

13.26 hrs.

**UNTOUCHABILITY (OFFENCES)
AMENDMENT AND MISCELLANEOUS
PROVISION BILL****RECOMMENDATION TO RAJYA SABHA TO
NOMINATE MEMBER TO JOINT COM-
MITTEE****SHRI S. M. SIDDAYYA (Chamarajanagar):** I beg to move the following:

"That this House do recommend to Rajya Sabha that Rajya Sabha do appoint a member of Rajya Sabha to the Joint Committee on the Bill to amend the Untouchability (Offences) Act, 1955, and further to amend the Representation of the People Act, 1951, in the vacancy caused by the resignation of Shri Bhola Paswan Shastri from the membership of the said Joint Committee and do communicate to this House the name of the member so appointed by Rajya Sabha to the Joint Committee".

MR. SPEAKER: The question is:

"That this House do recommend to Rajya Sabha that Rajya Sabha do appoint a member of Rajya Sabha, to the Joint Committee on the Bill to amend the Untouchability (Offences) Act, 1955, and further to amend the Representation of the People Act, 1951, in the vacancy caused by the resignation of Shri Bhola Paswan Shastri from the membership of the said Joint Committee and do communicate to this House the name of the member so appointed by Rajya Sabha to the Joint Committee".

The motion was adopted.

13.27 hrs.

**COAL MINES (TAKING OVER OF
MANAGEMENT) BILL*****THE MINISTER OF STEEL AND
MINES (SHRI S. MOHAN KUMAR-
MANGALAM):** I move for leave to

introduce a 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 coordinated 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 there-to.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a 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."

SHRI SOMNATH CHATTERJEE (Burdwan): I want to make it clear at the outset that I am not objecting on the principle. As a matter of fact, we are welcoming this measure. We want that there should not only have been takeover but there should have been nationalisation outright without payment of compensation. But since we are going to pass a legislation, I want to draw the attention of the hon. Minister to certain infirmities which might be objected to.

The Ordinance was promulgated on 31st January, 1973. Since then a spate of limitations has come up because of the language that has been used in the Ordinance, most of which has been reincorporated in the Bill. When Parliament will be deliberating over this legislation, we should see that we do not give opportunities for litigations coming up to see that it is thwarted. We want the fulfilment of the objectives of this legislation.

I will draw the attention of the hon. Minister to two or three very salient features which have been striking us. I can tell you from my experience in the Calcutta High Court at least that because of ambiguities in language, a number of litigations come up and different courts and different judges have taken different views and different contentions are put forward.

Kindly see cl. 3(1) which says:

"On and from the appointed day, the management of all coal mines shall vest in the Central Government."

What is being vested is the management of all coal mines. 'Coal mine' has been defined in cl. 2(b). It means any coal mine. It is an exhaustive definition, not an inclusive definition. The hon. Minister will understand it much better than I do.

"'coal mine' means a mine in which there exists one or more seams of coal".

Therefore, to be a coal mine, there must be a seam of or coal, at least one.

Kindly now see the definition of 'mine' in cl. 2(g). 'Mine' includes, among other things, a workshop. It may belong to the mine; it may belong to the colliery; it may not belong to the colliery.

If it is adjacent to a colliery, then it becomes for the purpose of the definition, a mine. But if it is intended to include a workshop in the definition of a mine, it cannot be a coalmine because of the definition. A workshop does not have a seam of coal. Therefore, if the intention is to take over the workshops, take them. I am not opposing that. But then you must change the definition of a coalmine altogether or change the definition of a mine.

MR. SPEAKER: The hon. Member's time is up.

SHRI SOMNATH CHATTERJEE: Sir, Just two or three minutes. This is very important. What we want is a better piece of legislation. If I may say so. Nobody is infallible. I am asking the hon. Minister to consider this.

Then, kindly look into the aspect of power stations. Power stations are included in the mines. A power station is not a coalmine, although it is being included in the definition of mine.

MR. SPEAKER: May I request you that, at this preliminary stage, you should not raise such points. Certain legal objections may just be pointed out, but if you want to go into the details, you can take them up at the time of consideration of the Bill.

SHRI S. MOHAN KUMARAMAN-GALAM: Sir, May I say one word if my hon. friend could bear with me? I would be extremely grateful to the hon. Member if he gives me all his suggestions. I have already written to all the trade union centres, requesting for their assistance in framing the provisions in the Act for nationalisation regarding the priorities. Even in this, we are by no means blind; there may be certain defects. I know the skill of the hon. Member in the legal field, for whatever side he appears, and he appears on various sides. I would request him to send his suggestions to me and we will look into them, and we will certainly do our best to get over the problems which are raised or any defect in the drafting of the Bill. (*Interruptions*).

SHRI SOMNATH CHATTERJEE: I will give my amendments.

SHRI S. MOHAN KUMARAMAN-GALAM: Let me make myself clear. We are far away from the amendments, because after leave has been given by the House there will be at least 10 to 15 days before the matter comes up for actual discussion. Long before that, I would like to have your suggestions. I do not want your sug-

[Shri S. Mohan Kumaramangalam] gestions at the stage of amendments because we may not have time at that stage to discuss them. This is not my personal property; it is the property of the country. You give me your suggestions to day or tomorrow. (Interruptions).

SHRI SOMNATH CHATTERJEE: I am not saying these things in a mood of criticism. I am trying to suggest that we should try to remove certain obvious lacunae in the Bill.

MR. SPEAKER: You had better give your suggestions to him.

SHRI SOMNATH CHATTERJEE: I will send them. But one or two basic principles are involved here. They should be taken note of. I would not take more than two minutes. Kindly look at clause 7. I do not know—I will send my suggestions—whether you will have time to read, Mr. Minister.

SHRI S. MOHAN KUMARAMANGALAM: That is very unfair statement. Every single suggestion that comes from any Member of this House is given full consideration and weight by the Government and you have no ground or no basis to make such an insinuation.

SHRI P. M. MEHTA (Bhavnagar): Sir, here I may submit that the Minister has not replied to my communication since two months.

SHRI S. MOHAN KUMARAMANGALAM: That is not correct, because it depends on the character of the matter which has been raised. (Interruptions).

अध्यक्ष महोदय : जो बात कही जाए उसकी रिपोर्ट को भी देखना चाहिए ।

SHRI P. M. MEHTA: I hope he will reply to it now.

SHRI SOMNATH CHATTERJEE: There is only one point. Clause 7 provides for payment of compensation

and we object to it on principle. We know the Government is going to have it put through. Compensation is provided for taking over of coal mine and the coke oven plant. If they want to keep the provision for compensation, what are you doing with regard to workshops and power stations which do not fall within the definition of coalmines? It will be immediately challenged; it is being challenged. Why do you not get rid of these difficulties at this stage, rather than come with numerous amendments and modifications.

SHRI S. MOHAN KUMARAMANGALAM: I was wondering whether the hon. Member was objecting to leave being granted. He has stated that he was not objecting to leave being granted. Perhaps it is not necessary for me to say anything at this stage beyond saying that I shall be grateful if he could give me in writing any suggestions for improving the language in the Bill. Of course if he wants to object, it is up to him.

SHRI SOMNATH CHATTERJEE: That is not the correct thing to say; I say I am not opposed to the Bill.

MR. SPEAKER: The question is:

"That leave be granted to introduce a 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."

The motion was adopted.

SHRI S. MOHAN KUMARAMANGALAM: Sir, I introduce* the Bill.

*Introduced with the recommendation of the President.