

Inclusion of English in
the Eighth Schedule of
the Constitution

[Shri N. R. Munisamy]

by several reasons, firstly, on the basis of sentiment and secondly on the basis of passion. They have been very much excited thinking evidently that the English language might in the long run find itself entrenched in India and that it will never go out of India. English language happens to be the language which drove the Englishman out of this country. It is not any other language. We had several conferences with the English people and spoke to them only in English at the Round Table Conference and at other conferences.

Mr. Chairman: The hon. Member may continue in August.

Shri Satya Narayan Sinha: The two and a half hours are over. So, I move that this debate may be carried over to the first Non-official Resolutions day of the next Session.

Shri Frank Anthony: May I bring forward an amendment that it should be carried over to the next Session and that the discussion be for a period of two days? My hon. friend may accept it.

Shri Satya Narayan Sinha: We shall decide it then, not now. We simply decide today that this Resolution is carried over to the next Session on the first Non-official Resolutions day.

Mr. Chairman: I think it is a matter for adjustment.

Shri Jaipal Singh: There is a point of order on this. We can carry it over, but it will be for the Business Advisory Committee to allot the time, not for us.

Mr. Chairman: Therefore, I say it is a matter for adjustment later on.

श्री जयपाल सिंह : मैं चाहता हूँ कि जिन लोगों का नाम आपने पाठ्य को करने के लिए पढ़ा हुआ है उनका उस समय क्याल रखा जाय ।

श्रीमति रघुश्री : मैंने माननीय अध्यक्ष का नाम बोलने वालों की लिस्ट में जोड़ लिया है । Shri Panigrahi.

17.35 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Shri Frank Anthony: May I suggest that this may be carried over to the next session, not to the next non-official day, because the Business Advisory Committee....

Mr. Chairman: The next non-official day will be in the next session. Therefore it will be discussed on the first non-official day reserved for Resolutions.

Shri Frank Anthony: That is only two and a half hours.

Mr. Chairman: That can be discussed by the Private Members' Bills and Resolutions Committee.

17.36 hrs.

VILLIERS COLLIERY*

Shri Panigrahi (Puri): I thank the Minister of Parliamentary Affairs that after waiting for two long months, rather three long months, at last this half-an-hour discussion has been allowed today.

This half-an-hour discussion relates to the arrears and the wages which were due to the workers engaged in the Villiers Colliery, Talcher in Orissa. Here is a tragic story of 700 coal miners working in this colliery. They were deprived of their dues, their current wages and arrears which amount to several lakhs of rupees. These seven hundred coal miners have been forced today to lead a life of misery and shame; and it is because of the non-payment of their dues by the management. They worked hard and patiently in running the mine, and the only reward they got was this non-payment of their dues.

*Half-an-Hour Discussion

It is not very much surprising if a private mine-owner deprives the workers of their rightful demands, of their dues, but it is surprising the way the management managed to escape all the arms of the labour laws and manage to cheat the workers of their dues, whether it is wages or arrears, amounting to several lakhs. I think this is the only mine in India where all the labour laws have failed to be effectively implemented and the workers have not got their arrears. The workers have not been able to recover their arrears. It is more surprising that even in spite of the best of co-operation and the best of efforts and goodwill of the hon. the Deputy Minister of Labour, Shri Abid Ali, the workers could not recover their arrears and their dues from the management. (An hon. Member: He is being congratulated). This is perhaps the only mine, I think I can say without fear of contradiction, where all the labour laws and the powers of the Government could not be applied with full vigour against a private mine-owner.

What is the amount which is due to the workers? On 10th March, 1958 the Parliamentary Secretary to the Minister of Labour stated in this House as follows. He said:

"We are fully aware of the situation in that colliery. Prosecution has been launched for violation under the Mines Act. Necessary action has been taken to recover the arrears of wages and bonus and for the implementation of the coal Award."

He also stated that "necessary steps are being taken to recover the dues from the employer". You will be surprised to know the amount of dues which the workers are to get from the employer. I shall just read the items one by one. The dues of the workers are as follows: 1950, legal strike period dues: Rs. 40,000; pre-1952 agreement dues Rs. 29,000; employer's provident fund contribution Rs. 73,591; difference of wages in respect of tribunal awards: Rs. 98,000;

and previous wages which were due to the workers Rs. 3,500; bonus for four quarters ending December, 1957 Rs. 80,000; non-payment of weekly wages till 9th May, 1958 Rs. 2,50,000. It comes, in all, to Rs. 5,74,091.

I think this is the only mine in India where the employer could try to escape all the provisions of law and could cheat the workers to the extent of Rs. 5,74,091 without any punishment.

The current wages of the workers continue to remain unpaid till 29th May, 1958, besides the arrears, when the management closed the mines.

We had a discussion in this House in May, 1958. At that time, the current wages due to the workers came to the 20th week of non-payment. After 29th May the mine was closed by the mine-owner. Naturally, the dues with regard to current wages came to the 23rd week of non-payment. So a few thousands more should be added to this figure of Rs. 5,74,091 which I have calculated.

The Parliamentary Secretary also stated—again and again I have tried to bring this question before this House and to the notice of the Ministry—on 27th August 1958 he stated that the court had ordered the confiscation of properties in some cases and that efforts are being made to get the payment made. It may be asked how much of payment has been made by the management towards the dues of the workers. Has any of his properties been confiscated? Has any inventory of his properties in the mine been made? If so, what is the value which can be recovered, so that it can be paid towards the arrears of the labourers?

Here is a mine-owner, if we go through the statements and replies given by the Deputy Minister and his Parliamentary Secretary, who has violated the provisions of the Payment of Wages Act, who has violated the Mines Act, who has violated the award of the All India Industrial

[Shri Panigrahi]

Tribunal, who has continuously violated the laws and did not pay the dues to the workers, and who has closed the mine whimsically without asking anybody or consulting anybody. After a few months of indecision the Government of Orissa took over the mines. I have gone many times to the hon. Minister. He gave us a very patient hearing. He was very kind and sympathetic. We tried also to impress upon the hon. Minister of Steel, Mines and Fuel, so that the National Coal Development Corporation might take over this mine and run it. Just near to this mine of Vilhers there are two other coal mines which are being run by the National Coal Development Corporation and it is to the interest of the National Coal Development Corporation that they should take over this mine. It is because if this mine is not worked if this mine is not properly maintained then this mine is going to affect the other two mines which lie in close proximity to the Vilhers colliery.

Now after the Government of Orissa took over the mine it just tried to run only the essential services. All the workers have not been employed. Now the difficulty arises. The Government of Orissa wanted some financial assistance and the hon. the Deputy Minister impressed upon the Minister of Steel, Mines and Fuel the necessity of giving some assistance to the Government of Orissa. But the Steel Ministry is of the opinion that they are not in a position to invest any money. Naturally the Government of Orissa is finding it difficult to run the mine. Now the Government of Orissa is trying to hand over this mine to a third party, to another private mine-owner. What would happen to the wages, to the arrears, of these workers which comes to more than Rs 7 lakhs? Is the mine-owner who is going to purchase this mine going to pay these arrears of dues to workers, or the workers are going to be deprived of these dues?

Now, Sir, you must be aware the other day Government asked for special powers to arrest refugees and displaced persons if they do not pay their rents and their arrears. Here is a case where a private mine-owner has to pay to the workers arrears to the extent of not one or two hundreds or thousands, but to the extent of five lakhs. Is there not any power or any provision for this? Does Government not think it proper to ask for special powers to realise this money from the owner, so that the workers can get their dues?

Sir, the workers are now being very much harassed and they are begging. The shop-keepers who supplied rations to the workers are asking the workers to pay back, but the workers are not getting any money, or their dues from the mine-owner because the mine is changing hands from one to another. Therefore it is necessary that the hon. the Deputy Minister or the Minister of Labour and the Minister of Steel, Mines and Fuel must sit together and devise some ways and means either to take over the mine and run it through the National Coal Development Corporation or they must extend financial aid to the Government of Orissa. Or if they are going to hand over this mine to a private mine-owner they must see that whatever properties are there when they are sold the workers are not deprived of their dues which amount to more than five lakhs of rupees.

The hon. the Deputy Minister on 10.2.1959 said that as a result of the proceedings started against the management for recovery of arrears of wages, an amount of about Rs 3.16 lakhs was directed to be paid by the payment of wages authority concerned. I would like to enquire of the Deputy Minister how much of this Rs 3.16 lakhs which was decreed has been really realised or recovered from the mine-owner and how much

of the dues of the workers has been paid by now to the workers and whether the workers can really expect that their dues will be paid

Lastly I submit that when considering all these aspects of the problem Government should try at least to give the provident fund dues to the workers so that for the present they can manage I, again, submit that the Government should take a definite and positive step and see that the mine is run and that the mine is operated through the help of the National Coal Development Corporation, and that the dues of the workers and the employees are settled immediately so that they can live a better life and they can run the mine

The Deputy Minister of Labour (Shri Abid Ali). Madam Chairman, I am thankful to the hon Member who has appreciated the efforts which we are making with regard to this particular matter There is no difference of opinion between this side and that side so far as the dues of the workers are concerned As it is known to him and to everybody, all that was possible in this matter to be done by us, has already been done In spite of that, it is true that the workers did not get the deserved relief That also is correct Of course, as he has mentioned, about arrest and all that, it is true that if the previous mine-owner was arrested, by simply arresting him, no relief would have come for the workers because he is a pauper We can put him in the jail That would have been another liability to feed him—a liability on the taxpayers but no relief for the workers

So far as the workers are concerned, it is true that a large sum of money is due to them What we have done is we have approached the State Government and they have agreed to see after the mine has been entrusted to a new management or lessee the assets should not be transferred to him We have already taken action

in this matter Eight applications were filed under the various enactments for the recovery of the dues Out of a big amount, only Rs 75,000 could be collected Also, the mine-owner was prosecuted for the recovery of bonus, for the recovery of the provident fund amount So many cases were filed against him He went to the High Court He failed in the High Court A situation arose which compelled him to leave the place and run away The workers have behaved in this matter very very sensibly Without being paid, they took over the essential services so that, the mine could be started without much difficulty whenever it was possible Subsequently the State Government came in and took over this mine and the essential services as well

We proposed to the workers that they may start working the mine on a co-operative basis A proposal was made that the Central Government may contribute Rs 5 lakhs as a loan, that the provident fund may give Rs 3 lakhs, and the State Government may give Rs 2 lakhs and that with the help of Rs 10 lakhs, the mine may start working That also did not materialise

My hon friend has asked whether any inventory has been made Yes The assets of the company are estimated to be roughly of the value of Rs 16 lakhs The liabilities of the workers and others are about Rs 14,50,000 As I have submitted earlier, most of the assets which we can lay our hands on, have been attempted to be attached Therefore, what we have done is to safeguard the interests of the workers So far as the dues are concerned, the State Government has appointed a Receiver to facilitate the arrangements regarding the renting of the mine by a new lessee The machinery will be rented to him Payment of wages will be the first charge on the rent recoverable so far as the machinery is concerned This is what the other side is concerned with

Of course, this mine has coal deposits of 4.75 million tons So, it has

[Shri Abid Ali]
good future as well.

This trouble started unfortunately since about June 1957, and the workers had all along been realising that if they took any drastic step or went on strike, the employer would be happy. So, this big amount had not accumulated for a continuous period because of non-payment of the total amount. The employer has been working the mine with the co-operation of the workers, and the workers feel contented with even half the payment, or sometimes, even with 25 per cent of the amount due to them, and they have been working. So, this has a very peculiar history; the patience of the workers, as I have said earlier, and the sensible and business-like way in which they have been behaving all along is something peculiar. They tried to get as much as possible out of this bad bargain, and the employer also worked it as long as it was possible for him to work it. Our attachments, our actions, and litigations went on, and he was submitting, and he was also facing them, but if he had no money, he had no money; that was the real position.

The Minister of Steel, Mines and Fuel has been requested both by us and by the State Government to render all possible help as soon as the mine starts working and give facilities to the new lessee.

So far as the past workers are concerned, we have already made it a condition that when the mine starts working, first preference should be given to the workers who were formerly employed. Besides, the amount due to the workers...

Shri Panigrahi: What about the arrears?

Shri Abid Ali: About the arrears, I have submitted already that we have already acted to attach the property. And according to the amended Payment of Wages Act, in the case of such changes or transfers, the workers'

dues are the first charge on the assets. So, all these actions and safeguards have been applied there.

The hon. Member wanted to know about the machinery. Of course, I have said already that the general assets are of the order of Rs. 16.50 lakhs. That is a rough estimate. Still, about Rs. 5 lakhs worth of machinery will be required to equip the mine properly for working it on a more profitable basis.

I am sure my hon. friend will be satisfied with the details that I have given, and also with the fact that we have given top priority, or top-most priority to the dues of the workers. Sometimes, there is some ailment which does not find immediate medicine. This is one of such cases. It is unfortunate, but there are some...

Shri Panigrahi: How much of these arrears or dues has been paid to the workers so far? The hon. Minister nas said that an inventory has been made. What is the total value of the inventory?

Shri Abid Ali: I have already said what the position is about the inventory. So far as the dues are concerned, about Rs. 5.84 lakhs still remain due to the workers. This figure may be challenged by somebody; it may be less according to the employers, it may be more according to the workers, but so far as our estimates are concerned, it is Rs. 5,84,833.94.

Mr. Chairman: Which is outstanding.

Shri Abid Ali: According to our estimate.

Shri S. M. Banerjee (Kanpur): What is the value of the property attached?

Shri Abid Ali: I have already said that the assets are worth a Rs. 16 lakhs, and the dues are Rs. 14 lakhs odd. These are our mates. They do not bind any

This statement of mine does not bind anybody. These are our officers' estimates. When the question of payment comes, nobody knows what will happen.

Shri D. C. Sharma (Gurdaspur): The hon. Minister has said that the assets aggregate to about Rs. 16 lakhs odd, and the dues are of the order of Rs. 5 lakhs odd. So, why are the workers not paid? Government must do something to pay off the workers.

18 hrs.

Shri Abid Ali: We cannot sell away all that is existing there and pay the workers. Besides the workers, there are other claimants also. A huge amount of royalty running into several lakhs of rupees is due to the State Government. Then there are electricity charges also. Everybody had patience in this matter. So, the Government did not go to attach the property. Electric supply was continued in spite of no payment. As I said earlier, sometimes 50 per cent was paid, sometimes 25 per cent. They went on accumulating these defaulted amounts, and the mine went on working so long as it was possible to work it. It is a very unfortunate position, it is a tragedy as the hon. Member has said. It is a funny position, but all things accumulated and have brought about this result. I hope that, with the active co-operation of the workers, it will be possible for the new lessee to work the mine and go on realising as much dues as possible, because if we sell away, the assets may not realise that much. It is estimated that much, but who will purchase it? The value of the property is that much. It is underground. It should come out, there will be additional cost to bring it out to dismantle it. That will reduce its price further. It has got that much value because the machinery works at the place where it is installed, not other-

Shri Abid Ali: That is very correctly put by my hon. friend here. That much is the value if it starts working, if it is a going concern. It is not at present working, it has stopped. It cannot be sold, and the workers are not interested only in their dues. It has been proved by their keen interest that the mine should work and go on gradually paying their dues in easy instalments. That is the position.

So far as the delay in taking up this discussion is concerned, I am not solely responsible for it. As soon as it came we mentioned the date. Then other things came up. It is entirely in the hands of the Speaker, who also meets the convenience of both the hon. Members there and others.

Shri Panigrahi: The provident fund dues of the workers amount to more than Rs 3 lakhs. Is the Government doing anything to see that something is paid to the workers so that in the meantime they can live, because they are begging? What can be done to expedite it?

Shri T. B. Vittal Rao: This Villiers Colliery was owning one coal mine in West Bengal; that has been closed down. Now again the mine in Orissa is closed down. I was told the same company owns one mine in the Giridih coal-field area in Bihar, and also that they are owners of certain other units in some other industry. Then, recovery could have been easily done.

Shri Abid Ali: I am sure if any assets anywhere belonging to this company had been available, certainly we would have put our hand on it. However, what the hon. Member has just told us will be looked into, and if possible, certainly action will be taken.

With regard to the provident fund, as I have submitted earlier, we ourselves proposed that Rs. 3 lakhs might be given as a loan from the accumulated contribution of these workers in

Narasimhan (Krishnagiri): As concern.

[Shri Abid Ali]

the provident fund, if the workers want it, because it has been done in Sholapur, Bombay and Nagpur. If the workers desire it, we will not come in the way, but at present, the situation is that a good few of the workers have reverted to their villages and their old occupations. However, if it is necessary, I am prepared to be helpful, but it should be borne in mind that then it will not be possi-

ble for the Fund organisation to contribute this amount for the working of mine. That risk is there. Let the workers decide whatever is in their interests.

18.05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, May, 9, 1959/Vaisakha 19, 1881 (Saka).
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