

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

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

ENACTING FORMULA

Amendment Made:

Page 1, line 1,—

for "Twenty-fifth"

substitute "Twenty-seventh"
(1)

(PROF. S. NURUL HASAN)

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

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

The Title was added to the Bill.

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

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

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

15.05 hrs.

TEA (AMENDMENT) BILL

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

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

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

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

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

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

*Moved with the recommendation of the President.

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

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

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

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

MR. DEPUTY-SPEAKER. Motion moved:

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

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

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

*The original speech was delivered in Bengali.

[Shri Jagadish Bhattacharyya]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri B. K. Daschowdhury]

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

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

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

SHRI INDRAJIT GUPTA: They are not sick.

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

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

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

Section 3 sub-section (2):

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

There is a proviso also which I quote:

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

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

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

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

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

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

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

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

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

15.27 hrs.

[SHRI P. PARTHASARATHY in the Chair]

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

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

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

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

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

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

[Shri B. K. Daschoudhury]

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

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

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

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

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

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

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

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

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

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

[Dr. Ranen Sen]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Dr. Ranen Sen]

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

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

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

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

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

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

With these words, I have done.

16 hrs.

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

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

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

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

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

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

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

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

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

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

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

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

[श्री राम सिंह भाई]

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

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

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

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

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

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

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

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

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

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

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

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

[Shri Priya Ranjan Das Munsî]

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

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

contents and objects.

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

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

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

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

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

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

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

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

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

With these words, I conclude.

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

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

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

[श्री हरी सिंह]

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

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

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

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

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

इसी मोक़े पर मैं यह कहना चाहता हूँ कि जैसा कि चौधरी साहब ने भी कहा था कि जो कम्पनियां विदेशों में रजिस्टर्ड हैं, उन पर आपका कोई प्रभुत्व नहीं रहेगा। इसविषे उनको भी इस के परब्यु में लाना चाहिये

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[श्री मूल पत्र डापा]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Prof. D. P. Chattopadhyaya]

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

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

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

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

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

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

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

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

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

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

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

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

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

(Interruptions)

MR. CHAIRMAN: The objective is there.

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

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

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

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

MR. CHAIRMAN: The question is:

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

The motion was adopted.

16.58 hrs.

[SHRI G. VISWANATHAN in the Chair]

MR. CHAIRMAN: We shall now take up the clauses

Clause 2—(Insertion of new chapter IIIA)

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

Page 2, line 4,—

add at the end—

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

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

Page 2, line 27,—

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

[Shri Ramavtar Shastri]

Page 3, line 3,—

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

Page 4, lines 15 to 17,—

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

Page 4,—

after line 37, insert—

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

SHRI INDRAJIT GUPTA: I beg to move:

Page 1, line 13,—

add at the end—

"on behalf of the Central Government" (6)

Page 2, line 36,—

add at the end—

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

Page 4, line 17,—

for "two" substitute "five" (8)

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

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

17 hrs.

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

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

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

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

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

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

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

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

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

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

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

[श्री रामानुजतार शास्त्री]

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

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

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

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

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

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

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

17.10 hrs.

[SRI P PARTHASARATHY in the Chair]

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

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

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

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

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

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

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

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

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

“on behalf of the Central Government”

So, the clause will be:

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

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

[Shri Indrajit Gupta]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Prof. D. P. Chattopadhyaya]

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

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

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

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

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

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

SHRI INDRAJIT GUPTA: May I ask questions?

MR. CHAIRMAN: Yes.

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

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

SHRI INDRAJIT GUPTA: Nothing is there in the Bill.

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

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

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

MR. CHAIRMAN: Are you withdrawing your amendment?

SHRI B. V. NAIK: Yes, Sir.

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

SEVERAL HON. MEMBERS: Yes, Sir.

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

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

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

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

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

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

Amendments Nos. 2 to 8 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

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

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

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.30 hrs.

WORKMEN'S COMPENSATION
(AMENDMENT) BILL

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

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

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

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

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

*Moved with the recommendation of the President.