTY-SPEAKER: The House stands adjourned till 11 a.m. on Monday the 22nd instant.

20.58 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday the 22nd December, 1900/Pausa 1, 1902 (Saka).