

[श्री सरजू पांडे]

की गई है उसमें मनेजीरियल स्टाफ को शामिल नहीं किया गया है। उनको भी इसमें शामिल करना चाहिए। जो एडमिनिस्ट्रेटिव काम करने वाले हैं उनको भी उसमें शरीक करना चाहिए। मैंने अमेन्डमेंट भी दिया था। मंत्री जी ने कहा है कि इस पर विचार करेंगे। जे. बूसरे वर्कर्स है जैसे बस्पतालों के, म्युनिसिपल बोर्ड्स के उनको भी इसमें शरीक करना चाहिए।

15 में ग्रेज्युइटी का जो मामला है वह बड़ा संगीन है। इस उद्यम के तमाम मेम्बर्स ने, क्लिंग पार्टी की तरफ से भी और इस तरफ से भी यह मांग की है कि सिन्दोरिटी कारफीट करने का जो प्रावधान किया गया है यह सबिधान के विरुद्ध है और हमारी मान्यताओं के विरुद्ध है। एक ही आदमी को पचासो सजावे नहीं दी जा सकती है। आप जानते हैं कि एम्प्लायर्स झूठे कैसेज तयार करते हैं। ऐसी हालत में किसी एम्प्लायर को ग्रच्युटी न देना बड़ा अन्यायपूर्ण होगा। मेरा निवेदन है कि मंत्री जी इसको स्विकार कर लें। इस मामले में सारे मेम्बर्स का एक राय रही है। मेरा विश्वास है कि मंत्री जी कम से कम इसको जरूर मान लेंगे ताकि एक ही एम्प्लायर को कई प्रकार की सजावे न दी जा सके।

इन शर्तों के साथ मैं इस बिल को सपोर्ट करता हूँ।

**SHRI R. K. KHADILKAR:** I want to clarify only one point. The hon. Member referred to punishment. I will draw his attention to clause 9(2) where it is mentioned that for non-payment of gratuity the minimum imprisonment is for a period of three months.

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

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

*The motion was adopted.*

15.40 hrs.

**COKING COAL MINES (NATIONALISATION) BILL—Contd.**

**Clause 2**

**MR. DEPUTY-SPEAKER:** We will now take up the clause-by-clause consideration of the Coking Coal Mines (Nationalisation) Bill. There are no amendments to clause 2. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

**MR. DEPUTY-SPEAKER:** There are no amendments to clauses 4 and 5. The question is:

"Clauses 4 and 5 stand part of the Bill."

*The motion was adopted.*

*Clauses 4 and 5 were added to the Bill.*

*Clauses 6, 7 and 8 were added to the Bill.*

**Clause 9—(Central Government not to be liable for prior liabilities)**

**SHRI SOMNATH CHATTERJEE (Burdwan):** I beg to move:

Page 5, line 29,—

after "(1)" insert—

"Subject to the provision of Section 9A," (3)

Page 5, line 36,—

(i) omit "wages, bonus,"

(ii) omit "provident fund, pension, gratuity" (4)

**SHRI R. V. BADE (Khargone):** I beg to move:

Page 5,—

after line 33, insert—

"Provided that if the liability of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant in relation to any period prior to the appointed day cannot be discharged then the liability may be discharged by the Central Government or the Government company out of the amount which is due to the company or owner as the compensation." (18)

उपाध्यक्ष महोदय, क्लॉज 9 में अपना संशोधन इसी निवेदन कर रहा हूँ क्योंकि यह साथ बिलिटीय से संबंधित है। क्लॉज 9 (2) इस प्रकार है :

“(a) save as otherwise provided elsewhere in this Act, no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a coking coal mine or coke oven plant in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company;”

मेरा कहना है कि प्राविडेंट फंड और बोनस का जितना पैसा मजदूरों का कम्पनी या मालिकों पर बकाया है और कम्पनी उस पैसे को नहीं देती है मजदूरों को तो केन्द्रीय सरकार जो कम्पनियेशन उन को देगी उस राशि में से मजदूरों का देय धनराशि काट कर मुजावजे की शेष रकम मालिकों को दे। इस वास्ते मैंने यह संशोधन दिया है :

“Provided that if the liability of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant in relation to any period prior to the appointed day cannot be discharged then the liability may be discharged by the Central Government or the Government company out of the amount which is due to the company or owner as the compensation.”

मेरा कहना यह है कि यदि कम्पनी के ओनर्स या कोकिंग कोल माइन्स के ओनर्स पैसा खा जाते हैं और नहीं देते हैं तो उस की जबाब दे ही सरकार पर है और सरकार को जो पैसा ओनर्स को देना है मुजावजे का उस में से मजदूरों के प्राविडेंट फंड और बोनस के पैसे को काट ले।

**SHRI SOMNATH CHATTERJEE** (Burdwan): Sir, it has been provided in clause 9 of the Bill that all the dues in favour of the employees on account of wages, pension, provident fund, bonus and gratuity will not be realisable from the Central Government. There is a specific provision which is being made. It says that the liability of the previous

owners to the extent of arrears will continue.

The hon. Minister said yesterday that these employees should be treated on the same footing as ordinary unsecured creditors, not as secured creditors, and, therefore, they should not be entitled to get any special privilege so far as the realisation of their dues are concerned. Our submission is that the employees and the labourers whose wages or bonus or provident fund or pension or gratuity are outstanding, they should have been treated on a separate footing than the ordinary unsecured creditors who may have supplied goods or who may have lent money to them.....

**THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMAR RAMANGALAM):** They are given precedence over the ordinary creditors.

**SHRI SOMNATH CHATTERJEE:** When the distribution of the amount which is payable under the Bill is done, after the secured creditors are paid off, then only other creditors will come. Our submission is this. Why should the labourers who will be taken over by the Government have to run after their old employers and adopt the time-consuming procedure which has been laid down in this Bill? Why should not Government take over the liability and recover the amount, whatever they have to pay, from the amount that is payable? Why should not the machinery be otherwise? Why should not the mechanism be different? It is a question of approach whether you want to leave the employees completely to the mercy of the old employers and force them to take to the time-consuming process. The employees have to come before the Commissioner, file their claims and then they will be called upon to prove and all that. How long will this entire rigmarole take, nobody knows. No time limit is fixed. So, the arrears of wages, etc., would remain outstanding for a long time if they have to adopt this procedure for the recovery of their dues. The Central Government, should be the ideal employer and should not ask its employees to take to this procedure. That is why we have suggested deletion of some of the words in Clause 9 and also incorporation of a new clause which is a consequential clause in amendment No. 5. There is another aspect which I shall deal in greater detail, if necessary, when we come to it.

[Shri Somnath Chatterjee]

Suppose the amount which will remain for the purpose of distribution to the employees is not sufficient, the amount that is specified in the last column of the First Schedule, then what will happen? The labourers will lose proportionately. Nobody knows on what basis the amounts have been calculated. Suppose the total amount due to the labourers is Rs. 50,000 and there is only a sum of Rs. 20,000 in the hands of the Government for distribution, what will happen is that the labourers will lose. Government is not taking any responsibility. We have submitted that Government should undertake to pay the shortfall and whatever steps they want to take for this, they can take, whatever remedies they want to have for the purpose of recovery from the erstwhile employers, they can have. Why should the employees suffer? We are very much pressing this amendment, as also amendment No. 5 for incorporation of a new clause.

**SHRI S. MOHAN KUMARAMANGALAM:** So far as the question of Government being responsible for payment of the dues to the workers is concerned, we are not prepared to accept that position. The dues are actually the dues from the employers to the workers. Ordinarily if Government had not taken over these mines, whatever was due to the worker would have to be recovered from the employer. What we are doing, therefore, is to make it possible by means of Clause 23 that the dues to the workers will stand in front of the dues of any other ordinary creditor, and I think that is adequate from the point of view of safeguarding the position of the workers.

The hon. Member complained about the amount of time it will take. In any case it will take time. Even if Government took the responsibility, it would have to investigate whether the claim is genuine or not. That is all the Commissioner for Payment is going to do. His duty will be to find out whether the claim is or is not a genuine claim and then to make payments in accordance with the order of precedence that has been laid down in the Bill.

Hon. Member, Shri Bade's amendment was this: if the liability of the owners, etc., in relation to any period prior to the appointed day cannot be discharged by them it should be discharged from out of the amount due

to the company or owner as compensation. That provision is already there. Whatever is the liability in relation to any worker or to any other creditor will have to be honoured first in terms of a finding of the Commissioner for Payments and only what is left as the balance will be paid out as compensation.

**MR. DEPUTY-SPEAKER:** I will now put amendments 3, 4 and 18 to the vote of the House.

*Amendments Nos. 3, 4 and 18 were put and negatived.*

**MR. DEPUTY-SPEAKER:** Now, the question is:

"That clause 9 stand part of the Bill."

*The motion was adopted.*

*Clause 9 was added to the Bill*

**Clause 9A (New)**

**SHRI SOMNATH CHATTERJEE:** I move:

Page 5,—

*after line 47, insert—*

"9A Every liability of the owner, agent, manager, or managing contractor of a coking in coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of and be enforceable against the Central Government or the Government company, in so far as such liability relates to or arises out of claim or claims of workmen employed in such coking coal mine or coke oven plant

(a) for wages, bonus, provident fund, pension, gratuity or other dues;

(b) under any award, decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day;

(c) under any agreement or agreements entered into by and between or on behalf of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant and the workmen employed in such coking coal mine or coke

over plant or on their behalf, including any recommendation of any authority appointed by the Central Government." (5)

MR. DEPUTY-SPEAKER: I will put amendment No. 5 to the vote of the House.

*Amendment No. 5 was put and negatived.*

MR. DEPUTY-SPEAKER: There are no amendments to clauses 10 to 12. Now, the question is:

"That clauses 10 to 12 stand part of the Bill."

*The motion was adopted.*

*Clauses 10 to 12 were added to the Bill.*

**Clause 13—(Income derived by the owners of coking coal Mines and coke oven plants after this appointed day to be refunded to the Central Government.)**

*Amendment made:*

Page 7,—

*after line 9, insert—*

"(3) If no account is rendered by the owner of a coking coal mine or coke oven plant within the period referred to in sub-section (1) or if the Central Government or the Government company has any reason to believe that the account rendered by such owner is incorrect or false in material particulars, the Central Government or the Government company may refer the matter to the Commissioner and thereupon the Commissioner shall determine the income derived by the owner from the coking coal mine or coke oven plant during the period referred to in sub-section (1), and set off such income against the amount specified in the First Schedule or the Second Schedule, as the case may be, against the name of such owner and pay the balance to such owner." (6)

*(Shri Shahnawaz Khan)*

MR. DEPUTY-SPEAKER: Now, the question is:

"That clause 13, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

*Clauses 14 to 16 were added to the Bill.*

**Clause 17—(Employment of certain employees to continue.)**

MR. DEPUTY-SPEAKER: Mr. Kartik Oraon.

SHRI KARTIK ORAON (Lohardaga): I am not pressing my amendment.

SHRI SOMNATH CHATTERJEE: Sir, I beg to move:

Page 9, lines 31 and 32,—

*after "Central Government" insert—*

"which will not be less favourable than the remuneration, terms and conditions of employment as prevailing on the appointed day". (19)

Page 9, lines 13 and 14,—

*omit "against the owner of the coking coal mine or coke oven plant, as the case may be, but not" (20)*

SHRI R. V. BADE: I beg to move:

Page 9, line 14,—

*omit "but not against the Central Government" (21)*

SHRI INDRAJIT GUPTA (Alipore): About this amendment No. 19 to clause 17, it is stated here in the Bill in clause 17 that the conditions of service and other benefits which are at present accruing to the employees of the coking coal mines and coke oven plants will be safeguarded in various ways which are set out there.

Amendment No. 19 seeks to insert the following clause to make it more specific:

"which will not be less favourable than the remuneration, terms and conditions of employment as prevailing on the appointed day."

I want to bring two points to the notice of the hon. Minister and to seek a clarification from him. A number of employees of various companies working in their offices in Calcutta have been served with appointment letters by Bharat Coaking Coal Limited and in the course of that letter they are told:

"This appointment is on probation for a period of 1 year, and during this period your service will be liable to

[Shri Indrajit Gupta]

be terminated without assigning any reasons. On expiry of this period and on receipt of the satisfactory performance report of your work and conduct during the period your retention for a further period will be considered."

I would like to know how this is safeguarding the position of the existing employees who have put in 10, 15 or 20 years of service, if they are going to be told to start all over again on probation and only after a period of 1 year the question of their confirmation or retention in service will be considered. Therefore, I would like to stress, that this should be made clear that they should not be treated as probationers all over again.

Secondly, I wish to say this. This is also regarding a letter from the Ministry, Steel and Mines from their Organisation for Management of Coking Coalmines, addressed to various companies which were taken over. It says:

"While the employees are going to be taken over at the present salaries, allowances and perquisites, the future salaries, allowances etc. in whatever form will be governed by the decision of the appropriate authority in terms of Presidential Ordinance No. 12, 1971."

Here also there is no certainty that the present salaries allowances and remuneration will be allowed to remain intact. An element of uncertainty is brought in. In future these things are to be governed by decisions of the appropriate authority.

So, I want him to reply to these two points, namely, whether they are to start probation all over again, and whether their emoluments will be protected. There has been a great deal of unrest and apprehension in the minds of the employees. I would like to know what he proposes to do about it.

**MR. DEPUTY-SPEAKER:** We take up the discussion on drought situation at 4 P.M. Now, if the Minister starts, he will cross the limit of 4 P.M. It is only half a minute more to 4 O'clock.

\*\*The Speaker not having subsequently accorded the necessary permission, the paper was not treated as laid on the Table.

This discussion will be continued tomorrow. Shri Jyotirmoy Bosu.

15.59 hrs.

#### DISCUSSION RE: DROUGHT SITUATION

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): The country has been brought into a serious crisis. This is affecting not the privileged class but the people who are toiling from morning till night for earning for their livelihood. There is drought, unprecedented famine and unemployment, and 12 States have been affected, involving 75 million people.

Six States are passing through near-famine conditions. The States affected are: Bihar, Orissa, Rajasthan, Andhra, Gujarat, Kerala, Manipur, Tripura, U.P. and West Bengal. That is the list.

16. hrs.

[SHRI K. N. TIWARI *in the Chair*]

In West Bengal, in one district alone, namely Malda, there have been 50 starvation deaths. A Member of our Party, and a Member of this House, namely Shri Dinesh Joarder had made a thorough survey and tour of the area and he has given a description which is really heart-rending, and which makes anybody feel very morose. It says:

"The drought condition of Malda is to be considered in the background of last year's flood havoc and wide-scale devastation. The whole of the district was under deep flood-water for a continuous period of three months during the first half of October, 1971. The villagers could not harvest their crops like jute, paddy of Aus, China and Some varieties, red potato etc. which ultimately were dumped in the flood water only to rot...".

I have written to the Chair already seeking its permission to lay on the \*\*Table a list of the 30 persons out of the 50 that I have mentioned, who have died out of sheer starvation today in this 20th century in this country. I have already written to you under the appropriate rules and directions. I have given notice earlier of the list of people who had died of starvation in Malda.