

श्री ज्ञानेश्वर प्रसाद यादव (कटिहार) : अध्यक्ष महोदय, बिहार में और खास कर के उत्तर बिहार में फरवरी के अंतिम सप्ताह और मार्च के प्रथम सप्ताह में भारी हिमपात हुआ जिस के कारण उत्तर बिहार के किसानों को रबी की फसल में अपार क्षति उठानी पड़ी है। उत्तर बिहार के किसानों की रबी की फसल में जो क्षति हुई है उस के साथ साथ कृषि मंत्री महोदय इस पर खास तौर से ध्यान दें कि उत्तर बिहार में 1971 में बाढ़ आई, 1972 में सूखा पड़ा और इस बार भारी हिमपात के कारण उस क्षेत्र में खास कर पूर्णिया, सहरसा, उत्तर भागलपुर, दरभंगा और खगरियाँ सबडिवीजन में अपार क्षति रबी की फसल की हुई है। केन्द्रीय सरकार इस के संबंध में ध्यान दे और वहां के पीड़ित किसानों को कुछ राहत प्रदान करे। इस के साथ साथ मैं यह भी आश्वासन चाहता हूँ कि उक्त क्षेत्र के किसानों से तरह तरह के कर्जों और लेवी की वसूली करने के नोटिस भी दिए गए हैं, उस के बारे में भी केन्द्रीय सरकार बिहार सरकार को उचित परामर्श दे।

13.38 hrs.

[MR. DEPUTY SPEAKER in the Chair.]

STATUTORY RESOLUTION RE. DIS-
APPROVAL OF COAL MINES (TAK-
ING OVER OF MANAGEMENT)
ORDINANCE AND COAL MINES
(TAKING OVER OF MANAGE-
MENT) BILL—Contd.

MR. DEPUTY-SPEAKER: We will now take up further discussion of the following Resolution moved by Shri G. P. Yadav on the 15th March 1973, namely:

"This House disapproves of the Coal Mines (Taking Over of Management) Ordinance 1973 (Ordinance

No. 1 of 1973) promulgated by the President on the 30th January 1973".

and further consideration of the following motion moved by Shri S. Mohan Kumaramangalam on the 15th March, 1973, namely:—

"That the Bill to provide for the taking over, in the public interest, of the management of coal mines, pending nationalisation of such mines, with a view to ensuring rational and co-ordinated development of coal production and for promoting optimum utilisation of the coal resources consistent with the growing requirements of the country, and for matters connected therewith or incidental thereto, be taken into consideration".

SHRI G. P. YADAV: Your speech now.

श्री ज्ञानेश्वर प्रसाद यादव (कटिहार): उपाध्यक्ष महोदय, कल मैंने राष्ट्रपति के अध्यादेश के जो नान-कोकिंग कोल माइन्स के संबंध में था, निरनुमोदन करने का प्रस्ताव पेश किया था इसलिए कि जब लोक सभा का सत्र आने ही वाला था तो यह युक्तिसंगत नहीं था कि इस तरह का अध्यादेश निकाला जाता। इसलिए मैंने इस का निरनुमोदन किया था। कल मंत्री महोदय ने इस बात की जानकारी दी कि 500 करोड़ रुपये वह इस में लगाने जा रहे हैं। तो योजना तो इन्होंने पूंजी प्रधान बना दी है। 500 करोड़ रुपये खर्च कर रहे हैं। मैं चाहता हूँ जैसा कि शर्मा जी ने अप्राह्न किया था योजना श्रम प्रधान होनी चाहिए। हमारे यहां श्रम का बाहुल्य है। तो इस के संबंध में उन को घोषणा करनी चाहिए कि नेशनलाइजेशन के बाद कोकिंग और नान-कोकिंग कोल माइन्स जितनी भी हैं उन के अंदर नई नियुक्तियां कितनी रहे हैं और साथ ही साथ नेशनलाइजेशन के बाद कोयले की कीमतें नहीं बढ़नी चाहिए क्योंकि देहात में

[श्री ज्ञानेश्वर प्रसाद यादव]

या शहर में कन्ज्यमर के रात दिन के उपयोग में यह कोयला आता है और उस के दाम काफी बढ़ गए हैं। तो उस का भी ध्यान रहे क्योंकि गत वर्ष जब कोकिंग कोल का टेक श्रोवर किया गया तो 3.20 रुपये प्रति टन के हिसाब से दाम बढ़ाए गए थे। उस प्रकार की वृद्धि न हो, इस को वह ध्यान में रखें।

दूसरी बात मैं निवेदन करूंगा कि कल मैंने कहा था कि करगली वाशरी में जो सैलरी वह रही है, वह कोयले के कण दामोदर नदी में भ्रम जाकर गिर रहे हैं। उस के लिए 6 पांडस बने हुए थे वह भर गए हैं। तो उस की निकासी बिलकुल दामोदर नदी में हो रही है। उस के लिए जो 6 पांडस बने हुए थे उस में बहुत सारे मजदूर लगे हुए थे और उस के कारण दस लाख रुपये मासिक की आमदनी थी। बहा पर एन० सी० डी० सी० के आफिसरों इस प्रकार का पड़यन्त्र चला रहे हैं जिस से एन०सी०डी०सी को 10 लाख रुपये प्रति-मास का नुकसान होने वाला है। मैं चाहूंगा कि आप इस के सम्बन्ध में विशेष रूप से ध्यान रखें।

MR. DEPUTY-SPEAKER: I will put the resolution to the House.

The question is:

"This House disapproves of the Coal Mines (Taking Over of Management) Ordinance, 1973 (Ordinance No. 1 of 1973) promulgated by the President on the 30th January, 1973."

The motion was negatived.

MR. DEPUTY-SPEAKER: I will now put the motion. The question is:

"That the Bill to provide for the taking over, in the public interest,

of the management of coal mines, pending nationalisation of such mines, with a view to ensuring national and co-ordinated development of coal production and for promoting optimum utilisation of the coal resources consistent with the growing requirements of the country, and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

Clause 2—(Definitions)

MR. DEPUTY-SPEAKER: We take up clause-by-clause consideration.

There are a number of amendments.

Shri Somnath Chatterjee—amendment No. 2.—absent.

Shri Krishna Chandra Halder.

SHRI KRISHNA CHANDRA HALDER (Ausgram): I move:

Page 1, line 12, for "means" substitute "includes" (2)

MR. DEPUTY-SPEAKER: No. 9—Shri Chatterjee is absent. No 10—Mr. Besra is absent. No. 11—again Shri Chatterjee; he is absent. No. 24.—Shri Mohan Kumaramangalam.

THE MINISTER OF STATE AND MINES (SHRI S. MOHAN KUMARAMANGALAM): I move:

Pages 2 and 3,—

for lines 14 to 46 and 1 to 5 respectively, substitute—

'(g) "mine" means any excavation the purpose of search for the purpose of search for or obtaining minerals has been or is being carried on, and includes—

- (i) all borings and bore holes;
- (ii) all shafts, whether in the course of being sunk or not;

- (iii) all levels and inclined planes in the course of being driven;
- (iv) all open cast workings;
- (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all lands, buildings, works, adits, levels, planes, machinery and equipments, instruments, stores, vehicles, railways, tramways and sidings in, or adjacent to, a mine and used for the purposes of the mine;
- (vii) all workshops (including buildings, machinery, instruments, stores, equipments of such workshops and the lands on which such workshops stand) in, or adjacent to, a mine and used substantially for the purposes of the mine or a number of mines under the same management;
- (viii) all coal in stock or in transit belonging to the owner of the mine and all coal under production in a mine;
- (ix) all power stations in a mine or operated primarily for supplying electricity for the purpose of working the mine or a number of mines under the same management;
- (x) all lands, buildings and equipments, belonging to the owner of the mine, and in, adjacent to or situated on the surface of the mine where the washing of coal obtained from the mine or manufacture, therefrom, of coke is carried on;
- (xi) all lands and buildings [other than those referred to in sub-clause (x)], wherever situated, to the extent they are used for the location of the management, sale or liaison offices, or for the residence of officers and staff, of the mine; °
- (xii) all other assets, movable and immovable, belonging to the owner of a mine, wherever situated, including cash balances, reserve funds and investments in so far as they relate to the mine and also any money lawfully due to him in relation to the mine in respect of any period prior to the appointed day; (24).

SHRI R. N. SHARMA (Dhanbad):
I move:

That in the amendment proposed by Shri S. Mohan Kumaramangalam, printed as No. 24 in List No. 4 of amendments,—

in proposed clause (g) (xi)—

omit "to the extent they are" (49)

MR. DEPUTY-SPEAKER: I will give precedence to the amendment moved by Shri Kumaramangalam, but before that, I will take up the amendment of Shri Sharma because it is an amendment to that amendment. The question is:

That in the amendment proposed by Shri S. Mohan Kumaramangalam printed as No. 24 in List No. 4 of amendments,—

in proposed clause (g) (xi)—

omit "to the extent they are" (49)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

Pages 2 and 3,—

for lines 14 to 46 and 1 to 5 respectively,

substitute—

'(g) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals

[Mr. Deputy Speaker]

has been or is being carried on, and includes—

- (i) all borings and bore holes;
- (ii) all shafts, whether in the course of being sunk or not;
- (iii) all levels and inclined planes in the course of being driven;
- (iv) all open cast workings;
- (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine or minerals or other articles or for the removal of refuse therefrom;
- (vi) all lands, buildings, works, adits, levels, planes, machinery and equipments, instruments, stores, vehicles, railways, tramways and sidings in, or adjacent to, a mine and used for the purposes of the mine;
- (vii) all workshops (including buildings, machinery, instruments, stores, equipments of such workshops and the lands on which such workshops stand) in, or adjacent to, a mine and used substantially for the purposes of the mine or a number of mines under the same management;
- (viii) all coal in stock or in transit belonging to the owner of the mine and all coal under production in a mine;
- (ix) all power stations in a mine or operated primarily for supplying electricity for the purpose of working the mine or a number of mines under the same management;
- (x) all lands, buildings and equipments, belonging to the owner of the mine, and in, adjacent to or situated on the surface of, the mine where the washing of coal obtained from the mine or manufacture, therefrom, of coke is carried on;
- (xi) all lands and buildings [other than those referred to in sub-clause (x)], wherever situated, used for the location of the management, sale or liaison offices, or for the residence of officers and staff, of the mine;
- (xii) all other assets, movable and immovable belonging to the owner of a mine, wherever situated, including cash balances, reserve funds and investments in so far as they relate to the mine and also any money lawfully due to him in relation to the mine in respect of any period prior to the appointed day; [24, as amended by Amndt. No. 49].

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, I shall put amendment No. 2 of Shri Krishna Chandra Halder.

Amendment No. 2 was put and negatived

MR. DEPUTY-SPEAKER: I will now put clause 2, as amended, to the vote of the House. The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—(Management of Coal Mines to vest in the Central Government on the appointed day).

SHRI KRISHNA CHANDRA HALDER: I move:

Page 3, line 22,—

after "appointed day"

insert "and for a period of two years thereafter" (3)

Page 3, line 23,—

after "mines" insert "including those mentioned in the Schedule" (4)

Page 3,—

Omit "lines 27 to 41 (5)

Page 4, lines 8 and 9,—

Omit "or deemed to be included on the said date" (6)

SHRI S. MOHAN KUMARAMAN-GALAM: I move:

Page 3, line 24,—

for "The coal mines" substitute—

"Without prejudice to the generality of the provisions of subsection (1), the coal mines". (25)

SHRI RAMAVATAR SHASTRI: I move:

Page 3, line 24,—

after "mines" insert—

"including coking coal owned by Tata and other iron and steel companies" (34)

SHRI KRISHNA CHANDRA HALDER: Sir, by my amendment No. 3. I want to insert "and for a period of two years thereafter". You know that the question was whether the collieries could not have been taken over for a limited period of two years in which case there was no question of payment of any compensation. This has been done in the case of several Bills which sought to take over or nationalise the undertakings.

In para 5 of his statement the hon. Minister says that the working conditions in private collieries have been characterised by large-scale exploitation of labour, non-implementation of wage board, awards and unwill-

ingness to act according to the labour law. Should such persons who were exploiters be paid compensation, even when they did not discharge the responsibilities of management? I therefore request the hon. Minister to accept my amendment.

SHRI S. MOHAN KUMARAMAN-GALAM: The hon. Member knows that there is difference of opinion between him and us on this question. He seems to be under the impression that if we introduce an amendment, we will be able to take protection under article 31A. Our legal advice is to the contrary and that is why I cannot accept his amendment.

श्री रामावतार शास्त्री (पटना) :

उपाध्यक्ष जी, मेरा संशोधन सं० 34 पृष्ठ 3, पंक्ति 24 में है, जिस में माइन्स शब्द के बाद यह जोड़ दिया जाय—

"including coking coal owned by Tata and other Iron and Steel Companies"

जब कोकिंग कोल को सरकार ने अपने हाथ में ले लिया था, उस समय भी इन को छोड़ दिया था और कल बहस का जवाब देते हुए मंत्री महोदय ने कहा था कि वह एफिशियेन्टली चल रही है, मजदूरों को कोई शिकायत नहीं है। अगर यही क्राइटेरिया नेशनलाइजेशन का या सरकार द्वारा हाथ में लेने का है, तब तो दूसरी बात है.....

SHRI S. MOHAN KUMARAMAN-GALAM: The hon. Member is not right. I did not say that the labour was not exploited. As an acknowledged Marxist he knows what exploitation means. I did not use that expression. I said that the workers were being paid wages according to the wageboard award, provident fund according to the Provident Fund Act and other statutory legal obligations of the management were being fulfilled by the Tata Iron and Steel Company. But I think he is aware even after all that is done in Marxist terms they are still 'exploited'.

श्री रामाबतार शास्त्री : इस तर्क के बावजूद यह तरीका मुझे समझ में नहीं आया। उसे क्यों नहीं लिया जाय, आप टाटा के प्रति पत्नी क्यों दिखला रहे हैं, इस के पीछे क्या राज है? हम जानते हैं कि हिन्दुस्तान के इजारेदारों, पूंजीपतियों के ऊपर, जिन में टाटा भी शामिल है, आप हाथ नहीं लगाना चाहते हैं। लेकिन मैं चाहूंगा कि आप इन को भी अपने हाथ में लें। आप भी इन को इफिशियेन्टली चला सकते हैं और टाटा को आसानी से कोयला सप्लाई कर सकते हैं। उन को केवल इसलिये छोड़ा जा रहा है कि वे अपना कारखाना अपने कोयले से चलाना चाहते हैं। अगर इस को भी आप अपने हाथ में ले लें तो उस से वह कारखाना बन्द नहीं होगा और उस में आप की भी जवाबदेही होगी। टाटा अपने कारखाने को अपने ढंग से चलाये, और आप अपने ढंग से उन को कोयला दें, इसलिये आप उन्हें क्यों आजाद छोड़ रहे हैं, इस नाम पर कि वहां पर सब शर्तें पूरी हैं—लेवर वगैरह के बारे में।

इसलिये मेरा संशोधन है कि जब आप ने यह नीति बनाई है—चाहे कहने के लिये ही हो—कि हम मोनोपलीज पर, इजारेदारों और पूंजीपतियों पर चोट करेंगे तो यह मौका है। जब आप सब को नेशनलाइज कर रहे हैं तो इन को छोड़ने की क्या जरूरत है।

आप ने इजारेदारों पर चोट की है, हम उस का स्वागत करते हैं। हमारे पूर्व-प्रवक्ता जो भाल इण्डिया ट्रेड यूनियन कांग्रेस के अध्यक्ष भी हैं—श्री. रानेन सेन—उन्होंने भी इस का स्वागत किया है। लेकिन हम चाहते हैं कि टाटा को न छोड़ा जाय। उन से आप को मुरब्बत क्यों है? उन को भी चोट दीजिये और उन की खानों को लेकर स्वयं उन्हें कोकिंग करोल सप्लाई कीजिये

ताकि उन का कारखाना चलता रहे। इसलिये मेरा कहना है कि आप दो प्रकार का व्यवहार क्यों कर रहे हैं। लोग कहेंगे कि आप ने टाटा को छोड़ दिया, दूसरों को ले लिया। आप ने इस सम्बन्ध में जितनी बातें कही हैं, उन से आप हिन्दुस्तान के मजदूरों को कतई सन्तुष्ट नहीं कर सकेंगे, डेमोक्रेटिक ओपो-नियन को भी सन्तुष्ट नहीं कर सकेंगे। इसलिए मैं ने जो संशोधन प्रस्तुत किया है मैं मन्त्री महोदय से अनुरोध करूंगा कि इसको स्वीकार कर लें क्योंकि इसका मकसद बहुत बड़ा है।

MR. DEPUTY-SPEAKER: Speech on an amendment should not be so long. You have made your point.

SHRI S. MOHAN KUMARAMAN-GALAM: I do not know, Mr. Deputy-Speaker, whether it is worth while repeating what I said yesterday. If he was unconvinced yesterday, he is likely to remain unconvinced to-day.

I would like to say that in Tata Iron and Steel Co. the biggest share holder is the Government through the various financial institutions. The hon. Member is perhaps aware of the latest and most important position regarding Tata Iron and Steel Co., namely, for the expansion of their Steel works, a Committee has been set up above, in fact, the Board of Directors in which Government is going to have a majority representation. I do not think we should be bound down in the old ways. We should look on the way in which we can properly control the Tata Iron Steel Co., and see to it that the steel development there is also brought in line with the development of production of steel throughout the country. Any way, I do not go into that in detail. I need not repeat what I said yesterday, namely, that for the purpose for which this Bill has been brought. I do not think it is necessary to include Tata Iron & Steel Co. collieries.

MR. DEPUTY-SPEAKER: The question is:

Page 3, line 24,—

for "The coal mines", substitute—

"Without prejudice to the generality of the provisions of sub-section (1), the coal mines" (25).

The motion was adopted.

MR. DEPUTY SPEAKER: Now I shall put the other amendments Nos. 3, 4, 5 & 6 moved by Shri Krishan Chandra Halder, together, to the vote of the House.

Amendments Nos. 3 to 6 were put and negatived.

MR. DEPUTY SPEAKER: I shall now put amendment No. 34 moved by Shri Ramavtar Shastri to the vote of the House.

Amendment No. 34 was put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4—(Contrast regarding management of Coal Mines to be deemed to have terminated on the appointed day.

MR. DEPUTY SPEAKER: There are some amendments. Shri Somnath Chatterjee—absent.

SHRI INDRAJIT GUPTA: Just a word, Sir.

MR. DEPUTY SPEAKER: That was not moved. It is the same.

SHRI INDRAJIT GUPTA (Alipore): On page 4 it says:

"Any contract, whether express or implied, providing the management of any coal mine, made before the appointed day between the owner of such mine and any person in charge of the management of such mine immediately before the appointed day shall be deemed to have terminated on the appointed day."

I have tabled this amendment because I think the words used here in the Bill "No person in charge of the management of a coal mines" may be open to various interpretations. It is rather vague.

In Clause 2 definitions are given. In Clause 2(f) there is a specific definition of a "managing contractor":

(f) "managing contractor" means the person, or body of persons, who, with the previous consent in writing of the State Government, has entered into an arrangement, contract or understanding, with the owner of the coal mine under which the operations of the mine are substantially controlled by such person or body of persons.

I take it, of course that this definition of Managing Contractor includes what used to be called rising contractors. The operations of the mines would be substantially controlled by them.

I move:

Page 4, line 22,—

after "mine" insert—

"including a managing contractor" (35)

[Shri Indrajit Gupta]

In clause 4, I would like the words "including a managing contractor" to be inserted after "any persons in charge of the management of such mine" because a person in charge of management of such mine can mean various people and it would not necessarily include a managing contractor as defined earlier. I think there should be no objection to this amendment.

SHRI S. MOHAN KUMARAMANGALAM: As soon as amendment No. 12 which is the same as this amendment reached me, we had it examined by the legal department. They looked into it and they have advised us that it is not necessary to include it as the provision in clause 4 is considered to be comprehensive. It is a purely legal question. There is no difference of ideology or emphasis in this.

SHRI INDRAJIT GUPTA: Why take a risk?

SHRI S. MOHAN KUMARAMANGALAM: The same point was put to the legal department and I am passing on the answer they gave me, namely, there is no risk at all.

MR. DEPUTY SPEAKER: I will now put amendment No. 35 by Shri Indrajit Gupta to the vote the House.

Amendment No. 35 was put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Management of Coal Mines pending the appointment of Custodian)

Amendment made:

Page 5,—

(i) line 12,—

for "appertaining", substitute "pertaining";

(ii) line 40,—

omit "current",

(iii) line 41,—

for "at the head office or the principal", substitute "at any";

(iv) line 43,—

for "appertaining", substitute "pertaining" (26).

(Shri S. Mohan Kumaramangalam)

MR. DEPUTY SPEAKER: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER: Shri Somnath Chatterjee is not here. So, his amendment is not moved.

The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Payment of amount) see (9)

SHRI KRISHNA CHANDRA HALDAR: I beg to move:

Pages 7 and 8,—

for clause 7 substitute—

"7. (1) Notwithstanding anything contained in sub-section (1) of section 3, if, at any time before the expiry of the period

of two years referred to in that sub-section, it appears to the Central Government that the purpose of the vesting of the management of the undertakings of the coal companies in that Government have been fulfilled or for any other reason it is not necessary that the management of the undertakings of the coal companies should remain vested in that Government, it may by order published in the Official Gazette relinquish the management of the undertakings of the coal companies with effect from such date as may be specified in the order.

- (2) On and from the date specified in the order published under sub-section (1), the undertakings of the coal companies shall be managed in accordance with the provisions of the Companies Act, 1956, so, however, that steps, if any, in relation to the management of the undertakings may be taken after the publication of the order under sub-section (1)" (7)

Page 8,—

after line 11, insert—

- "(4) Out of the amount to be given to the owner of the coal mine as computed in term of the fore-going provisions, there shall be deducted in the first instance all dues payable by such owner of the coal mine till the appointed day on account of employees' provident fund or arrears of wages, allowances and other dues to the persons employed or working in the said coal mine, and the amount so deducted shall be utilised or appropriated for payment of the outstanding dues on account of employees' provident fund, wages, allowances or other dues as the

case may be, in priority to all other debts of the owner of the said coal mine incurred in relation to the said coal mine." (8)

MR. DEPUTY-SPEAKER: There are a number of amendments by Shri Ramsingh Bhai Verma but he is not here. They are not moved—amendments Nos. 17 to 23

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 7, line 34,—

for "twenty" substitute "five"
(36)

Page 7,—

omit lines 37 to 41 (37)

Page 8, line 9,—

for "fifty" substitute "twenty" (38)

SHRI S. MOHAN KUMARAMANGALAM: With regard to amendment No. 8, I am giving certain priorities so far as the workers are concerned, if the hon. Member will accept the redraft I have made, I would like to add something which is similar to his amendment. Actually some other hon. members also including Mr. Damodar Pandey suggested that some such amendment should be made. With your permission, Sir, I would like to read the draft:

Page 8, after line 11, insert—

"(4) out of the amount payable under the foregoing sub-sections, there shall be deducted by the Central Government all amounts equal to the amounts of arrears due, on the appointed day, to the men employed in a coal mine—

- (a) under the Coal Mines Provident Fund, Family Pension and Bonus Scheme Act 1948, (46 of 1948), and
(b) as wages."

[Shri S. Mohan Kumaramanglam]

That is to say, these amounts will have to be paid before the compensation is paid. If you are willing to accept it, I will move this formally.

SHRI INDRAJIT GUPTA: But this will not cover all the employees. It will cover only those actually employed in the mines, what about employees working in other installations—office, etc.? It should cover all of them.

14 hrs.

SHRI KRISHNA CHANDRA HALDER: The Minister in his amendment has practically accepted all the amendments. But, as Shri Indrajit Gupta says, there are employees in the agency houses and their head office is in Calcutta. I would request the Minister to consider their security of service and provident fund.

SHRI S. MOHAN KUMARAMANGALAM: The question of security of service does not arise. The point raised by Shri Indrajit Gupta is whether the employees not covered by the Coal Mines Provident Fund Act will be covered by this Act or not, I will check it up and let him know.

SHRI INDRAJIT GUPTA: You can say employees of the coal mining companies.

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, क्लाइ 7 में खान-मालिकों को 20 पैसे प्रति-टन देने की बात कही गई है। मैं उस को कम कर के 5 पैसे करना चाहता हूँ। सिद्धान्ततः मैं मालिकों को कम्पेन्सेशन के नाम पर, या किसी नाम पर, कोप घनराशि देने के खिलाफ हूँ, मगर चूँकि मंत्री महोदय ने संवैधानिक व्यवस्था को ध्यान में रखते हुए यह प्रावधान किया है कि खान-मालिकों को 20 पैसे प्रति-टन दिया जाये, इसलिए मैं अपने संसोधन संख्या 36 के द्वारा चाहता हूँ कि 20 पैसे के स्थान पर 5 पैसे कर दिया जाये।

DR. RANEN SEN (Barasat): I want to refer to amendment No. 37, which is connected with this. If the mine-owners are not paid, then the arrears due to the workers will not be paid because the management ask "where the money will come from?" This is a very queer logic. I can never accept it. I say that the owners will have to pay whatever is due to the workers from the assets of the companies.

Apart from my support to the amendment moved by Shri Shastri, my amendment says that portion of clause 7 from line 37 to line 41 should be deleted.

The mines were closed for months and years. Yesterday the hon. Minister waxed eloquent and he was exposing the rapaciousness of the coal-miners and how they exploited the workers, cheated the Central and State Governments etc. It is also known that the mines have been mostly closed due to two factors. One is mismanagement. Secondly, the employers exploited the mines to the best of their ability and cheated everybody, without making any payment. I fail to understand why such mine-owners should be given any amount. This is what I am not able to understand by reading this Bill and yesterday when I raised it, the hon. Minister never replied to it. I say this particular portion from line 37 to 41 under Clause 7 be deleted completely.

SHRI S. MOHAN KUMARAMANGALAM: So far as the present quantum is concerned, to which Mr. Ramavatar Shastri referred I am afraid, we are not in a position to accept it. This is the figure we have arrived at after taking into consideration as to what is the production and what may be called the ordinary management compensation that should personally be given.

So far as the point raised by the hon. Member Dr. Ranen Sen is concerned, we have been advised that even in relation to the closed mines, we have to provide for the payment of management compensation because we take over the right to reopen the mines. It is in respect of that in

terms of Article 31, that compensation has to be paid. On principle, if the hon. Member is pressing that we should not pay these people who have got such a past—which I described and which, I am glad, the hon. Member also agreed—I do not think there is any difficulty so far as that principle is concerned. But fortunately, or unfortunately, it depends on through whose spectacles you are looking. We have got Article 61 in the Constitution and we have to take into account the presence of that Article. In terms of that Article, I am afraid there is no escape except for payment of some modicum of management compensation which we have fixed at the absolute minimum.

MR. DEPUTY-SPEAKER: I will first put the amendments moved by the Government.

SHRI S. MOHAN KUMARAMAN-GALAM: I am just checking this point. Mr. Gupta had raised this point. If it is permissible, can we take up this amendment a little later, so that I can check up whether there is a lacuna or not? He had raised the question which you may have followed: the clerical employees who are covered by the Indian Provident Fund, as opposed to the Coal Mines Provident Fund would not be covered by the terms of the amendment proposed by me. I must be satisfied when I give a reply, I do not give replies for the sake of replies though they may some times think so.

MR. DEPUTY-SPEAKER: In that case, the whole clause may be kept pending.

SHRI S. MOHAN KUMARAMAN-GALAM: You may keep it pending.

MR. DEPUTY-SPEAKER: I cannot keep the amendment alone pending. The consideration of the whole clause may be kept pending. This is within my powers, under the rules. We will
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keep Clause 7 pending and go over to Clause 8.

Clause 8—(Penalties)

MR. DEPUTY-SPEAKER: Mr. Shastri, are you moving amendment No. 39?

SHRI RAMAVATAR SHASTRI: I am not moving amendment No. 39. I am moving amendment Nos. 40, 41, 42 and 43.

I beg to move:

Page 8, line 26—

for "two" substitute "three"
(40)

Page 8, line 26—

for "ten" substitute "twenty-five" (41).

Page 8, line 30—

for "three" substitute "five"
(42).

Page 8, line 31—

add at the end—

"which may extend to fifty thousand rupees" (43).

उपाध्यक्ष महोदय, इस क्लॉज में इस कानून की व्यवस्था का उल्लंघन करने पर जुर्माने और कैद की सजा का प्रावधान किया गया है। मैं अपने संशोधन संख्या 40, 41, 42 और 43 के द्वारा यह चाहता हूँ कि सब-क्लॉज (1) में कैद की सजा को बढ़ा कर दो साल से तीन साल कर दिया जाये और जुर्माने को दस हजार से बढ़ कर पच्चीस हजार रुपये कर दिया जाये और सब-क्लॉज (2) में कैद की सजा को तीन साल से बढ़ा कर पांच साल कर दिया जाये और साथ ही जुर्माने की रकम पचास हजार रुपये निश्चित कर दी जाये।

मेरा निवेदन यह है कि इस कानून का उल्लंघन करने वालों को डेटेंटेड पनिशमेंट दी जाये, ऐसा सजा दी जाये कि दूसरों पर

[Shri Ramavatar Singh]

अरु हो। इन पूज्यपतियों ने इन खान-मालिकों ने, क्या क्या नहीं किया है। उन्होंने मजदूरों की इज्जत लूटी है। अब उन के साथ नहीं का जाना चाहिए, बल्कि जितनी सख्त से सख्त सजा हम दे सकते हैं वह दो जाना चाहिए। मैंने अपने इन संशोधनों के जरिये सजा को और सख्त बनाने की व्यवस्था की है।

SHRI S. MOHAN KUMARAMAN-GALAM: The trouble with this hon. Member is that whenever we give him assist were an inch, somewhere, he wants to make it a mile on the next day. On the last occasion, when the Coking Coal Mines Nationalisation Bill came up, I think he was very vociferous about increasing the punishment. We increased it to whatever it is here. Now, when we have come up with the same proposal, that we agreed to at his instigation on the last occasion, he wants us to push a little further. When will he be satisfied?

MR. DEPUTY-SPEAKER: Now, I put all the Amendments together to clause 8, moved by Shri Ramavatar Shastri, to the vote of the House.

Amendments Nos. 40 to 43 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill

MR. DEPUTY-SPEAKER: There is no amendment to Clause 9. There is an amendment in the name of Shri Somnath Chatterjee to Clause 10. He is not here. So, that is not moved. Then, I take up Clauses 9 to 14 together, as there are no amendments. I put all these together to the vote of the House.

The question is:

"That Clauses 9 to 14 stand part of the Bill."

The motion was adopted.

Clauses 9 to 14 were added to the Bill Clause 15—(contracts, etc., in bad faith or detrimental may be cancelled, or varied):

Amendments made:

Page 10,—

before line 1, insert—

"15. (1) Every person with whom the owner or occupier of any coal mine has, before the appointed day, entered into any contract for any service (other than a contract of employment), sale or supply shall, within fifteen days from the date on which this Act receives the assent of the President, intimate to the Central Government the particulars of such contract and if any default is made in giving such intimation, such contract shall, on the expiry of the said period of fifteen days, be voidable at the option of the Central Government." (27)

Page 10, line 1,—

for "15. (1)", substitute "(2)"; (28)
Page 10, line 14,—

(a) for "(2)", substitute "(3)";

(b) for "sub-section (1)", substitute—

"sub-section (2)". (29)

(Shri S. Mohan Kumaramangalam)

Amendment made:

Page 10, lines 2 and 3.—

omit "entered into at any time within twelve months immediately preceding the appointed day," (50)

(Shri R. N. Sharma)

MR. DEPUTY-SPEAKER: Now, I put Clause 15, as amended, to the vote of the House.

The question is:

"That Clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15 as amended was added to the Bill.

Clause 16 —(Power to terminate contract of employment.)

SHRI S. MOHAN KUMARAMAN-GALAM: I beg to move:

Page 10, lines 21 and 22,—

omit, "for reasons to be recorded in writing," (30)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 10,—

for clause 16, substitute—

"16. All employees working in the coal mines before the take over shall be absorbed by the Government and thus retain their employment" (44)

SHRI INDRAJIT GUPTA: I beg to move:

Page 10, line 19,—

after "employment" insert—

"other than any contract involving a workman as defined in the Industrial Disputes Act, 1947" (45)

Page 10,—

after line 25, insert—

"Provided that no contract of employment in a mine or mining company shall be terminated except after giving to the employee concerned a reasonable opportunity of being heard and after offering him continued employment on terms and conditions different from those existing on the appointed day, as the custodian may decide." (46)

श्री रामावतार शास्त्री : उपाध्यक्ष जी, मेरा संशोधन क्लॉज 16 में है। ऐसे कल जब बहस चल रही थी तो इस क्लॉज के बारे में मंत्री जी ने जवाब भी दिया था और यह सवाल उठाया भी गया था कि राष्ट्रीयकरण के बाद कस्टोडियन अगर जरूरी समझे तो मजदूरों को एक महीने के नोटिस दे कर काम से अलग कर सकता है, इसलिए मैं इस तरह का अधिकार कस्टोडियन की देने के खिलाफ हूँ। अगर इस तरह की बात होगी तो मजदूरों के प्रति न्याय नहीं होगा। उन्हें जब भी वह चाहेंगे निकाल देंगे। इसलिए मैंने इस क्लॉज के बदले मजदूरों के क्लॉज संशोधन के रूप में दिया है वह इस प्रकार है:

"All employees working in the coal mines before the take over shall be absorbed by the Government and thus retain their employment"

अब साफ बात होनी चाहिए ताकि पुराने किसी भी मजदूर को काम से न हटाया जाय।

बामोदर पांडे (हजारीबाग) : नहीं हटाया गया है।

श्री रामावतार शास्त्री : यह आप राइट दे रहे हैं। मैं राइट का विरोध कर रहा हूँ। कस्टोडियन को इस तरह का ब्लैकट अधिकार नहीं देना चाहिए।

श्री बामोदर पांडे : फिर आप ही कहेंगे कि इसको हटा देना चाहिए।

श्री रामावतार शास्त्री : वह तो हम यूनिन में काम करते हैं और आप भी यूनिन में काम करने हैं, वह हम देख लेंगे। मैं कह रहा हूँ कि इस तरह का अधिकार नहीं देना चाहिए। ऐसे मंत्री जी कहते हैं कि तमाम बिलों में इस तरह की बात रखी

[श्री रामावतार शास्त्री]

जाती है। अगर तमाम बिलों में इस तरह की बात रखी जाती है और उन का इस्तेमाल नहीं होना है तो इस को रखने की आवश्यकता क्या है जिस का कोई इस्तेमाल ही न हो? इसलिए मैं चाहूंगा कि इस क्लॉज को बदल कर के मेरे संशोधन को स्वीकार कर लिया जाये ताकि किसी को यह सन्देह न हो कि हमें नौकरी से हटाया जायगा। मजदूर भी हिम्मत के साथ काम करे और कोयले का उत्पादन बढ़ाए। जिस उद्देश्य से राष्ट्रीयकरण किया गया है कोयले की खानों का वह सफल हो और वह काम पूरा हो सके। इसलिए मेरा संशोधन वीकार किया जाना चाहिए।

SHRI INDRAJIT GUPTA: I would like to take up my amendments separately—amendments 45 and 46—and not together because if 45 is acceptable, then I withdraw 46. The two are interdependent.

The idea expressed by my friend, Mr. Ramavatar Shastri, is what I am supporting, though I have a little difference with the wording of his amendment because he has said 'all employees'. The term 'employees' may extend upto manager also. I am certainly not in favour of retaining, necessarily, all the managers, all the managerial staff. I try to make it more explicit by saying this. The original reads as follows:—

"If the Custodian is of opinion that any contract of employment entered into by any owner or agent of a coal mine..."

My amendment seeks to insert after employment:—

"Other than any contract involving a workman as defined in the Industrial Disputes Act, 1947."

So, if my amendment is accepted by the Minister, it would leave the Custodian with the powers of terminating, if he so thinks it necessary, the services of any high officers or managers or managerial staff and so on, but, it would not give him the power to dis-

pense with the services of an ordinary worker. I do not know whether the Minister shares my view. But, as far as the coal mines are concerned, they are not suffering from the problem of surplus labour. The problem in the mines is just the opposite. According to the Coal Mines Act, for example, they are required to keep separate staff for separate duties, but in many of these mines you will find that one clerk is appointed who is doing the work of attendance clerk, provident fund clerk, the ESI clerk, everything; one man is made to do everything whereas, according to the regulations, they should keep one separate man for each of these jobs. He can go and find out. I can show him dozens of mines where this kind of malpractice has been going on. A number of people are being forced to do multiple jobs. The full complement which should be there in keeping with the regulations is not maintained. Therefore, I would say this. He may go on assuring the House that, in fact, it will never be done; in fact, no worker will be dismissed. But, as Mr. Ramavatar Shastri was asking, why then do you keep a clause like that except in so far as it may relate. You know, in these mines where malpractices were involved, there were many people at the top levels, relatives even; in the mines which were owned by certain families, their relatives and friends were appointed. In such cases, you can get the people removed. But there is no reason for keeping this here as a kind of constant threat against the ordinary workman in the mine.

Therefore, I am saying this that the power to terminate the contract should not extend to contracts which involve workmen as defined in the Industrial Disputes Act.

SHRI S. MOHAN KUMARAMAN-GALAM: I certainly appreciate the sentiments of both the hon. Members who have spoken. But I must join issue with my friend, Mr. Indrajit Gupta on the question of surplus. He was instancing only one category which, by and large, throughout the

mines, is comparatively a small part of the workforce. But, so far as workers themselves are concerned, shall I use the word, due to the misbehaviour of the employers, we have different types of workers—members of provident fund on the one hand, permanent workers who are not granted these benefits and then the *Badii*, the casual labour. Somebody works for 2 days, another person works for two days, like that. All these different *Badii*, casual labour, in the case of Bharat Coking Coal were *en bloc* made permanent. As a result, we have got a surplus of some 30,000 workers in the Bharat Coking Coal. If we follow the same procedure in the coal mines, that is, in the non-coking coal mines, we will be in the same difficulty. That is why your representatives in the AITUC—unfortunately, neither of you was present there—Shri Ramavatar Shastri knows and also Mr. Indrajit Gupta—have been involved in discussions with the coal mine authorities as well as with myself regarding the manner in which these workers should be treated and all the trade unions have, in a very friendly and in a co-operative way, agreed to a procedure which I do not want to go into now, as to how the regularisation of workmen should be done. But, because a certain amount, not a certain amount, quite a substantial amount of fraud has been done in the registers regarding workmen, if we bind ourselves down to the manner you want us to do, then we will be binding ourselves down to accept all those persons who have been fraudulently introduced as labour.

I will only read—sometimes one reads as it were from Daniel coming to judgment. I am reading from the letter of Mr. M. K. Pandhe, the Secretary of CITU, Shri Dinan Bhattacharyya's colleague, if I may use that expression with your permission. What has he written to me:

"Sec. 16 deals with contract labour. The Bill does not protect the job security of the former employees and the workers of the mines..."

In this matter, so far as generalisation is concerned, he agrees with the hon. Members who spoke just now. But, in any case, the facts show that I should not agree to this. Further on, he says:

"We have reports from our unions that the mine-owners tampered with records and managed to insert many anti-social elements on the rolls while removing *bona fide* workers. The Bill should provide security to all types of non-managerial employees and workers standing on the real muster rolls, pay-rolls as evident from similar untampered documents of the mining companies, etc."

Legally, it is impossible to make a provision for read muster rolls and untampered muster rolls. Legally, the only way we can safeguard the security of service of the genuine worker and prevent the non-genuine *Latial*, *goonda* this and that who has been introduced, is by giving the Custodian the power he has been given in clause 16.

You are apprehensive that he will misuse it. You are also involved in this and all the trade unions are involved even in checking as to who are to be the workers. We want your co-operation in this. That is the only way we can do it, in an adequate and proper way. But, if we are going to introduce either the provision which Shri Ramavatar Shastri has suggested or the one Shri Indrajit Gupta has suggested or the one Shri Dinan Bhattacharyya have suggested through Mr. Pandhe, I will be in trouble and you will be in trouble, much more than I will be in trouble. That is why I beg of you, please do not insist on this thing. Don't mistrust me. I am not asking you to trust me. I am not asking you to trust the Custodian...

SHRI DINAN BHATTACHARYYA (Serampore): What you have suggested is also not a remedy.

SHRI S MOHAN KUMARAMAN-GALAM: It will enable with the amendment which we have proposed because I have suggested that 'for the reasons to be recorded in writing also should be eliminated, which, in a sense

[Shri S. Mohan Kumaramangalam] gives the Custodian more arbitrary powers. But then, I cannot record many of the reasons in writing because I do not have any evidence as such, but I know this man is a fraud and you know and many of the Unions know. In fact, Union leaders have already come and told me when I had been to Asansol and when I had been to Bokaro that 'so and so officer you should not keep. In these places extra people have been introduced and you should get rid of them. You better check with the muster roll. The real muster roll has been shifted and a false muster roll has been brought here'. All these things are going on. So, I would beg of you, why not trust us when in the actual operation of our work we are having your co-operation. If we have the honesty and the intention of trusting you, do you think you can trust us at least a little.

MR. DEPUTY-SPEAKER: I will now put Amendment No. 30 to the vote of the House. The question is:

Page 10, lines 21 and 22—

omit "for reasons to be recorded writing." (30)

The motion was adopted.

MR. DEPUTY-SPEAKER: Now I will put all the other amendments to the Clause to the vote of the House.

Amendments Nos. 44, 45 and 46 were put and negatived.

MR. DEPUTY-SPEAKER: Now the question is:

"That Clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 was added to the Bill.

Clause 18—(Coal Mines to which this Act shall not apply.)

SHRI S. MOHAN KUMARAMANGALAM: I beg to move:

Page 11, line 1,—

for "18" substitute "18. (1)" (1)
Page 11, line 2,—

for "a Government company or", substitute—"Government, or by a Government company or" (32)

Page 11,—

after line 15, insert—

"(2) Sub-section (1) shall not apply where there is any dispute as to the ownership or right of user of Government, Government company or corporation referred to in clause (a) of that sub-section, or company referred to in clause (b) of that sub-section, with regard to any coal mine or any machinery, equipment, vehicle, railway or tramway which is in such coal mine or is used for the purposes of such coal mine."(33)

MR. DEPUTY-SPEAKER: Any other amendments?

SHRI RAMAVATAR SHASTRI: I am not moving No. 47 because this point has already been decided. No. 48 also I am not moving as this point has already been decided.

MR. DEPUTY-SPEAKER: All right I will now put amendment No. 31 to the vote of the House.

The question is:

Page 11, line 1,—

for "18" substitute "18' (1)" (31).

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

Page 11, line 2,—

for "a Government company or", substitute "Government, or by a Government company or" (32)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

Page 11—

after line 15, insert—

"(2) Sub-section (1) shall not apply where there is any dispute as to the ownership or right of user of Government, Government company or corporation referred to in clause (a) of that sub-section, or company referred to in clause (b) of that sub-section, with regard to any coal mine or any machinery, equipment, vehicle, railway or tramway which is in such coal mine or is used for the purposes of such coal mine." (33)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Clause 7—Contd.

MR. DEPUTY-SPEAKER: Now what about Clause 7?

SHRI S. MOHAN KUMARAMANGALAM: I beg to move:

Page 8, after line 11, insert,—

"(4) Out of the amount payable under the foregoing sub-sections, there shall be deducted^a by the Central Government, all sums equal

to the amount of arrears due, on the appointed day, to the persons employed by the owner of a coal mine—

(a) from a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of the coal mine, and

(b) as wages" (51).

This will cover all types of funds. This will cover persons employed by owner of a coal mine, this will cover head office of coal mines.

SHRI INDRAJIT GUPTA: Will it cover statutory funds which are set up under various statutes?

SHRI S. MOHAN KUMARAMANGALAM: It covers provident fund, it covers pension fund, it covers gratuity fund or any other fund established for the welfare of the persons employed by the owner of the coal mine. It does not restrict it.

SHRI INDRAJIT GUPTA: It must cover the statutory ones also.

SHRI S. MOHAN KUMARAMANGALAM: It is much wider it covers all others also.

DR. RANEN SEN: Coalmines Provident Fund Act and Provident Fund Act are two separate Acts. There are two Provident Fund Acts.

SHRI S. MOHAN KUMARAMANGALAM: That is what I said earlier. You have not listened to me. It says "any other fund established. It does not say established by whom. It refers to any fund established for the welfare of persons employed by the owner of a coalmine. It is wide enough. Both funds, statutorily established and non-statutory funds, will be covered.

MR. DEPUTY-SPEAKER: The question is:

Page 8,—

after line 11, insert—

“(4) Out of the amount payable under the foregoing sub-sections, there shall be deducted by the Central Government, at sums equal to the amount of arrears due, on the appointed day, to the persons employed by the owner of a coal mine—

(a) from a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of the coal mine, and

(b) as wages” (51).

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put the rest of the amendments to vote.

Amendments Nos. 7, 8, 36, 37 and 38 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clause 7, as amended, stand part of the Bill.”

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 2—contd.

SHRI S. MOHAN KUMARAMAN-GALAM: Sir, in the amendment proposed by Shri R. N. Sharma—Amendment No. 49—the words “to the extent they are” will lead to some confusion. We will get into legal difficulties. Only when the building is solely used for the mining company, we will take it over, but when it is used in a mixed way we will not touch it.

MR. DEPUTY-SPEAKER: The House has just taken a decision. According to the rule, that can only be rescinded by another Motion of the House. But how can that be done? It can only be rescinded. But under what rule? I cannot be running the House and looking at the rules at the same time.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The office will do it for you.

MR. DEPUTY-SPEAKER: I would like to help, but according to the rules of the House. Well, I think there can be a way out.

SHRI K. RAGHU RAMAIAH: Sure.

DR. RANEN SEN: Where there is a will, there is a way.

MR. DEPUTY-SPEAKER: Some one must move for suspension of the rule in its application to this item.

DR. RANEN SEN: Shri Raghu Ramaiah is there.

SHRI K. RAGHU RAMAIAH: I move:

“That rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for rescission of the decision of the House adopting amendments to clause 2 of the Coal Mines (Taking over of Management) Bill, 1973, and adopting clause 2, as amended, be suspended.”

MR. DEPUTY-SPEAKER: The question is:

“That rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for rescission of the decision of the House adopting amend-

ments to clause 2 of the Coal Mines (Taking over of Management) Bill, 1973, and adopting clause 2, as amended, be suspended."

The motion was adopted.

MR. DEPUTY-SPEAKER: This rule is suspended for this purpose.

SHRI S. MOHAN KUMARAMANGALAM: I move:

"That the decision of the House adopting amendments to clause 2 of the Coal Mines (Taking over of Management) Bill, 1973, and adopting clause 2, as amended, be rescinded."

MR. DEPUTY-SPEAKER: The question is:

"That the decision of the House adopting amendments to clause 2 of the Coal Mines (Taking over of Management) Bill, 1973, and adopting clause 2 as amended, be rescinded."

The motion was adopted.

SHRI S. MOHAN KUMARAMANGALAM: I move:

In the Notice of Amendments, List No. 4, S. No. 24, in the proposed Clause (g) (xi),—for "to the extent they are," substitute "and solely".

MR. DEPUTY-SPEAKER: I have not got it. It should be numbered. Whatever be the number—this is a new amendment which I admit in view of the unanimous desire of the House.

The question is:

In the Notice of Amendments, List No. 4, S. No. 24, in the proposed Clause (g)(xi),—for "to the extent they are" substitute "and solely"

The motion was adopted.

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

Pages 2 and 3,—

for lines 14 to 46 and 1 to 5 respectively,

substitute—

(g) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and impudes—

- (i) all borings and bore holes;
- (ii) all shafts, whether in the course of being sunk or not;
- (iii) all levels and inclined planes in the course of being driven;
- (iv) all open cast workings;
- (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all lands, buildings, works, adits, levels, planes, machinery and equipments, instruments, stores, vehicles, railways, tramways and sidings in, or adjacent to, a mine and used for the purposes of the mine;
- (vii) all workshops (including buildings, machinery, instruments, stores, equipments of such workshops and the lands on which such workshops stand) in, or adjacent to, a mine and used substantially for the purposes of the mine or a number of mines under the same management;
- (viii) all coal in stock or in transit belonging to the

[Mr. Deputy-Speaker]

owner of the mine and all coal under production in a mine;

(ix) all power stations in a mine or operated primarily for supplying electricity for the purpose of working the mine or a number of mines under the same management;

(x) all lands, buildings and equipments, belonging to the owner of the mine, and in, adjacent to or situated on the surface of, the mine where the washing of coal obtained from the mine or manufacture, therefrom, of coke is carried on;

(xi) all lands and buildings [other than those referred to in sub-clause (x)] wherever situated and solely user for the location of the management, sale or liaison offices, or for the residence of officers and staff, of the mine;

(xii) all other assets, movable and immovable, belonging to the owner of a mine, wherever situated, including cash balances, reserve funds and investments in so far as they relate to the mine and also any money lawfully due to him in relation to the mine in respect of any period prior to the appointed day, (24, as amended).

The motion was adopted.

MR. DEPUTY-SPEAKER: I will put the clause again. The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER: I wish that this situation today in the House may not be repeated. It should not be cited as a precedent. It creates so much of difficulty for everybody. Fortunately, we have a quiet House. Otherwise, it would have been very difficult.

Now, I shall put the Schedule, Clause 1, the Enacting Formula and the Title to the vote of the House. The question is:

"That the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill.

The motion was adopted.

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

SHRI S. MOHAN KUMARAMAN-
GALAM: Sir, I move:

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

MR. DEPUTY-SPEAKER: Motion moved:

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

SHRI D. N. TIWARY (Gopalganj): Mr. Deputy-Speaker, Sir, in a few minutes the Bill is going to be passed, for the good of the country and for the good of our economy. But at this

stage, I want to sound a note of warning. We have earned enough notoriety by the distribution of cement permits, fertiliser permits and other sort of permits. If the same thing happens in this coal distribution, we shall be nowhere.

Sir, coal is consumed in far-off villages at far off stations from district headquarters. The arrangement is to have dumps in the district headquarters of the sub-divisional headquarters but from the district or the sub-divisional headquarters, the villages are sometimes 30 to 40 miles away and they will have great difficulty in carting the coal from the district headquarters. At present, coal is taken to every railway station, and from there the consumer takes the coal to his home or factory. So far as the merchants are concerned, they used to bring coal to every railway station and from there the consumers would take their requirements. Now, if the Government does not make such arrangements, than it would be difficult for the consumers to carry the coal only from the district or the sub-divisional headquarters. I would therefore urge upon the Government to make sufficient provision for stocking coal at every station of the railways from where the villages may be situated anything from five miles to 12 miles.

Another point is that so far the colliery-owners were selling coal stealthily because about 97 per cent of the coal was being consumed by the factories. The consumers would take the coal but their requirements could not be met. Now, such arrangements as they now exist are not going to serve the purpose. So, it is but meet and proper that we should increase the quota for public consumption. Besides the factory consumption and other Government establishments, the coal to the consumers, whether for domestic use or for brick-kiln purposes or the small blacksmiths, should be made available to them. Therefore,

the quota should now be increased to at least 20 per cent of the production of coal, because, if we keep the quota for the lower strata of consumers at five to 7 per cent, the consumers will be in trouble and they will be put to hardship and their work will suffer. The work in the small scale industries will also suffer. So, I request the Government to increase the quota for public consumption substantially, at least to 20 per cent of the total coal production.

Another thing to which I want to draw the attention of the hon. Minister is about the appointment of sub-dealers.

When you appoint sub-dealers to take coal to consumers, you should be careful to license only such persons who are honest and who can really sell at proper price. Otherwise you will earn a bad name there too. The public are not concerned how much you sell coal to the factories and other establishments; they are concerned with their own consumption and they should get easily that quota without much difficulty. These two things should be kept in view at the time of distribution of coal.

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, मैं इस बिल का हार्दिक स्वागत करते हुए दो तीन बातें कहना चाहता हूँ। माननीय सदस्य, श्री तिवारी जी ने ठीक ही कहा है कि कोयले की कमी तमाम शहरों में है—गांवों की बात तो छोड़ दीजिए, वहाँ तो पहले से ही कमी है—और यह कमी इधर और बढ़ गई है और कीमत भी अधिक हो गई है। मैं चाहूँगा कि सरकार जल्दी से जल्दी कोई निश्चित कीमत तय कर दे, ताकि कोयला इस्तेमाल करने वाले तमाम उपभोक्ताओं को, चाहे वे शहरों में रहने वाले हों या देहात में, घासानी हो सके।

[श्री रामावतार शास्त्री]

जो कोयला-विक्रेता मुकदमों किये जायें, वे सचमुच ईमानदार हों। अभी मैं पटना गया था। वहां मुझे मालूम हुआ कि एक-एक ऐसी को-ऑपरेटिव सोसाइटी को कोयला-विक्रेता बनाने की बात चल रही है, जिस पर भ्रष्टाचार के आरोप प्रमाणित हो चुके हैं। लेकिन चूंकि कुछ असरदार लोग, प्रभावशाली, व्यक्ति, उस के पीछे हैं, इसलिए यह बात चल रही है कि उस को कोयले का विक्रेता बनाया जाये। मुझे विश्वास है कि कोयले का राष्ट्रीयकरण हो जाने के बाद हमारे पब्लिक सेक्टर और प्राईवेट सेक्टर के कारखानों को कोयले की कमी नहीं होगी और उन का काम मंचारू रूप से चलेगा।

MR. DEPUTY-SPEAKER: May I point out that the scope of the discussion now is only for supporting or for opposing the Bill. You are talking about methods of organisation and all that. Do you oppose this Bill or support it? That is all.

श्री रामावतार शास्त्री : कल मंत्री महोदय ने कहा कि हमारे तमाम अफसर बुरे नहीं हैं। मैं भी मानता हूँ कि तमाम अफसर बुरे नहीं हैं; अच्छे अफसर भी हैं। लेकिन उन के विभाग में करप्ट अफसर भी हैं।

SHRI S. MOHAN KUMARAMANGALAM: I must protest, please do not make general allegations. I have been a Minister in the Department of Mines for over two years and till today you have not brought a single example, a single officer who is corrupt. But you will vigorously make general statements....

SHRI RAMAVATAR SHASTRI: I am not making a general statement.

MR. DEPUTY-SPEAKER: In my case, all this is outside the scope of the discussion; at this stage you can only make your submission either in support or in opposition of the Bill. Other things are irrelevant; you can write to the Minister.... (Interruptions) I am pointing out to you that these are not relevant to this discussion now. You want me to connive at your irrelevancy or what?

श्री रामावतार शास्त्री : यह जो आप ने टेक ओवर किया है जिसका राष्ट्रीयकरण आप आगे चल कर करेंगे, वह सफल हो, उस के रास्ते में कोई रुकावट न हो इसलिए मैं यह बताना चाहता हूँ। 'जनशक्ति का अखबार' दो हिस्सा पढ़ कर मैं समाप्त कर दूंगा। इस बात की पूरी कोशिश हो रही है जिस की जानकारी आप को भी है कि कोयला खानों के क्षेत्रों में चाहे वह रानीगंज हो, हजारीबाग हो या धनबाद का क्षेत्र हो, कुछ अफसर...

MR. DEPUTY-SPEAKER: Shri Shastri, I think you should understand that this is outside the scope of the discussion now. Now you have only to confine yourself either to the opposition or to the support of this Bill. These are all details.

Order, please. These are not relevant.

SHRI RAMAVATAR SHASTRI: I am supporting it.

MR. DEPUTY-SPEAKER: The co-operative society Dhanbad and Secunderabad, they do not come within the scope of the Bill.

I will give you time but I am pointing out that you should be relevant.

श्री रामावतार शास्त्री : आप मझ को बोलने तो दीजिए। मैं यही कह रहा हूँ कि इस टेक ओवर को नाकामयाब बनाने के लिए स्केडार और आप के इन्फिने अफसर जिन में एक का मेरे पास में नाम भी है...

MR. DEPUTY-SPEAKER: This will not go on record. (*Interruptions*).

Mr. Pandey, will you please sit down. I am not concerned with who is right and who is wrong. I am concerned, with the dignity of this House. I would like to know from the hon. members whether this House should be brought to that level that the name of any Tom, Dick and Harry should figure in the proceedings of this House. Do not mention these names.

Order please.

SHRI S. MOHAN KUMARAMANGALAM: On a point of explanation I may say I have repeatedly requested, in all humility, the hon. members if they have any matter against any individual, they should come to me and I should be given an opportunity to satisfy them. The question of taking it up in the House arises only if I am not able to satisfy them. Without discussing it with me and without getting the material which is in my possession, which he may not possess, is it fair to mention names? Have I ever refused to talk to him?

SHRI RAMAVATAR SHASTRI: No.

MR. DEPUTY-SPEAKER: I have to shut you out. You are out of the scope of the discussion.

श्री रामावतार शास्त्री : मैं यह कह रहा हूँ कि इस टेक ओवर को नाकामयाब बनाने के लिए कुछ यफर जो करण्ट है त्रिन के ना : में बा : में बना दंगा, और कुछ मेकेशर से लि कर किन् तरह से गोल ल कर रहे हैं. इस का एक उदाहरण यूनाइटेड कोल वर्कर्स यूनियन के **

MR. DEPUTY-SPEAKER: Nothing more that Mr. Shastri says will go on record. I put the motion to the House.

The question is:

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

Those in favour may say "Aye".

SOME HON. MEMBERS: Aye.

MR. DEPUTY-SPEAKER: These against may say "No".

SHRI G. VISWANATHAN: No.

MR. DEPUTY-SPEAKER: The 'Ayes' have it.

SHRI G. VISWANATHAN: The 'Noes' have it.

MR. DEPUTY-SPEAKER: Let the lobbies be cleared.

The lobbies have been cleared.

The question is:

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

Those in favour may say 'Aye'

SOME HON. MEMBERS: Aye.

MR. DEPUTY-SPEAKER: Those against may say 'No'.

The Ayes have it.

SHRI PILOO MODY: No.

MR. DEPUTY-SPEAKER: I said "The Ayes have it" and I paused for one minute. You never said anything. Only after I declared the result, you say "No". Even so, let there be a division. (*Interruptions*).

SHRI PILOO MODY: I said "No" five times. I cannot help if you did not bear it. (*Interruptions*).

The Lok Sabha divided.

Ayes

15 hrs.

Division No. 12]

Austin, Dr. Henry

Besra, Shri S. C.

Bhagat, Shri H. K. L.

Chaturvedi, Shri Rohan Lal

Dalbir Singh, Shri

Darbara Singh, Shri.

Das, Shri Anadi Charan

Das, Shri Dharnidbar

Engti, Shri Biren

Ganesh, Shri K. R.

Gautam, Shri C. D.

George, Shri A. C.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Hansda, Shri Subodh
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Kailas, Dr.
Kamla Kumari, Kumari
Kavde, Shri B. R.
Kotaki, Shri Liladhar
*Kumaramangalam, Shri S. Mohan
Lakshmikanthamma, Shrimati T.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Malhotra, Shri Inder J.
Mandal, Shri Jagdish Narain
Negi, Shri Pratap Singh
Oraon, Shri Tuna
Pandey, Shri Damodar
Paokai Haokip, Shri
Pratap Singh, Shri
Patel, Shri Natwarlal
Patil, Shri S. B.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Purty, Shri M. S.
Rai, Shrimati Sahodrabai
Rajdeo Singh, Shri
Rana, Shri M. B.
Rao, Shri J. Rameshwar
Samanta, Shri S. C.
Sethi, Shri Arjun
Shankar Dev, Shri
Sharma, Shri A. P.

Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Shashi Bhushan, Shri
Sohan Lal, Shri T.
Thakre, Shri S. B.
Tiwari, Shri R. G.
Tiwary, Shri K. N.
Tulsiram, Shri V.
Unnikrishnan, Shri K. P.
Yadav, Shri D. P.
Zulfiqar Ali Khan, Shri

NOES

Mody, Shri Piloo

**Raghu Ramaiah, Shri K.

MR. DEPUTY-SPEAKER: The results of the division is: Ayes 61; Noes 2.

The motion was adopted.

SHRI G. VISWANATHAN: The Minister has not replied to the points.

MR. DEPUTY-SPEAKER: He never wanted to reply.

SHRI S. M. BANERJEE: We all wanted to vote for the Bill. It is the wrong procedure which has been adopted which is responsible for this division.

SHRI DINEN BHATTACHARYYA: When the motion had already been adopted and there was no question before the House, how can you put it again to the vote?

SHRI PILOO MODY: Sir, on a point of order. I notice from the board that some hon. Member of the House, whose No. is 3, has voted in the affirmative. I see no such†† over here at all.

MR. DEPUTY-SPEAKER: That word is not going to form part of the record.

*He voted by mistake from a wrong seat and later informed the Chair accordingly.

**Wrongly voted for 'NOES'.

†Shri K. Raghu Ramaiah also recorded his vote for 'AYES'.

††Expunged ordered ordinance by the chair.

Every member is an hon. Member and no member can be called by that name.

SHRI PILOO MODY: Sir, I have raised a point of order.

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI S. MOHAN KUMARAMANGALAM: Sir, I want to make a clarification. While the discussion on the Bill was going on, I was occupying the seat of Shri Chavan. I continued to sit there and I voted from that seat.

SHRI PILOO MODY: That is all that I wanted to be clarified, and it is the duty of the Deputy-Speaker to take note of it, if he wants to.

15.02 hrs.

SUPPLEMENTARY DEMANDS* FOR GRANTS (GENERAL), 1972-73

MR. DEPUTY-SPEAKER: We now take up Supplementary Demands for Grants (General) for 1972-73.

DEMAND No. 1—MINISTRY OF DEFENCE

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 5,49,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Ministry of Defence'."

DEMAND No. 2—DEFENCE SERVICES, EFFECTIVE-ARMY

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 1,53,65,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Defence Services, Effective-Army'."

DEMAND No. 3—DEFENCE SERVICES, EFFECTIVE-NAVY

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 4,11,50,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Defence Services, Effective-Navy'."

DEMAND No. 4—DEFENCE SERVICES, EFFECTIVE-AIR FORCE

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 27,71,20,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Defence Services, Effective-Air Force'."

DEMAND No. 5—DEFENCE SERVICES, NON-EFFECTIVE

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 3,00,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Defence Services, Non-Effective'."

DEMAND No. 7—EDUCATION

MR. DEPUTY-SPEAKER: Motion moved:

"That a Supplementary sum not exceeding Rs. 5,26,50,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1973, in respect of 'Education'."

*Moved with the recommendation of the President