

Submission of report by National Commission on Rural Labour

(Hindi and English versions) Of The Ministry Of Planning and Programme Implementation for 1991-92. [Placed in Library See No LT-519/91]

Detailed Demands For Grants Of Department of Posts for 1991-92

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI RAJESH PILOT): I beg to lay on the Table a copy of the Detailed Demands For Grants (Hindi and English versions) of the Department of Posts for 1991-92. [Placed in Library See No LT-520/91]

Detailed Demands For Grants Of The Ministry Of Power And Non-Conventional Energy Sources For 1991-92

THE MINISTER OF STATE OF THE MINISTRY OF POWER AND NON-CONVENTIONAL ENERGY SOURCES (SHRI KALP NATH RAI): I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of The Ministry Of Power and Non-Conventional Energy Sources for 1991-92. [Placed in Library See No LT-521/91]

Detailed Demands For Grants Of The Ministry Of Civil Supplies And Public Distribution For 1991-92

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES AND PUBLIC DISTRIBUTION (SHRI KAMALUDDIN AHMED): I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of Civil Supplies and Public Distribution for 1991-92. [Placed in Library See No LT-522/91]

Detailed Demands For Grants Of The Department Of Ocean Development For 1991-92

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI-MATI MARGARET ALVA): I beg to lay on

the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Department of Ocean Development for 1991-92. [Placed in Library See No LT-523/91]

Detailed Demands For Grants Of The Parliament Secretariate Of The President And Vice-President and Union Public Service Commission For 1991-92

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHANTARAM POTDUKHE): I beg to lay on the Table a copy of the Detailed Demands For Grants (Hindi and English versions) of the Parliament Secretariat of the President and Vice-President and Union Public Service Commission for 1991-92. [Placed in Library See No. LT-524/91]

STATEMENT BY MINISTER**Submission of Report by the National Commission On Rural Labour**

[*English*]

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SINGH GHATOWAR): In pursuance of a commitment made by the then Prime Minister late Shri Rajiv Gandhi in his budget speech on the 28th February, 1987, Government had set up a National Commission on Rural Labour in August, 1987. The National Commission on Rural Labour was appointed to study and report on the economic, social and working conditions of Rural Labour in the context of changing socio-economic framework in the rural areas. The Commission was also to study the existing legislative provisions intended to protect the interests of rural labour and suggest measures to make them more effective.

The N.C.R.L. have submitted their re-

port to the Government on 31/7/1991. The report contains a large number of recommendations regarding general developmental efforts, social, economic and legislative measures and institutional mechanisms for all round development of the Rural Labour.

The recommendations of the Commission will need to be examined at length by the various Ministries/Departments in the Central Governments, in consultation with the State Governments, wherever necessary, before they are implemented. Copies of the Report have already been kept in the Parliament Library for perusal of the Hon'able Members. [Placed in Library. See No. LT-525/91]

[*Translation*]

SHRIBHOGENDRA JHA (Madhubani):
Mr. Speaker, Sir, I would like to take your as well as House's precious time to raise an important matter, discussion on which cannot be postponed. 95 per cent of the total cooking coal is extracted in Bihar. During the last four years about 6 crores 50 lakh tonnes of coal was extracted in Bihar every year; out of which 60 per cent was coking coal and 40 per cent was for other kinds of coal.

Mr. Speaker, Sir, before the year 1968 royalty was paid on the basis of the cost. But after the nationalisation of coal in 1971-72 the base of the royalty was changed from cost to weight. The result is that prices increase continuously but not the weight in proportion to it. Due to this Bihar has been suffering loss. Keeping this fact in view the Government of Bihar had imposed cess; but the Supreme Court gave verdict in a case on 25-10-89 to abolish it. After that Ranchi Bench of Patna High Court ordered on 6.11.90 to withdraw the cess. They also ordered the State Government to return the cess collected from the various companies

since October 25, 1989. After that, on March 4, 1991 the Supreme Court gave a verdict that the Bengal Cess Act, on the basis of which the Government of Bihar had imposed cess, was basically unconstitutional and illegal. Therefore, it would not be possible even for Bengal Government to impose cess more. In the above circumstances the Chief Minister of Bihar was compelled to announce hunger strike. We were also compelled to raise the matter in the House and the relief provided by the Government concentrates on the weight of the commodity and not the cost. Thus Bihar is going to suffer a loss of about Rs. 150 crores per annum due to the abolition of cess despite relief being provided to them. In the current financial year, Bihar is likely to suffer an additional loss of Rs. 265 crores. The financial condition of Bihar is deteriorating despite the concessions announced by the hon. Minister. My submission is that the royalty should be at least 50 per cent of the total cost.

All the Members must be aware that the freight is equal whether it is from Jharia or Giridih or any other place in remote areas. The result is that the industrial situation in Bihar, already a backward state, has further deteriorated. Therefore, through you, I would submit to the Government as well as the House to fix the rate of royalty on the basis of the cost, moreover, either the condition of freight equalisation should be removed or a separate relief should be provided to the passengers of remote areas.

Mr. Speaker, Sir, Communist Members of Bihar Legislative Assembly and Bihar Legislative Council and also the representatives of Bihar in Lok Sabha and Rajya Sabha have been compelled to stage a dharna. You are right we have sought an appointment with the hon. Minister of Finance, we would meet him; however it is not merely a matter of meeting, it is to solve the problems of the State.

[Sh. Bhogendra Jha]

17 types of mineral products are produced in Bihar and realty is paid on all these products; similar situation prevails in all other mineral producing states. After abolition of cess Bengal is also in difficulty. Similarly Orissa too faces the similar problem. Therefore, my submission is that the Government should modify their policy, otherwise these States will always remain backward.

SHRIBRUKISHORE TRIPATHY (Puri):
Similar problem prevails in Orissa.

[English]

SHRISIVAJIPATNAIK(Bhubaneswar):
A serious problem has emerged after the death of an Adivasi worker at Dalla Cement Factory in UP because of starvation and cold at Lucknow, while staging a *dharna* against the privatisation of the factory and demanding a judicial inquiry into the ghastly firing on 2nd June in which some 40 people were killed. The three units at Dalla, Churk and Chunar of the UP State Government Cement Corporation were handed over to the Dalmias in spite of a stay order from the Allahabad High Court and without the proper approval of the Union Government which is against Section 30(h) of the MRTP Act. While the total assets of the Company are about Rs. 412 crores, it was handed over to the Dalmias for a Petty cash payment of one crore of rupees.

All the leaders in the factory are resisting this privatisation. Some 2000 workers are staging a *dhama* at Lucknow where one worker belonging to Scheduled Tribe community named Nepali died on 28th August out of starvation in cold. The body of Nepali was not handed over to his wife and other relatives who were there. While demanding the hand over of the body, Shrimati Subhasni Ali, ex-M.P. of this House and 153 other persons were arrested and were taken to

some distant police stations and were later on released but again arrested while they were boarding a local train.

During our visit to Lucknow on 31st August, we met the workers who were staging a *dhama* there. After privatisation of these three units, they have not got their payments for the last 4 to 5 months. They are living under a very miserable condition. I would urge the Union Government to intervene in the matter so that the agreement with the Dalmia to hand over the three factories is scrapped on the basis of Allahabad High Court Stay Order. The factories should be opened immediatley with the public sector management and a judicial inquiry is to be instituted on the firing of workers on 2nd June, 1991 so that the matter can be settled. Talks may also be initiated with the Ekta Sammiti of the workers. (Interruptions)

MR. SPEAKER: Mr. Acharia, I have strong objection to your every time getting up like this.

[Translation]

SHRI LAKSHMI NARAIN MANI TRIPATHI(Kesarganj): Mr. Speaker, Sir, on behalf of those innumerable people, who have been displaced due to floods, I thank you for the opportunity you have given me to raise their problems.

Sir, Ghaghra river flows in Behraich district. Masi, Pakharpur, Ramnagar and Dariabad - all these are in my constituency situated on the bank of river. A dam has been constructed on the bank of Ghaghra river through which shada-Sahai and Saryu canal have been constructed. The water is released from the dam when it is overflown. Due to this unrestricted flow of water vast area in our constituency is affected and the residents who reside in the adjoining area of the site are displaced. A few days back the water was opened due to which hundreds of

acres of land was eroded and hundreds of villages submerged. Land of about 5-6 villages has completely eroded. There is no provision to rehabilitate them. They are surrounded by water and have been living at a raised platform in open. I would like to draw your attention and the attention of the House to it and urge upon the hon. Minister to take immediate measures for their rehabilitation. Adequate financial aid should be provided by the Central Government so that victims of the natural calamities and also of artificially created calamities may get relief. With these words, I thank you for the opportunity you gave me to speak.

[English]

MR. SPEAKER: I would like to say that this should not be treated as a precedent.

13.13 hrs

REMITTANCES OF FOREIGN
EXCHANGE AND INVESTMENT
IN FOREIGN EXCHANGE BONDS
(IMMUNITIES AND EXEMPTIONS)
BILL

[English]

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): I beg to move for leave to introduce a Bill to provide for certain immunities to persons receiving remittances in foreign exchange and to persons owing the Foreign Exchange Bonds and for certain exemptions from direct taxes in relation to such remittances and bonds and for matters connected therewith or incidental thereto.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for certain immunities to persons receiving remittances in for-

foreign exchange and to persons owing the Foreign Exchange Bonds and for certain exemptions from direct taxes in relation to such remittances and bonds and for matters connected therewith or incidental thereto."

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, I would like to oppose the motion for leave to introduce the Bill as it is *ultra vires* of the Constitution. My opposition is based on the provisions contained in Articles 13 and 14.

MR. Speaker, Sir, I want to submit that when I raised this point last time in relation to another legislation, you had checked me saying that reasonable classification is allowed under Articles 13 and 14 both and hence the objection raised by me had no force and hon. Members had drawn an inference therefrom to oppose my argument in the House.

[English]

MR. SPEAKER: One more point which I would like to get clarified and that is *intra vires* or *ultra vires* of the Constitution. Is it decided by this House or decided by the Court?

SHRI GEORGE FERNANDES: I am at the legislative competence.

[Translation]

I am raising this point. I want you to examine the question should we pass the legislation knowing it that it is *ultra vires* of the Constitution? Please look at Article 13:

[English]

"The State shall not make any law which takes away or abridges the rights con-