

[Secretary]

12.49 hrs.

2, Sir, I also lay on the Table copies, duly authenticated by the Secretary of Rajya Sabha, of the following seven Bills passed by the Houses of Parliament during the last session and assented to since a report was last made to the House on the 3rd September, 1970 :—

- (1) The Special Marriage (Amendment) Bill, 1970.
- (2) The Army, Air Force and Navy Law (Amendment) Bill, 1970.
- (3) The Dock Workers (Regulation of Employment) Amendment Bill, 1970.
- (4) The Delhi Shops and Establishments (Amendment) Bill, 1970.
- (5) The Indian Post Office (Amendment) Bill, 1970.
- (6) The Contract Labour (Regulation and Abolition) Bill, 1970.
- (7) The Patents Bill, 1970.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### SIXTY-SEVENTH REPORT

SHRI P. G. SEN (Purnea) : I beg to present the Sixty-seventh Report of the Committee on Private Members' Bills and Resolutions.

SHRI K. LAKKAPPA : I have been trying to catch your eye. I had sent notice of a call attention motion and an adjournment motion with regard to the Cauvery waters dispute. A number of works in Mysore State have been stopped completely. These projects have not been taken up. Kindly admit my adjournment motion or call-attention motion so that the matter could be raised here.

अध्यक्ष महोदय : आप लोग थोड़ा सा हाउस की डिगनिटी और डेकोरम का भी ख्याल रखें, कुछ पोसीजर का भी ख्याल रखें। जिस की मर्जी होती है खड़ा हो जाता है और बोलना शुरू कर देता है।

#### IRON ORE MINES LABOUR WELFARE CESS (AMENDMENT) BILL—Contd.

MR. SPEAKER : Further consideration of the following motion moved by Shri Bhagwat Jha Azad on the 9th November, 1970, namely :

“That the Bill further to amend the Iron Ore Mines Labour Welfare Cess Act, 1961, be taken into consideration”.

The Minister was on his legs. He may continue.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI BHAGWAT JHA AZAD) : The Iron Ore Mines Labour Welfare Cess Act was enacted in 1961 in order to make satisfactory provisions for the welfare of iron ore mine workers through a welfare cess.

श्री शिव चन्द्र झा (मधुबनी) : प्वाइंट आफ आर्डर।

MR. SPEAKER : The Minister is continuing his speech. Let him finish it. He should have got up at the proper time.

SHRI BHAGWAT JHA AZAD : I am continuing my speech. What can be the point of order on that ?

MR. SPEAKER : प्वाइंट आफ आर्डर कोई ऐसा हथियार नहीं है कि जब चाहे कोई बोल दे।

श्री शिव चन्द्र झा : मैं इसी बिल पर प्वाइंट आफ आर्डर उठा रहा हूँ।

अध्यक्ष महोदय : यह जब बिल इन्ट्रोड्यूस हुआ, या कंसिडरेशन के लिए मोशन हुई उस वक्त करते। अब मिनिस्टर बोल रहे हैं, उसके दरमियान में मत करिए। जब आपकी बारी आएगी तब आप अपनी बात कहना।

SHRI BHAGWAT JHA AZAD : The Act provides for the levy of cess at rate not

exceeding 50 paise per tonne of iron ore produced. The present levy is 25 paise per tonne.

The money realised by the way of cess is credited to the Iron Ore Mines Labour Welfare Fund. The Fund is intended to provide water supply, Housing, medical, educational, recreational and other welfare amenities to the iron or mine workers. There are about 50,000 iron ore mine workers employed in the States of Andhra Pradesh, Mysore, Bihar, Maharashtra, Madhya Pradesh, Orissa and the Union Territory of Goa, Daman and Diu.

The procedure for collection of cess is prescribed in the rules framed under the Act. The cess is paid by individual mine owners subject to final assessment by the Cess Commissioner. Eight Cess Commissioners have been appointed for the purpose, one each for the different iron ore producing States. The Cess Commissioners have been provided with the ancillary staff, such as Cess Inspector, Clerks and Peons, for assisting them in the assessment and collection of the cess.

The cost of collection of cess in this manner has worked out to about 3% of the income of the Fund from the cess. The cost is likely to be higher when the full Complement of staff considered necessary for Checking, inspection, supervision and accounting is appointed. Government have, therefore, been considering for some time the question of having a more economical method of collection of the cess.

The iron ore produced in the country is either exported to other countries or is consumed by the Iron and Steel Plants in the country. It has been found that if the cess could be collected on *exports* as a duty of custom through the agency of the Customs Department and as a duty of excise on iron ore consumed within the country through the agency of the Steel Plants and other mine consumers of iron ore at the time of receipt of the despatches of the ore by them, the cost of collection could be reduced from the present 3% to  $\frac{1}{2}$ %, i. e. from Rs. 2½ lakhs to about Rs. Forty thousand.

The main purpose of the Amending Bill is to bring about this change in the procedure of the collection of the cess.

Sir, I commend the Bill for the consideration of the House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Iron Ore Mines Labour Welfare Cess Act, 1961, be taken into consideration."

MR. SPEAKER : The question is :

"That the Bill further to amend the Iron Ore mine Labour Welfare Cess Act, 1961, be taken into consideration."

*The motion was adopted.*

Cl. 2—(Amendment of Section I)

Cl. 3—(Insertion of new Section I A)

MR. SPEAKER : All parties have not sent their names so far. Anyway, I will give chance to people sending amendments. Clause 2 and 3.

श्री शिव चन्द्र झा : अध्यक्ष महोदय, मैं इस पर बोलना चाहता था नाम भी आपके पास दिये हुए हैं, अब इस तरह से जनरल डिस्क्शन को फ्लॉग जाना उचित नहीं है

MR SPEAKER : But you must know that after the Speaker says "Motion moved", you should get up. I put it to vote also, and they said "Aye". Anyway, you can speak on the Clauses. थर्ड रीडिंग पर बोल लिजियेगा ।

SHRI S. M. BANERJEE (Kanpur) : The procedure is that when the Minister finishes his speech, it is not to vote.

MR. SPEAKER : After the Minister finishes his speech, the Speaker puts the motion to the House as Motion moved". I saw; no one was standing. Anyway you can speak on the clauses or on the third reading stage. There is ample time ;

[Mr. Speaker]

you can have your time; In future, it should be remembered that Members who want to speak must get up when the Speaker puts the motion before the House; otherwise the next stage comes immediately and the Speaker puts the question to vote. The question is :

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

*Clause 4—Substitution of new section for Section 2*

MR. SPEAKER : We go to clause 4. There is an amendment by Shri Shiva Chandre Jha. आ साहब अब क्लॉज पर बोल सकते हैं।

SHRI SHIVA CHANDRA JHA : I move :\*

Page 2, line 30, —

for "exceeding" substitute—"less than" (3)

अध्यक्ष महोदय, क्लॉज 4 जोकि लैबी एन्ड कलेक्शन आफ सेस औन आयरन और की बाबत है उस में मैं अपने इस अमेंडमेंट द्वारा यह चाहता हूँ कि जहाँ आयरन एक्सपोटेड होता है वहाँ ड्यूटी आफ कस्टम्स और ड्यूटी आफ एक्साइज जहाँ कि लोहा बेचा जाता है।

"at such rate not exceeding fifty paise per metric tonne of iron ore..." इस तरह से होना चाहिये।

"at such rate not less than fifty paise per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette."

अभी जो सेंस का रेट है वह 25 पैसे पर मेट्रिक टन है जिसको यह अमेंडमेंट बिल के अनु-

सार नोट ऐक्सीडिंग 50 पैसे पर मेट्रिक टन बढ़ाए जा रहे हैं। यह तो ठीक है कि 25 के 26 पैसे हो सकते हैं, 28 पैसे या 28 पैसे हो लेकिन एक तरह से आप इसे मानते हैं कि वह 50 पैसे भी हो सकता है।

अभी दो सेंस के कलैक्शन की मशीनरी है उसकी कोस्ट सेंस क्लैक्टड का 4 या 5 परसेंट आती है। यह कलैक्शन की कोस्ट और अधिक अधिक होने वाली है जबकि चेंकिंग, इंस्पेक्शन आदि के लिए आवश्यक स्टाफ रखा जायेगा। इसी कारण कलैक्शन की कोस्ट के एक्सपेंडिचर को घटाने के लिए ऐक्ट को इस तोर पर अमेंड किया जा रहा है कि सेंस को बतौर ड्यूटी आफ कस्टम्स और ड्यूटी आफ एक्साइज के लैबी किया जा सके। लेकिन यहाँ मैंने अपने अमेंडमेंट द्वारा यह अवश्य चाहा है कि बजाय "एक्सीडिंग" के लेंस दें कर दिया जाय। मैं चाहूँगा कि मेरा यह अमेंडमेंट स्वीकार कर लिया जाय। इस तरह से यह बिलकुल साफ हो जायेगा कि उसका रेट पचास पैसे पर मेट्रिक टन से कम न हो। राष्ट्रपति की रेकमेंडेशन भी इसके ऊपर आप कौं मिल गयी है।

MR. SPEAKER : Shri Shinkre has sent amendments Nos. 4 and 5 to clause 4. I have not received the President's recommendation on them yet. So, he cannot move those amendments but he is allowed to speak. After his speech, is any other speaker wants to speak, he may speak and then the hon. Minister will reply. Shri Shinkre.

13 hrs.

श्री शिंकरे (पंजिम) : अध्यक्ष महोदय, क्लॉज नम्बर 4 पर मेरेवह दो संशोधन है। मेरी समझ में विधेयक में जो न्यूनता है उसे मेरे यह संशोधन दूर कर देंगे।

यहाँ कहा गया है कि एक मेट्रिक टन पर 50 पैसे तक सेंस लिया जायेगा लेकिन मन्त्री

महोदय ने यह ध्यान नहीं रखा है कि आपरन और जोकी लोप्रेंड का होता है उसकी कीमत कम होती है और जो हाई ग्रेड का आयरन और होता है उसकी कीमत पर मेट्रिक टन ज्यादा होती है, उसकी कीमत बुगनी भी होती है और इसी चीज को ध्यान में रख कर मैंने अपने वह संशोधन रखे थे। मेरा संशोधन इस तरह है कि जो खनिज लो ग्रेड है, यानी अन्डर 60 है, उस पर 50 पैसे के बजाय 70 पैसे तक सेस लगाया जाये और जो हाई ग्रेड है, जिसकी कीमत बढ़ी है, जिसके लिए जापान और वेल्जियम आदि जो बड़े देश हैं वहां से बहुत ज्यादा मांगें आती हैं, उसके लिए ज्यादा सेस होना चाहिए।

आप जानते ही होंगे कि जो लो ग्रेड खनिज होता है उसके लिए जापान और वेल्जियम से कम मांगें आती हैं। उस के लिए हम सुविधा दे सकते हैं क्योंकि उसकी मांग कम होने के कारण कोई भी उस को खरीदने के लिए तैयार नहीं होता है। जिस माल को खरीदने के लिए बाहर के कारखानेदार तैयार होते हैं, उस के ऊपर ज्यादा सेस लगाना चाहिये।

MR. SPEAKER : Shri Indrajit Gupta.  
Will you please speak after lunch ?

SHRI INDRAJIT GUPTA : Yes.

13.2 hrs.

*The Lok Sabha adjourned for lunch till Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch at five minutes pass Fourteen of the Clock.*

[SHRI VASUDEVEN NAIR in the Chair]

SHRI RANJEET SINGH (Khalilabad) :  
Sir, I have to make a request. In Aligarh

University a very serious situation has arisen because hundreds of student are on strike at the moment, demanding a change in the communal character of the university. Earlier there was an assurance from the Government that they would introduce a Bill to amend the communal character of the university. Even at a time when government is professing vociferously that it is following a secular policy this anachronism of communalism in the form of a university continues in UP. As you know, most of the agitating students who have remained most peaceful have turned violent because of the reprisals by those who are ruling the university at the moment. In order that the situation may not worsen, I would request you to ask the government to assure us that they would bring a Bill in this session to amend the communal character of the Aligarh University, as promised by them, so that any/untoward happenings may be averted.

SHRI BAL RAJ MADHOK (South Delh) : I want to add a word. A number of telegrams have come to me also in this connection. First there was a ban and now they are fasting. Government have given an assurance to introduce a Bill. Now we want that the Education Minister should be asked to make a statement on the serious situation now prevailing in the Aligarh University. It is a Central university and if anything untoward happens there it is the responsibility of the Central Government. Therefore, I would say that he should make a statement and assure this House as to when they are bringing a Bill to change the communal character of the university and bring it on level with the other national universities because it is run by public funds. Therefore, to maintain its communal character is anti-secular, anti-democratic and anti-national.

SHRI YOGENDRA SHARMA (Begusarai) : A number of Dehli teachers are on hunger strike as a protest against discrimination in wages. The Minister concerned should be asked to make a statement as to how the Government is going to solve the problem.

MR. CHAIRMAN : All these points will



[Mr. Chairman]

be taken note of by the government.

श्री शशि भूषण (खारगोना) : दिल्ली में एक शिक्षक एक महीने से भूख हड़ताल पर हैं जेल में 51 शिक्षकों ने कल भूख हड़ताल की। उनके साथ बहुत ज्यादाती हुई है। बहुत डिस्टर्बेंस हुई है। एक का साठ रुपया बढ़ा है और एक का तीन सौ रुपया बढ़ा है। सरकार को शिक्षक संगठन को मान्यता देनी चाहिए, लोकल एड्मिनिस्ट्रेशन और सेंट्रल गवर्नमेंट को उसको मान्यता देनी चाहिए। मैं चाहता हूँ कि सरकार उन से बात करे ताकि उनकी भूख हड़ताल खत्म हो और शान्तिपूर्ण वातावरण बन सके।

श्री सूरज भान (अम्बाला) : कल के एक नौजवान श्री लेख राम सरसूनिया भूख हड़ताल पर बैठा है। दिल्ली यूनिवर्सिटी में हरिजनों को कोई एम्पाइंटमेंट नहीं मिली है। यह इंजस्टिस दूर होना चाहिए।

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#### IRON ORE MINES LABOUR WELFARE CESS (AMENDMENT) BILL—Contd.

MR. CHAIRMAN : The House will now take up further consideration of the Iron Ore Mines Labour Welfare Cess (Amendment) Bill.

SHRI INDRAJIT GUPTA (Alipore) : This Bill seeks to bring about a change in the method of collection of the cess which is levied on iron ore, and the purpose behind the change is that the collection cost should be reduced. As far as this principle is concerned, we fully support it because to the extent the cost of collection is reduced, I take it that the amount available in the cess fund for expenditure on welfare of labour will correspondingly be increased.

Therefore, we are certainly interesting in seeing that the cost of collection is reduced.

But I want to ask one or two questions by way of clarification, because they are not clear to me. Firstly, under the new scheme which is being proposed for the collection of the cess, who is it who will actually pay the cess? Because, up till now it was the mine-owner in all cases who was directly paying the cess on the basis of the ore which was produced in his mine. No doubt, the mine-owners added the cess on to their selling price and passed it on to the consumer in the last resort. But it was levied on the mine-owner on the basis of his output. The collection is now going to be based not on the output of the mines but, firstly, on the amount which is exported in the form of customs duty and, secondly, on the amount which is supplied to our iron and steel mills indigenously as excise duty to be realised at those points.

Where the owner happens to be also the exporter, of course, the owner will continue to pay. Previously he was paying on his output; now he will pay on his export. Shri Shinkre, I think, was referring to certain categories of mine owners in Goa who are going in also for pelletisation of iron ore, who are themselves the producers as well as the exporters. I would request the Minister to explain to us how this change is likely to affect the public sector corporations.

The reason why I ask this is that I find only a couple of days ago, addressing the Twelfth Annual General Meeting, Shri Bhagwan Singh, the Chairman of the NMDC, said in the course of his speech :-

"It would be useful to mention that out of the sale price for the export of our company's ore realised by the MMTC from the Japanese steel mills the expenditure and charges of all other agencies, namely, export duty, port charges, railway freight, MMTC's commission, incidental charges, are all deducted by them and only the residual amount is paid to our company."

Shri Bhagwan Singh's complaint is that the NMDC is compelled to show a loss on its balance sheet every time because, although their activities are confined to raising the ore, actually the whole expenditure right up to the delivery to the Japanese importer has to be borne by them, including the payment of port charges, railway freight, customs duty and everything. So, I would like to know who is going to pay this cess under the new scheme that you are proposing as for as export is concerned. Does this mean that under your new scheme this additional amount by way of cess which, incidentally, I would like to be increased from 25 paise to 50 paise as some other friends have suggested, will be an additional burden on the MMTC or on the NMDC which is already paying the customs duty, or is it going to be passed on the foreign importer by way of raising the price? The whole thing is inter-connected and inter-related. It is not that I am bothered very much as to who pays for it. The export, I believe, was 9.2 or near about 10 million tonnes last year, which is not a very negligible amount. If you calculate on that at the rate of 25 or 50 paise per tonne, it comes to quite a big amount which is to be levied as customs duty. Shri Bhagwan Singh's contention is that if NMDC did not have to pay these charges, it would always be able to show a profit and that it is continually showing a loss because these charges are continually included in its balance sheet. So, these are inter-related and I would like some light to be thrown on it. I think, when it is levied in the form of customs duty, the exporting organisation, that is, the MMTC, should be made to pay it. Why is the NMDC saddled with it, I am not able to understand.

Then, could he tell us how much has accumulated in this fund up to date? What is the present figure? How much is there in this welfare fund which is financed out of this cess? I find that in reply to a question given in the other House earlier this year, the Ministry has stated that the Central Advisory Board for Iron Ore Mines Labour welfare Fund has laid down certain priorities. The priorities are : (1) completion of projects under implementation. I do not know what that means. What are those projects under implementation? (2) Water supply. (3) Health fac-

ilities. (4) Housing. I know and I wish to bring it to the notice of this House that in many of these mines where a sizeable part of the operations are performed by contractor's labour, not by those who are direct employees of the projects, there the contractors' labour is being excluded from receiving the benefit of any facilities under this cess fund. For example, in the captive mines of Bhilai at Rajhara, I have seen with my own eyes that operations are going on in two categories, One is mechanised mine. Those employees are directly under the project. They are getting whatever benefits there are under these facilities and just opposite to that in an adjacent site ore is being mined by hand, by very out-of-date kind of manual operation which is done entirely by contractor's labour. But the combined production is feeding the Bhilai steel plant. The contractors' labour are not given anything. No facilities of hospitals, water or health or housing are provided for them. I would say this is a very invidious discrimination and the Ministry should take steps to see that without any kind of discrimination, all labour which is employed in these iron ore mines should be the beneficiaries of the welfare facilities which are sought to be provided here.

The last point I would like to make is that there are some labour representatives also on this Welfare Cess Committee and I have in my possession a report which two of such Members in the Madhya Pradesh area have submitted after inspecting the welfare facilities provided in Madhya Pradesh iron ore mines. I must say that I find from that report—I cannot read it as it is too long—that this order of priorities which is being laid down by the Ministry is certainly not being followed. Certainly, I agree that water, health, housing and medical facilities should be given top priority but the report of these labour representatives show that most of the activities is concentrated on things like supplying some canteen board or some sewing machine for helping the workers' wives to do some sewing or some kind of other indoor games, that is to say, what I call, recreational facilities. Actually, these are to be provided also, But I think they come rather lower down in the priority list. Mr. Chairman, if you ever had an occasion to visit these mines, you will see the conditions

which are still prevailing there and very very difficult circumstances in which the workers have to work and in most of these regions there is no proper drinking water. As far as the contractors' labour is concerned, I have seen with my own eyes that they have no house. They live in jhopries which they have constructed themselves out of grass and leaves. These are the things which should be given top priority.

Therefore, I would like to know : firstly, whether he is agreeable that the rate of the cess should be increased. Secondly, would he tell us how much has accumulated in the fund to-date? Thirdly, will the priorities be properly observed or not and whether the contractors' labour is going to be the beneficiaries and facilities they have been deprived of for many years will be given to them and would he also clarify the points I have raised, particularly, regarding the collection of this custom duty? On whom the incidence is going to fall? Will it not adversely affect mining? I am only concerned with the mining of NMDC which is complaining through its Chairman that already they have been burdened with certain items of expenditure which they should not be called upon to shoulder at all.

Thank you.

SHRI DHIRESWAR KALITA (Gauhati) : I have a submission, Sir.

MR. CHAIRMAN : Is it about this Bill?

SHRI DHIRESWAR KALITA : Let me submit, Sir. One hon'ble Member of Parliament is on hunger strike. His life is in danger. Some goodness are following him from UP onward to murder him. He has written to the Speaker. He has written to the Prime Minister. Nobody is giving protection to him. It is a very serious matter. This hon'ble Member is on hunger strike in the Inner Lobby. The Home Minister should make a statement on this.

MR. CHAIRMAN : I don't know what I can do about it here ; but I am told that the letter that the Hon. Member had written to the Speaker was passed on to the Prime

Minister who is also the Home Minister, requesting naturally the Home Minister to take what ever action is possible and I hope naturally when a Member of Parliament makes a very serious complaint like that Government will take serious note of it. Now, more than that, I don't know what I have to say on this at this stage, at this moment of time.

SHRI INDRAJIT GUPTA : It is a matter for the UP Government. They should be asked to do something about it.

MR. CHAIRMAN : The Hon. Speaker will take note of it and whatever he has to do, he will do.

Now, Shri Jha you can move your amendment.

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 2, line 30,—

for "exceeding" substitute

"less than" (3)

श्री शिंकरे : सभापति जी, मैं अपने अमेन्ड-  
मेंट नं० 4, 5, और 6 सूब करता हूँ। इस में  
मैंने एक सुझाव दिया है .....

MR. CHAIRMAN : I am told; you have already spoken on that.

SHRI SHINKRE : I have got one amendment, which is the sixth one. At that time I did not get opportunity to speak. I am speaking on this. There are three amendments, Nos. 4, 5 and 6.

MR. CHAIRMAN : But, did you not speak on those amendments ?

SHRI SHINKRE : No, Sir.

MR. CHAIRMAN : Then, what kind of a speech did you make ?

SHRI BHAGWAT JHA AZAD : He spoke on his amendments. He did not move. He spoke.

SHRI SHINKRE : At that time I did not move. I could not move because there was no assent from the President. Now, I am moving them. I beg to move\* :

Page 2, line 30,—

*for "fifty" substitute "seventy"*

Page 2, line 81,—

*after "ore" insert—*

"of the grade under sixty and one hundred and twenty five paise per metric tonne of iron ore of the grade over sixty" (5)

Page 3, lines 14 and 15,—

*for "such period, as may be prescribed by rules made under this Act" substitute*

*"thirty days" (6)*

MR. CHAIRMAN : You have made a speech already ; there is no provision for making a second speech now. You have already formally moved it. No second speech now.

SHRI RANGA (Srikakulam) : I am very much in favour of this Bill. I wish Government have come forward taking advantage of this occasion to increase the rate of the cess. I do not know how soon they will be able to come forward with it and how soon it will be possible to find time in this House and in the other House also.

I would like to underline some of the constructive suggestions made by Mr. Indrajit Gupta. I want to draw the Government's attention particularly to the position of the contract labour. I do not know whether they are being treated as labour at all. There are all sorts of definitions in regard to permanent labour, casual labour and labour may be recognised by contractor as being employed by them as casual labour and so on. I would like to

say that some effort must be made to see that irrespective of the time for which the worker is employed by the contractor, even if he works for a day, his name must be registered and if and when it becomes possible for them to make a provision for the protection, for their support and so on, they should be given such proportionate protection. Most of these workers are obliged to travel long distances from other districts or from other State in search of employment and they find employment with these contractors. Today, they are obliged to pay their railway fare to and from. I would like some provision to be made in the scheme that they have for spending this amount collected for their welfare, in order to meet the railway expenses. I would suggest that once a worker has come to be employed by a contractor or a regular employer or mine-owner, no matter how he has reached that place, the worker must be entitled to receive the railway fare to and from this welfare fund. Unless we make this provision, it would be very difficult for these workers to enjoy any kind of freedom from independence from the vagaries and frets and frowns of the employers, because at any moment, these casual workers can be asked to go away and if the workers have to go back, they will have to find money, and that is not going to be very easy for them, with the result that they would be willing and also obliged to accept any conditions, however harsh they may be, that the employers may be pleased to impose on them. In the matter of housing, very little is being done. As Shri Indrajit Gupta has said, they are living in things worse than even jhompris. Often, the huts are made out of leaves, and they are only four or five feet in height, and the man who is living there cannot even raise his head while remaining within the house. Further these huts are subject to the vagaries of the seasons as well as the inclemencies of the weather, and, therefore, they suffer very much. Therefore, it should be made a condition precedent that some sort of permanent or semi-permanent structures or quarters should be built for them, so far as the bigger employers are concerned. So far as the small contractors and other people are concerned, these small quarters should be built out of the proceeds of this

[Shri Ranga]

welfare fund. That is one reason why I want this rate to be raised. If by any chance the contractors are not in a position to provide these jhompri and the funds also are not big enough: then I would like Government to consider the possibility of making it as some kind of contributory welfare activity, so that the fund as well as the employers could share the cost of construction of these small temporary houses.

Protected water supply should also be assured to these people. In many cases, it is not available to them at all. Further, health facilities should also be made available to them. Recreation facilities of the modern type are not so much in favour with the kind of labour that is coming to these mines. So, local games should be encouraged, and some prizes and other things and even money should be distributed among them by way of incentives to participate in them.

The most important thing, apart from transport, is the provision of dress. Most of these people are illiterate. When they are at home, they may wear any dress but that does not mean that when they are working also, especially in the circumstances in which they are obliged to work, they should have unclean dress. Often, they are liable to what is known as industrial disease incidence. There is so much of dust around them, which is not good for their health, and as a result of which their health is likely to be affected. When they work with all this dust around them, they are now obliged to work with their own clothes on their bodies, and you cannot, therefore, very well expect them to clean them or wash them and then put on cleaner clothes when they come back home. That is the reason why they have to go back home, take their food and sleep with just those clothes on in which they have been working during the whole day. That is why I find it necessary to suggest to Government that from out of this welfare fund, regular uniforms should be supplied to these people so that while at work they may wear these uniforms and then they may have their wash and bath and then put their own clothes which they have kept in the shed or whatever place is provided for the purpose and go back to their homes. This

is very important.

In regard to medical facilities, in addition to vitamins, whatever other medicines prescribed from time to time by doctors to get over the respiratory hazards to which they are subjected when at work should be liberally distributed among them.

I am not very particular who pays the cess or on whom the burden falls, whether the NCDC or NMDC or any of the various institutions. It is only an accounting matter which may be left to the administration and we need not very much bother about it. But one thing is most essential. Although quite a number of these workers seem to be working overground and not deep down the bowels of the earth, they are also liable to suffer the same disabilities from which coalminers suffer. Hence whatever experience Government have gained in offering welfare services to coalminers should also be extended to them. I support the Bill.

SHRI S. KUNDU (Balasore) : While generally supporting the Bill, I think some improvements could have been made in it. One thing which strikes as glaring is the provision in cl.4 which limits the levy to a maximum of 50P per metric tonne. I do not know why this ceiling has been put based on metric tonnage. This is confusing. The hon. Minister is aware that the value of a metric tonne of iron ore differs from grade to grade. The cost of the superior grade is higher than that of the inferior grade. Hence such a blanket ceiling not exceeding 50P would not really yield the revenue desired by Government. Some clarification is called for which I hope the Minister will give in his reply.

Another thing which I welcome is that the duplication of the authority of collection though not eliminated has been limited. In spite of it, I understand there will be a sizeable machinery for the purpose. I do not know what would be the worth of this machinery or whether actually there would be any machinery or not. I was given to understand that earlier quite a big complement of officers—Cess Commissioners—were there implementing the provisions of the earlier Bill collecting the cess on iron ore. What would be their function after this? Will there will be any staff appoin-

ted for this, and if so, what would be the nature and function of that staff?

We do not know how much money has so far been collected and deposited with the Government and how that money has been actually utilised for the welfare of the mine workers.

In India, one of the worst affected are the mine workers. They get poor wages, their living conditions are bad, they do not have any service conditions. Most of them come from the Adivasi and Harijan areas, since mines, particularly iron ore mines, are mostly situated in the tribal areas. I come from Orissa where huge deposits of iron ore are situated, and this is true of Madhya Pradesh also, and to a large extent of Bihar. The problem has already been raised, by Shri Indrajit Gupta and followed up by Shri Ranga, of the casual labourers who are the worst sufferers. The contract (Abolition) to some extent, but many mines do not work throughout the year, and there the exploitation is very great.

I would, therefore, like the Minister to explain to the House how he visualises to spend the money to be collected. Fifty paise per metric tonne may give him a crore or two crores of rupees, I do not have the exact figure before me, but if he follows the earlier method, most of it would be wasted on the staff employed to spend this money. So, I would like to have an assurance from the Minister that the money would not be spent mostly on the establishment cost but for the welfare of the workers. He should give an indication of the organisation that he has in mind.

Some of the vexing problems of mine workers, as already indicated, are housing, drinking water, education of their children and themselves and medical facilities. Many of the mine owners keep some doctors for name's sake, but when there is real necessity, they do not have any medicine. In most cases there is no facility for higher secondary schools, and in many cases even for primary schools. The huts for these workers are built neither by the Government nor by the mine owners, but by the contractors; they are miserable, temporary structure in which dozens of

people are huddled like cows.

So, the priority sector for the spending of this money collected has to be identified. I request the Minister not to leave a long rope to the officers in determining priority sectors for expenditure on welfare; he must also think about them and indicate how the priorities should be fixed. As I have suggested earlier, the four priority sectors which should be determined by the Government are: (1) housing, (2) health and medical benefits, drinking water and (4) education. Certainly electric lights, roads, sanitation, etc. will have to follow, but those are the four main priorities which I want the Government to make when the Government decides to spend money on welfare of labour.

A point has been raised about the ownership of the mines. The Bill says that the owner should be responsible to pay cess or duty... (Interruptions.) There are many small mine owners. The metallurgical manufacturing units will get the money from the owners of big and small mines and perhaps pay it. I am told that in the process of transit from one end to the other, there has been a lot of bungling. I am informed—I am subject to correction—that such dues are still pending and have not been realised. How is the Government going to collect the earlier dues from the mine owners?

With these remarks, I generally support the Bill. I would have been happy if the fifty paise ceiling had not been there and it had been based on the quantity of the iron ore and not on the grade of the iron ore.

श्री सूरज भान (अम्बाला) : सम्भाषित महोदय, मैं इस बिल की स्प्रिट का समर्थन करता हूँ लेकिन जिस रफ्तार से गवर्नमेंट इस दिशा में चल रही है उससे मेरी तसल्ली नहीं हुई है। 52 में एलेशन द्वारा उसके 9 साल के बाद गवर्नमेंट को खयाल आया कि आयरन ओर के मजदूरों की बेहतरी के लिए कानून पास किया जाये। 1961 में कानून पास हुआ और उसके 6 साल के बाद गवर्नमेंट को ध्यान आया कि इसमें कुछ कमी है। उस कमी

[श्री सूरजभान]

को दूर करने के लिए 67 में बिल पेश हो गया लेकिन उसके तीन साल के बाद अब उस बिल को पास करने की बात की जा रही है। गवर्नमेंट ने लेबर के हक में कुछ कदम उठाये हैं लेकिन वह जिस रफ्तार से चल रही है, मैं समझता हूँ उसी का अन्दाजा लगाते हुए शिव चन्द्र झा जी ने यह सुझाव दिया है कि इसमें जो 50 पैसे पर मी० टन का सेस रखा गया है, अगर इसी रफ्तार से गवर्नमेंट को चलना है तो फिर उस 50 पैसे को बढ़ाकर एक रुपया कर देना चाहिए। आज जब हम लेबर की हालत का अन्दाजा लगाते हैं तो यह पाते हैं आज माइन्स में काम करने वाले मजदूर की तनस्वाह सवा रुपए रोज तक भी है। तो मैं नहीं समझता कि वह मजदूर सवा रुपए में क्या कर सकता है? वह किस तरह से अपना और अपने परिवार का पेट पालेगा? कैसे मकान का किराया देगा और किस तरह से दवाई और अपने बच्चों की पढ़ाई का बन्दोबस्त करेगा? इन हालात में जबकि तनस्वाह इतनी कम है, आयरन और सेस लाजमी तौर पर ज्यादा होना चाहिए। जैसा कि झा साहब ने कहा है 50 पैसे मिनिमम होना चाहिए। इसके बाद जैसा कि कहा गया कि आज लेबर की हालत कितनी खराब है उनके रहने के लिए मकान नहीं हैं, उनके बच्चों की एजुकेशन के लिए कोई स्कूल नहीं है, उनके लिए कोई मेडिकल फैसिलिटीज नहीं है, कोई अस्पताल नहीं है। तो इन सुविधाओं को देने के वास्ते कुछ थोड़ा बहुत उनके लिए करना चाहिए और यह तभी हो सकता है कि जब इसको 50 पैसे मिनिमम कर दिया जाये।

इसके अलावा एक बात मैं यह कहना चाहता हूँ कि वहाँ पर जो परमानेंट मजदूर हैं उनके लिए तो थोड़ा बहुत हो भी जाता है लेकिन वहाँ पर जो कन्ट्रैक्ट लेबर है उनकी

तरफ किसी का ध्यान नहीं जाता है। आज कन्ट्रैक्ट लेबर तादाद में बहुत है। मेरा निवेदन है कि वहाँ पर जो कन्ट्रैक्ट लेबर है उसको भी परमानेंट बनाना चाहिए और जब तक उनको परमानेंट लेबर में कन्वर्ट नहीं किया जाता है तब तक जो सुविधायें वहाँ पर परमानेंट लेबर को मिलती हैं वही सुविधायें कन्ट्रैक्ट लेबर को भी दी जानी चाहिए।

एक बात और है। आयरन और माइन्स के जो मालिक हैं वे आम तौर पर माइन्स को लीज पर लेते हैं। वे खान से कोयला या लोहा पूरी तरह से निकालते नहीं हैं। उन्होंने थोड़ा सा लेबर इस्तेमाल किया, थोड़ा सा लोहा निकाला और फिर उसको छोड़ कर चले गए। इससे एक नुकसान तो यह होता है कि जो कन्ट्रैक्ट लेबर होता है वह परमानेंट नहीं हो पाता है, और दूसरे जो जमीन लीज या ठेके पर ली जाती है वह खराब हो जाती है। उस जमीन पर काश्त भी नहीं हो सकती है। इस लिहाज से और भी जरूरी हो जाता है कि आयरन और सेस को बढ़ाया जाये ताकि उस जमीन की लेवलिंग भी की जा सके। मैं इस कदम का समर्थन करता हूँ लेकिन साथ ही यह भी चाहता हूँ कि इस अमेन्डमेंट को मंजूर किया जाये।

श्री तुलशी दास जाधव (बारामती) : सभापति जी, इस बिल में वर्कर के लिए जो 25 पैसे से बढ़ा कर 50 पैसे सेस किया गया है वह इस बात की निशानी है कि हमारा सवाल गरीबों की तरफ लगा हुआ है। लेकिन बाहर के एटमास्फियर को देखते हुए जितना और अधिक हमें करने की जरूरत है उस हिसाब से यह कोई रेडिकल मेजर नहीं है। ज्यादा टैक्स लगा करके गरीबों और मजदूरों के लिए मकान, कपड़ा, खाना, शिक्षा और दवा का प्रबन्ध करने की बड़ी जरूरत है। जो मजदूर होते हैं

वही खान के अन्दर गन्दी हवा में जाते हैं। जो आफिसर होते हैं वे ऊपर ऊपर देख लेते हैं। इस लिए जो असली काम को करने वाले मजदूर हैं उनके लिए हमें ज्यादा विचार करना चाहिए। मैं समझता हूँ जैसा कि शिकरे जी ने संशोधन रखा है, 50 पैसे से इसको 70 पैसे कर देना चाहिए।

एक बात सरकार ने अच्छी रखी है। अभी तक इस पैसे को सेस कमिशनर कलेक्ट करते थे जिससे खर्चा बढ़ जाता था और वह खर्चा इसी में से होता था। यानी मजदूरों की वेल्फेयर का उन लोगों की तलक्वाह में जाता था। अब वह शच्छा किया गया है कि इस कलेक्शन काम को कस्टम और एक्साइज डिपार्टमेंट को दे दिया गया है। इसी के साथ साथ एक बात और कहना चाहता हूँ। हालाँकि उसका इस इस बिल से सम्बन्ध नहीं है लेकिन मैं सरकार से कहना चाहता हूँ की सेल्स टैक्स आक्ट्राय और इसी तरह से दूसरा पैसा अलग अलग डिपार्टमेंट्स के जरिए से इकट्ठा किया जाता है जिसपर बहुत ज्यादा खर्चा आता है। महाराष्ट्र में सेल्स टैक्स एक्साइज ड्यूटी में मर्ज कर दिया गया है जिससे उसमें जो तमाम भूठी बातें होती थीं वह बन्द हो गई हैं और साथ ही दूकानदारों को भी एकाउन्ट रखने की तकलीफ नहीं होती है। इसलिए एक्साइज और कस्टम्स डिपार्टमेंट को और दूसरे टैक्स वसूल करने के लिए दे दिये जायें। यह मेरा सुझाव है।

एक बात और है। यह 50 पैसा माइनर इकट्ठा करेगा और वही इस पैसे को अपने पास रखेगा।

या ऐक्सापार्टर के पास से लेगा वह उस पैसे को कब सरकार को देगा उस की कोई लिमिट नहीं है। इसलिये मेरा सुझाव है कि सरकार को वह पैसा जमा करने के बारे में कोई टाईम

लिमिट होनी चाहिये। अन्यथा टैक्सटाइल मिल्स का उदाहरण हमारे सामने है, मिल मालिक प्रोवीडेंट फंड का पैसा मजदूरों से लेता था लेकिन उस पैसे को प्रोवीडेंट फंड ट्रस्ट के अन्दर उसने दिया कि नहीं इसकी कोई जांच नहीं होती थी - उदाहरण के लिये शोलापुर स्पिनिस और बीविन मिल के मालिक के उस मिलका खात्मा किया और प्रोवीडेंट फंड का पैसा अपने पास रखा और दस, पांच साल तक उस को अपने काम में इस्तेमाल किया हम लोगो ने मजदूरों को यहां से प्रोवीडेंट फंड ट्रस्ट की तरफ से पैसा दिलावाया लेकिन मालिक का जो एक आने का खुद का हिस्सा होना चाहिये था वह उस ने नहीं दिया। इसलिये मैं चाहता हूँ कि ऐसी ही हालत माइनर के पास उस पैसे की न हो। अतः उस के लिये कोई टाईम लिमिट फिक्स होनी चाहिये कि वसूल करने के तुरन्त बाद उस पैसे को माइनर की ट्रेंजरी में जमा करना चाहिये। और अगर उस समय के अन्दर जमा न करे तो उस के ऊपर केस चलाना चाहिये। नहीं तो मालिक लोग अपने पास प्रोवीडेंट फंड का पैसा रखते हैं और सरकार को नहीं देते हैं। आखिर में उन के ऊपर केस होता है तो 100,500 रूप का जुर्माना हो जाता है जब कि उसने लाखों रूप का इस्तेमाल अपने लिये कर लिया होता है। मेरा कहना है कि 50 पैसे के बजाय ड्यूटी 70 पैसे या एक रूप कर दें जिस से उन के लिये इंतजाम किया जा सके, क्योंकि जितना आज कर हम लोग वर्कस. गरीब काश्तकारों के लिये करते हैं वह समय को देखते हुए कम है क्यों कि उन की माँग बढ़ गयी है। इसलिये मजदूरों में ज्यादा से ज्यादा संतोष होना चाहिये, न कि असंतोष जैसा कि बंगाल और बिहार में होता है। यह बात मंत्री जी सोच लें की गरीबों के लिये जितना आप टैक्स बढ़ा देंगे उतना ही अच्छा होगा।

श्रीभगवान दास(ओड़िसा) सभापति महोदय मैं इसका समर्थन करता हूँ और माननीय शिव



[श्री भगवान दास]

चन्द्र झा जी ने जो संशोधन रखा है, मंत्री जी से अनुरोध करूंगा कि वह उस को मान लें। मेरी राय में 50 पैसे से कम नहीं होना चाहिए। आयरन ओर की खुदान में जो मजदूर काम करते हैं वे बुरी हालत में काम करते हैं, उन को वन मेडिकल फॅसिलिटी होती है, न पानी की ओर न रहने की कोई फॅसिलिटी मिलती है। और जिस इलाके से वे लोग आते हैं वह आदिवासी ओर हरिजन इलाके में आते हैं। इसलिए मजदूर के भले की तरफ सरकार को ध्यान देना चाहिए, यही मेरी प्रार्थना है। इसलिए मैं इस मेजर का समर्थन करता हूँ।

**SHRI BHAGWAT JHA AZAD :** Though hon. Members have taken the opportunity of clause 4 to make certain general remarks, by and large, they have all given their support to this Bill. Shri Indrajit Gupta wanted to know the total accumulation in this fund up till now. I would say that the amount in this fund at present is Rs. 272. 517 lakhs. Hon. Members have suggested that priority should be given for housing, water supply and medical facilities. We are also giving priorities to those very same three items. There is accumulation in this fund and we could not implement the schemes because the employers have not made their contribution. Under the scheme the employers have to contribute 50 per cent in the case of water supply and 25 per cent in the case of housing. They have also to provide land and other things. Unfortunately, the response from the employers has been poor so far and that is why we are left with this heavy accumulation. Since we could not persuade the employers, we have taken up this question with the State Governments, requesting them to persuade the employers, to take up the schemes of housing, water supply and medical facilities.

We have already sanctioned some schemes but, by and large, they have not been completed mainly because the employers are not coming forward to contribute 25 per cent and 50 per cent for housing and water supply. We are requesting them to complete the schemes which have already

been sanctioned and take up more and more schemes by taking advantage of the accumulation in this fund.

**SHRI S. KUNDU :** What is the break-up for different State ?

**SHRI BHAGWAT JHA AZAD :** We have sanctioned 4,193 housing units in the States of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Mysore, Orissa and Goa, the States which have iron ore and 1,986 housing units have been completed. 680 units are under construction and 2,327 are yet to be taken up. We would not take up the construction because the employers have not come forward to contribute 25 per cent, provide land and meet the maintenance cost. Now we are requesting the State Governments to persuade the employers. In the case of water supply out of 29 wells sanctioned 11 have been completed and 18 are to be taken up. In the case of medical facilities, we have sanctioned 7 mobile medical dispensaries out of which six have been completed and one is to be completed.

It is true that the progress is not as much as we would like it to be. We are, therefore, asking the Labour Secretaries, in the States to pay special attention to this. If necessary, at my level I will call a meeting of the Labour Ministers and would request them to persuade the employers to come forward to take up schemes for their workers.

**SHRI INDRAJIT GUPTA :** Does this mean that the money which is available out of the cess for the schemes cannot be utilized unless the employers make some further contribution ?

**SHRI BHAGWAT JHA AZAD :** Yes, They have to contribute 50 per cent and 25 percent in the case of water supply and housing.

**SHRI INDRAJIT GUPTA :** What about the public sector ?

**SHRI BHAGWAT JHA AZAD :** They have also to contribute. As well be seen from the figures I have applied, we have not been able to persuade them, whether in the

public sector or the private sector, to fulfil their part of the contribution.

**SHRI S. KANDAPPAN (Mettur) :** Whom are you trying to persuade for the public sector ?

15 hrs.

**SHRI BHAGWAT JHA AZAD :** The different employing ministries. I am the Minister in the Labour Department and I am trying to persuade Ministers in the other departments, like Shri Qureshi in the Iron and Steel Department.

Then, almost all hon. Members raised the point about contract labour and asked whether they also would be covered by this Act. My reply is a positive 'Yes'; they are covered by it. We have now got the Contract Labour Act on the statute book. We are trying to frame rules and they will immediately apply in the case of other things. But so far as this Act is concerned, we want to make no discrimination between contract labour and other labour for the basic minimum facilities like drinking water. Therefore, this Act will apply to them also.

**SHRI INDRAJIT GUPTA :** This must be clarified if contract labour is to be dealt on an equal footing. Their need is much more than of the others but they will not get the benefit because the contractors, who are employing them, will be asked to make a contributing grant which they will never make. They are not the mine owners ; they are the labour contractors.

**SHRI BHAGWAT JHA AZAD :** As I said, it is not a hundred per cent scheme but it is a contributory scheme and therefore, naturally employers should contribute it. It should be realised and understood that by 100 per cent contribution from the fund it may not be possible to cover as wide an area as possible. Therefore, firstly, to extend the coverage we want a certain percentage to be contributed by the employer and, secondly, for the maintenance of the scheme it is necessary that the employer should contribute and also maintain the schemes.

**SHRI INDRAJIT GUPTA :** He has not understood my point.

**SHRI BHAGWAT JHA AZAD :** In the Contract Labour Act we have made a provision, as you must remember, by which we will force the contractor to provide certain facilities. So, when there is no difficulty in the case of contract labour in the large field, why should there be any difficulty in the iron ore mines ? In this case also we shall force them to provide certain facilities.

Then Shri Gupta had asked as to who will pay the cess. As he will see from the Act, Government will collect the excise duty from the factories or the owners who use it themselves, who in their turn will get it from the producer, as has been rightly pointed out by Shri Kundu. He has exactly interpreted the provision of the Act. In the case of the exporter, it is the exporter who will pay the cess.

Then, I have been asked by Shri Kundu and Shri Gupta that the priority about housing, water facilities and medical facilities will be adhered to. Professor Ranga has also asked that. I think, these are the priorities and we shall adhere to them before we pass on to some other things like carrom boards to which Shri Indrajit Gupta referred.

Coming to the individual amendments, what the Act provides is that we shall have the cess up to 50 paise. Shri Shiva Chandra Jha wants that it should be minimum 50 paise. As the provision stands, Government is not required to come to Parliament to raise it to 50 paise. The moment we are in a position to push through the schemes and spend the amount, and the moment we feel that we should raise it to 50 paise, there is no difficulty to raise it straightaway to 50 paise or to 35, 40 or 45 paise. That enabling provision is there in the Act itself. We only say that we have at present put 25 paise and accordingly we are trying to push through these welfare schemes. In respect of that we have got Rs. 2.73 crores as accumulation. The moment we are in a position to streamline and see that when the employers and the State Governments come over and take over the scheme, and

[Shri Bhagwat Jha Azad]

we find that we need more, we can straight-away raise this 25 paise to any amount. I would, therefore, request hon. Shri Shiva Chandra Jha not to insist on his amendment.

The same is my reply to hon. Shri Shinkre for raising it to 75 paise. About the other amendment of Shri Shinkre, I would say that welfare cess is not peculiar only to iron ore. We have this cess also in mica and coal. It has not been possible from our administrative experience to differentiate between grade and grade.

One of the hon. Members suggested that we should go by the quantity and not by the quantity. Therefore, at present we are having a flat rate of 25 paise which, if necessary, we may increase it 50 paise in future. It will not be possible from the Ministry point of view and the return that we may get will not be commensurate. Therefore, I request that it should be allowed at a flat rate of 25 paise. May be in future it may be increased to 35 paise or 50 paise. Therefore, I would say that we will not go by the grade but we will only go by the flat rate on all kinds of grades.

Therefore, I would say that the amendments of Shri Shiva Chandra Jha and Shri Shinkre are not acceptable to us and hope they will withdraw their amendments. There will be no difficulty for the Government to go over to 50 paise the moment we are in a position to spend this amount and I would also like to assure the House that I am not satisfied that the amount collected at the rate of 25 paise has been spent on the welfare. I wish to see that we take up this matter seriously and spend the amount on welfare and if necessary we shall not hesitate to increase it further.

With these words, I hope these amendments will be withdrawn and clause 4 will be passed.

MR. CHAIRMAN : I will now put Mr. Jha's Amendment No. 3 to the vote of the House. The question is :

Page 2 line 30,—

for "exceeding" substitute  
"less than" (3)

*The Lok Sabha divided :*

Division No. 2]

[15.12 hrs.

#### AYES

Arumugam, Shri R. S.  
Basu, Dr. Maitreyee  
Bhagaban Das, Shri  
Daschowdhury, Shri B. K.  
Ghosh, Shri Ganesh  
Gupta, Shri Indrajit  
Jha, Shri Shiva Chandra  
Kapoor, Shri Lakhan Lal  
Khan, Shri Ghayoor Ali  
Kundu, Shri S.  
Meghachandra, Shri M.  
Misra, Shri Janeshwar  
Mohan Swarup, Shri  
Mrityunjay Prasad, Shri  
Muhammad Ismail, Shri M.  
Muthusami, Shri C.  
Nihal Singh, Shri  
Sen, Dr. Ranen  
Sharma, Shri Yogendra

#### NOES

Adichan, Shri P. C.  
Ahiwar, Shri Nathu Ram  
Amjad Ali, Shri Sardar  
Awadesh Chandra Singh, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Barua, Shri Bedabrata  
Barupal, Shri P. L.  
Besra, Shri S. C.  
Chandrika Prasad, Shri  
Choudhary, Shri Valmiki  
Dasappa, Shri Tulsidas  
Deoghare, Shri N. R.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivajirao S.  
Dhuleshwar Meena, Shri  
Gautam, Shri C. D.  
Gavit, Shri Tukaram

Girja Kumari, Shrimati  
 Gupta, Shri Lakhna Lal  
 Heerji Bhai, Shri  
 Horo, Shri N. E.  
 Jadhav, Shri Tulshidas  
 Jamir, Shri S. C.  
 Kamala Kumari, Kumari  
 Kavade, Shri B. R.  
 Kesri, Shri Sitaram  
 Khan, Shri M. A.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Krishnan, Shri G. Y.  
 Kureel, Shri B. N.  
 Kushok Bakula, Shri  
 Lakshmikanthamma, Shrimati  
 Laxmi Bai, Shrimati  
 Mahida, Shri Narendra Singh  
 Mandal, Dr. P.  
 Mandal, Shri Yamuna Prasad  
 Marandi, Shri  
 Master, Shri Bhola Nath  
 Misra, Shri S. N.  
 Mohsin, Shri  
 Nahata, Shri Amrit  
 Paokai Haokip, Shri  
 Parmar, Shri Bhaljibhai  
 Parthasarathy, Shri P.  
 Patil, Shri Deorao  
 Patil, Shri N. R.  
 Patil, Shri S. B.  
 Qureshi, Shri Mohd. Shaffi  
 Radhabai, Shrimati B.  
 Raghu Ramaiah, Shri  
 Ram, Shri T.  
 Ram Dhan, Shri  
 Ram Sewak, Shri  
 Ram Swaroop, Shri  
 Randhir Singh, Shri  
 Rao, Dr. K. L.  
 Rao, Shri J. Ramapathi  
 Reddi, Shri G. S.  
 Reddy, Shri Ganga  
 Roy, Shri Bishwanath  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Sankata Prasad, Dr.  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sen, Shri Dwaipayana

Shambhu Nath, Shri  
 Shankaranand, Shri B.  
 Shastri, Shri Biswanarayan  
 Sher Singh, Shri  
 Shinde, Shri Annasahib  
 Shinkre, Shri  
 Shukla, Shri S. N.  
 Siddayya, Shri  
 Siddheshwar Prasad, Shri  
 Sinha, Shri Mudrika  
 Sonavane, Shri  
 Sursingh, Shri  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Ukey, Shri M. G.  
 Vyas, Shri Ramesh Chandra  
 Yadav, Shri Chandra Jeet  
 Yadav, Shri Jageshwar

MR. CHAIRMAN : The result\* of the division is :

Ayes : 19 ; Noes : 87.

*The motion was negatived.*

SHRI SHINKRE : I wish to withdraw my Amendments,—Amendments Nos. 4, 5 and 6.

*Amendments No. 4 to 6 were, by leave, withdrawn.*

MR. CHAIRMAN : The question is :

"That Clause 4 stand part of the Bill".

*The motion was adopted*

*Clause 4 was added to the Bill.*

*Clause 5 (Amendment of section 8)*

MR. CHAIRMAN : On Clause 5, there is one Amendment of Shri Lobo Prabhu.

SHRI LOBO PRABHU (Udipi) : I am moving my amendment, Amendment No. 7

I beg to move :

Page 3, after line 25,

*add at the end*

"(aaaa) the collection agency charges payable to those collecting custom and excise duties."

\*The following Members also recorded their votes :

AYES ; Shri Satya Narain Singh ;

[Shri Lobo Prabhu]

Sir, although the bringing forward of this Bill brought so many Members to the House, I do not see that there is any Minister here now representing Mines and Metals in the House. This is being treated as purely a Labour Bill. This concerns iron ore, this concerns mines and metals and metallurgy, and I do not know why the Minister in charge of Mines and Metals is not present in the House. I would like to say on this occasion that the Minister of Mines and Metals should show some interest in his subject and not leave it to the tender mercies of the labour department to introduce all kinds of legislations. The Labour Minister has displayed complete lack of responsibility about this Bill. Mr. Indrajit Gupta raised one point about accumulation of Rs. 2.6 crores, which have not been spent.

**SHRI INDRAJIT GUPTA :** I wanted to know how much.

**SHRI LOBO PRABHU :** What is this Ministry for if it keeps large sums of money in cold storage on the ground that contribution is not available from the metallurgical industries or mine owners concerned. Why do they want this correction if they are not prepared to enforce some scheme by which this can be done ?

**SHRI G. VISWANATHAN :** Nationalise them.

**SHRI LOBO PRABHU :** My friend has mentioned nationalisation. A good number of the mines are already nationalised. These mines now belong to the NMDC. Therefore, it is a matter of great shame and it is a matter of irresponsibility that this Ministry goes on collecting money without being able to spend it because another wing that of Government will not cooperate the excuse is being given that they have certain priorities and that they have succeeded over a period of years in building just one thousand houses is a matter which the country should take note of because the Labour Ministry has become a Ministry for collecting money only and begetting priorities.

Although the Minister in charge of Mines and Metals is not here, I would

like to take this occasion to point out to him that the position regarding mines is getting very serious from day to day. As it happens that our country constitutes only one per cent of the export trade in minerals of the world. In spite of that, nothing is being done. There is a mining project, the Kudremu, for which there is a foreign contribution, and equity participation to the extent of 49 per cent, and from which there is a clear prospect of 5 million tonnes export by 1972, but this Ministry is not moving, and this Ministry has gone to sleep also on other projects. I would like this to be conveyed to the Minister concerned, even if he be not present here today. The Labour Ministry which is collecting so much money may convey this to him. It is not enough merely to collect money, but something more should be done to make the industry pay, to make mining pay, to increase our exports and to carry on the projects which are in hand.

My particular amendment relates to a very simple matter. The Bill mentions that half a per cent is being paid to customs authorities for collecting charges. No mention is made of what is going to be paid to the metallurgical factories who have to collect it twice or who have to have two transactions, firstly to collect from the mineowners and secondly to pay to Government what they collect. No provision has been made in this regard, and there is rather a happy assumption that while Government must pay to itself, it should not pay anything at all to those who do its agency work outside. I have, therefore, proposed that in clause 5, in addition to the sub-clause (a), (aa), (aaa) and (aaaa) there should be another sub-clause (aaaaa) which will enable Government to make rules for paying this agency commission.

I would have gone further and said that the agency commission may be a little more than half a per cent, but even as it is, it is necessary to go on record, and it is necessary to have it as part of this Bill that this commission should be paid. Otherwise I would only say this that although I do not quite sympathise with providing miners with clothes, with baths, with education and so on, when the rest of the country is without even the wages which these miners receive, which is general problem...

SHRI INDRAJIT GUPTA : He is opposing the leader of his own party.

SHRI LOBO PRABHU : I am opposing my hon. friend. I could have nor heard my leaders view on this, but I differ from my hon. friend's view, but I cannot dispute the view of my leader. But I agree with my hon. friend Shri Indrajit Gupta that the country wants more cloths and more houses and more water. It is a general problem, and it is a problem of only the miners. Let us not not lose our perspective. If we can think in terms if providing not only for a smal part of the working population but for the whole of the working population all there facilities, then I am fully with my hon. friend, and I am fully with my leader, and I would say that they should have more clothes, more water, more houses and so on. This is the point that I want to make. But we must have the correct perspective. Every citizen in this country, whether he is working in a factory, wheather he is working in a mine or wheather he is working in his own ventute, has the same rights to a minimum standered of living. A part from that, I would just say that let us not lose ourselves in mazes about contract labour and so on. we had a Bill regarding this some time back, and I think hon. Members know that no one is being employed now on contract labour, and all kinds of malpractices have crept in. I am not going to challenge a division as my hon. friend Shri Shiva Chandra Jha did, but I would like the hon. Minister to consider this lacuna in the provisions which he has left for the responsibility of Government to fix and provide for the collection charges beng paid to a reason-able extent.

SHRI BHAGWAT JHA AZAD : It is true we have to provide for collection charge. I said in my speech that at present we have about 3 per cent collection charge, but when this procedure is adopted, we may have about half per cent. It would not be administratively good if we say straightway half per cent in this. I would draw his attention to parent Act of 1961, which the present Bill seeks to amend, where in sec. 8(2b) we have already made provision under the rule-making power for the determination of the cost of collection of cess. The parent Act very amply covers the point he has raised

and I hope in view of this he would not press his amendment.

As for his other remarks, about clothes and other things; yesterday also he made a reference and asked why should the miners have clothes and all that. But earlier in the day his leader, Prof. Ranga, insisted that we should not only provide housing, medical facilities and water supply but also uniforms.

SHRI LOBO PRABHU : To all people; I am going further.

SHRI BHAGWAT JHA AZAD : After all, he is a member of the Swatantra party where every member has the Swatantra to say anything. Therefore, I do not comment on that aspect.

SHRI LOBO PRABHU ; I do not press my amendment.

*Amendment No. 7 was, by leave,  
Withdrawn.*

Mr. CHAIRMAN : The question is :

"That clause 5 stand part of the Bill".

*The motion was adopted.*

*Clause 5 was added to the Bill.*

Clause 1—(Short title and commencement).

*Amendment made :*

Page 1, line 4, - for, "1967" substitute  
"1970". (2)

(Shri Bhagwat Jha Azad)

Mr. CHAIRMAN : The question is :

"That clause 1, as amended, stand part of the Bill"

*The motion was adopted.*

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

Enacting Formula

[Mr. Chairman]

*Amendment made ;*

page 1, line 1,—for “Eighteenth”,  
substitute “Twenty-first”. (1)  
(Shri Bhagwat Jha Azad)

Mr. CHAIRMAN : The question is :

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

*The motion was adopted.*

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

*The Title was added to the Bill.*

SHRI BHAGWAT JHA AZAD : I  
move :

“That the Bill, as amended, be  
passed”.

MR. CHAIRMAN : Motion moved :

“That the Bill, as amended, be  
passed”.

श्री शिव चन्द भट्टा: मंत्री महोदय के जवाब से साफ हो गया है कि वह बहुत कंटेडिक्ट्री पोजिशन में हैं। इन्होंने कबूल किया है कि 2.73 करोड़ एक्युमलेटिड है, उसका इस्तेमाल नहीं हुआ है। इस पर वह भी चिन्तित हैं। मंत्रालय को वह कहेंगे कि यह इस्तेमाल होना चाहिये। साथ साथ उन्होंने कहा है कि स्टेट गवर्नमेंटस को इन्होंने स्कीमें भेजी हैं और उन से वह तकाजा करने जा रहे हैं कि उन स्कीमों को वे कार्यान्वित करें। उन्होंने यह भी कहा है कि उन स्कीमों को कार्यान्वित करने के लिए जो एक्युमलेटिड हैं वह काफी नहीं है और एम्प्लायर्स को उस में पैसा देना जरूरी होगा। लेकिन जब ड्यूटी बढ़ाने की बात कही जाती है तो वह हिचकवाते हैं। आप जानते हैं कि आपको स्कीमों को कार्यान्वित करने के लिए ज्यादा पैसा चाहिए। जब ड्यूटी बढ़ाने

का आपको मौका मिलता है तो आप बढ़ाते नहीं हैं। आप समझ सकते हैं कि कितनी कंटेडिक्ट्री पोजिशन हो जाती है। इससे साफ हो जाता है कि मंत्रालय या सरकार सीरियस नहीं है, गम्भीर नहीं हैं। ये सीरियस नहीं हैं इसका दूसरा सबूत यह है कि यह विधेयक इलेक्शन के बाद 1967 में पेश किया गया था। तीन साल के बाद भूले भटके और बहते हुए दरिया में यह विधेयक आ गया है और इस पर बहस हो रही है। अभी भी जो इसके बारे में एकट है और जिस के मुताबिक यह काम चल रहा है, उससे साफ मालूम होता है कि न सरकार सीरियस है और न ही मंत्रालय सीरियस है।

इन्होंने कहा है कि एक्कुमलेटिड जो है उसका ठीक से इस्तेमाल किया जाएगा। अब मैं सवाल करता हूं। जिन इलाकों में आयरन ओर पैदा होता है, वहां जो मजदूर काम करते हैं उन के बेलफेयर पर आप इस सेस का किस आधार पर बटवारा करेंगे, उसका क्या क्राइटीरिया होगा। जिन इलाकों में ज्यादा आयरन ओर्ज हैं, ज्यादा मजदूर काम करते हैं, वहां ज्यादा खर्च करने की जरूरत है और जहां कम काम करते हैं वहां कम करने की जरूरत है। आपका मापदंड क्या होगा सेस के डिस्ट्रीब्यूशन का, यह मैं आप से जानना चाहता हूं। मैं चाहूंगा कि जिस राज्य से आपको आयरन और के एक्सपोर्ट से या उसके प्रोडक्शन से जितना आता है उसका तीन चौथाई भाग आप उस राज्य में भेज दें। इससे अच्छा आपके पास कोई मापदंड हो तो उसको आप हमारे सामने रखें। इसकी भी सफाई होनी चाहिए। अभी तक तो एक्कुमलेटिड है, इस्तेमाल नहीं हुआ है। फिर जब होगा तो अगर ठीक से इस्तेमाल नहीं किया जाएगा तो इन्वेलैसिबल रह जायेंगे राज्यों में। नतीजा यह होगा कि लेवर के कल्याण की बात दूर चली जाएगी।

इस वास्ते इसके बारे में भी सफाई होनी चाहिए।

लोहा और इस्पात अर्थव्यवस्था की रीढ़ होती है। किसी देश के विकास को अगर देखना हो तो यह देखा जाता है कि वहां लोहे और इस्पात का प्रोडक्शन कितना होता है। यह एक मापदंड है जो अर्थ शास्त्रियों की तरफ से रखा जाता है। आप उन में जो मजदूर काम करते हैं, उनके कल्याण की बात करते हैं। आप भी महसूस करते हैं कि वह हुआ नहीं है, आपकी तरफ से नहीं हुआ है, एम्प्लायर्स की तरफ से नहीं हुआ है। आप यह भी मानते हैं कि मामला गम्भीर है। उनकी हालत खराब है। वे भोंपड़ियों में रहते हैं, उनके पास मंडीकल फॅटिलिटीज नहीं हैं, हाउसिस नहीं हैं। वे सब कमियाँ हैं। मैं जानना चाहता हूँ कि आयरन और आदि की जो प्राइवेट सैक्टर में इंडस्ट्री है, इसका आप राष्ट्रीयकरण क्यों नहीं करते हैं। टाटा आयरन एंड स्टील कम्पनी मेरी राय में नेशनलाइजेशन के लिए राइड है। उसकी जमींदारी के खात्मे के लिए बिश्व सरकार ने, जब वहां संविद की सरकार थी, एक विधेयक पेश किया था और वह बात चल रही है। इस कम्पनी का राष्ट्रीयकरण निहायत जरूरी है। स्टील प्राइसिस की बात को ले कर तथा दूसरे मामलों को ले कर जो अव्यवस्था चल रही है उसका हमारी अर्थव्यवस्था पर कुप्रभाव पड़ रहा है। इस वास्ते प्राइवेट सैक्टर में जो आयरन और इंडस्ट्री है उसका आप राष्ट्रीयकरण कर लें। आप स्वयं उसके मालिक हो जाएं। तब जो स्कीमें हैं इनको आप अपनी इच्छानुसार चला लेंगे। तब लेबर बैलफेयर भी हो जाएगा। मैं जानता हूँ कि अफसरशाही तब भी चलेगी, गाड़ी सुस्त चलेगी, वैसे ही चलेगी जैसी अब चल रही है। लेकिन यह एक ऐसा रास्ता है जिस पर चल कर उन्नति का मार्ग प्रशस्त होगा। यह बिल तो पास हो लेकिन आप

आश्वासन दें कि छः महीने या एक साल के बाद आप सदन को बताएंगे कि कहां तक कार्यान्वयन हुआ है, क्या कदम उठाए गए हैं और कहां तक आपकी सफलता मिली है।

**श्री भागवत झा आजाद :** यह कहना कि विधेयकों के पारित हो जाने के बाद सरकार गम्भीरतापूर्वक विचार नहीं करती है अथवा वह सीरियस नहीं होती है, सही नहीं है। मैंने स्वयं कहा है कि हमारे पास जमा पूंजी अब 2.76 करोड़ की है वह नहीं रहनी चाहिए और इस सम्बन्ध में माननीय सदस्य ने जो विचार व्यक्त किए हैं, उसका जवाब मैं दे चुका हूँ। मैं कह चुका हूँ कि इसके पारित होने के बाद हम यथाशीघ्र कदम उठाएंगे और कोशिश करेंगे कि खानों में काम करने वाले मजदूर बंधुओं के लिए जो जो सुविधायें इस राशि के अन्दर दी जा सकती है, दी जाएं।

हमारे और उनके विचार में कोई अन्तर नहीं है। वह चाहते हैं कि पचास पैसे का अभी सेस लगाया जाए और हमने यह कहा है कि पचास पैसे तक का सेस हम लगाएंगे। उन्होंने यह नहीं कहा कि एक रुपया लगाया जाए, उन्होंने सिर्फ यह कहा है कि अभी पचास पैसे लगाया जाए जबकि हमने कहा है कि अभी जो 25 पैसे है इसको पचास पैसे तक किया जाए। इस वास्ते उनके और हमारे दृष्टिकोण में कोई अन्तर नहीं है।

उन्होंने राष्ट्रीयकरण की बात भी कही है। लेकिन वह भी इस विधेयक तथा मेरे मंत्रालय के सीमाधिकार और परिधि के बाहर की बात है। राष्ट्रीयकरण की इस मांग को वह किट्टी और जगह यथासमय यथोचित रूप में प्रस्तावित करें। मैं इस सम्बन्ध में अपनी राय व्यक्त नहीं करता हूँ।

मुझे प्रसन्नता है कि सभी माननीय सदस्यों ने इस विधेयक का समर्थन किया है और.....



श्री शिव चन्द्र भ्वा : राज्यों में सेस के बंटवारे का मापदंड क्या होगा ?

श्री भागवत भ्वा आजाद : यह स्वाभाविक ही है कि जिस क्षेत्र से यह सेस लिया जाता है, वहां काम करने वालों पर अधिक से अधिक खर्च किया जाये। कुछ ऐसे क्षेत्र होते हैं, जहां से अधिक राशि मिलती है और कुछ क्षेत्रों से कम राशि मिलती है। अगर एक अखिल भारतीय फंड हो, तो सभी क्षेत्रों को उस से ही रकम दी जाती है। लेकिन साधारणतः अधिक से अधिक राशि वहीं भूमिकों के उपकार के लिए खर्च की जाती है। सिद्धांततः उस में कोई गलती नहीं है और हम उस के अनुसार काम भी करते हैं।

MR. CHAIRMAN : The question is :

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

*The motion was adopted.*

#### AGRICULTURAL PRODUCE CESS (AMENDMENT) BILL

THE MINISTER OF STATE IN THE  
MINISTRY OF FOOD, AGRICULTURE,  
COMMUNITY DEVELOPMENT AND  
COOPERATION (SHRI ANNASAHIB  
SHINDE) : On behalf of Shri F. A. Ahmed,  
I move :

"That the Bill further to amend the  
Agricultural Produce Cess Act, 1940  
be taken into consideration."

There is already a law on the statute and this Bill only seeks to make some amendments. A few amendments are of a substantive nature while the others are of a consequential nature.

15.32 hrs.

SHRI K. N. TIWARI *in the Chair*

The Act has been in force for sometime and the proceeds of the cess go to help the Indian Council of Agricultural Research.

The House has appreciated the valuable contribution made by the ICAR for the development of agriculture in our country. One of the bright sides of our economy is the development of agriculture; it is due to the research work done in the field of agriculture. The 1940 Act provides for imposition of cess at the rate of one-half of one per cent *ad valorem* on all articles included in the Schedule to the Act which are exported from India. The Act, does not explicitly provide for levy of penalties in cases where the exporters attempt to evade payment of the cess. The amending Bill provides for some penalties in such cases.

Sometime back a Committee was appointed by the Government to go into the functioning of the customs houses and suggest simplification in the procedures adopted for the collection of customs duty. One of the suggestions of the Committee is that in supersession of the existing procedure of the collecting cess by cash on exports, the exporters, may be permitted, where the cess payable does not exceed Rs. 100, to affix customs revenue stamps equivalent to the cess payable on the basis of their own assessment of the value of the cargo. One of the amendments refers to this. Agricultural produce cess is in the nature of customs duty which is collected by the customs collectors. In actual practice, these Collectors have been exercising various powers vested in them under the Customs Act, 1962 in the matter of the collection of cess. It is now proposed to make a formal provision in the Agricultural Produce Cess Act to provide that the provisions of the customs Act, 1962 and the rules and regulations made there under shall apply to the levy and collection and refund under this Act also.

Then there is one more important amendment which improves upon the previous schedule. Already, under the original Act, under section 3, there is a schedule which enlists the commodities which are leviable for the cess under the Act. In the schedule to the principal Act, item 21 is "wool, raw". Now, instead of raw wool it is proposed to replace the existing item 21 by the words, "sheep's or lamb's wool or animal hair, whether or not scoured or cured." This is one of the amendments suggested in the Bill. Raw wool created