

12.31½ hrs.

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS

FIFTEENTH REPORT

SHRI G. G. SWELL (Autonomous Districts) : I beg to present the Fifteenth Report of the Committee on Private Members' Bills and Resolutions.

12.32 hrs.

RE : MOTION UNDER RULE 377

(Query)

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I had given notice and your Secretariat has informed me that the matter is under study.

MR. SPEAKER : I was coming to the House when it reached me. I have not seen it.

SHRI JYOTIRMOY BOSU : It is a very simple question.

MR. SPEAKER : Why do you involve yourself into arguments with the Chair ? You send some notice which is much later than the time fixed.

SHRI JYOTIRMOY BOSU : No. I beg your pardon.

MR. SPEAKER : It came late. Let me see it. You are forcing yourself on me.

SHRI JYOTIRMOY BOSU : May I make a submission ?

MR. SPEAKER : I have not allowed you yet.

SHRI JYOTIRMOY BOSU : Rule 377 is a drop in the ocean of rights for us. We can raise a matter which is not a point of order but which we feel it is important to raise.

MR. SPEAKER : I am not going to allow it unless I see what you have written to me. I have not yet seen it. It came to me when I was preparing to come to the House.

SHRI JYOTIRMOY BOSU : I appreciate it.

MR. SPEAKER : Prof. Dandavate.

PROF. MADHU DANDAVATE (Rajapur) : I am not raising that issue today because enquiries are going on.

MR. SPEAKER : Moreover, I studied it again after you left me, and still I am in doubt whether this is not a State matter. I will examine it in the meanwhile. You should also see me later on.

12.34 hrs.

COKING COAL MINES (NATIONALISATION) BILL.

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI SHAHNAWAZ KHAN) : I beg to move* :

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and prompting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, be taken into consideration."

Hon. Members may recall that the House had passed the Coking Coal Mines (Emergency Provisions) Act, 1971 which provided for the taking over, in public interest, the coking coal mines/coke oven plants pending nationalisation of the mines/plants with effect from October 17, 1971. The Coking Coal Mines (Nationalisation) Bill, 1972 which has been introduced in the Lok Sabha on 31.7.72 seeks to complete the process of nationalisation of coking coal mines/coke oven plants by providing for the acquisition of the right, title and the interest of the owners thereof.

It is about nine months since the management of the coking coal mines/plants has been in the hands of the Govt. During this period the Government have made an assessment of the working of the 214 coking coal mines and 12 coke oven plants and also finalised the heavy and complicated work involved

*Moved with the recommendation of the President.

in evaluating the assets of the mines/plants scattered over a large area. As such the Bill could not be introduced earlier.

Soon after the taking over of the management of the mines/plants the Government constituted five teams of Cost Accountants with personnel drawn from the Ministry of Finance and the Finance Department of the N. M. D. C. to evaluate the assets of the mines/plants.

Three teams of civil, electrical and mechanical engineers from N. C. D. C. who are operating coal mines also deputed for evaluating the assets of those mines/plants. For the purpose of coordinating all this work, the Department of Mines appointed an Officer on Special Duty who had special knowledge of this subject from his previous posting as the Chief Cost Accounts Officer in the Ministry of Finance. The teams of Cost Accountants and the teams of engineers were provided with the requisite data for a proper evaluation of the assets. The evaluation of the assets and the procedure adopted for arriving at the amounts were also seen by the Ministry of Finance (Department of Expenditure). An overall consideration was kept in mind that in this process there was no over estimation of the value of the assets to the detriment of the national interest while at the same time the amount arrived at was fair and not illusory.

The Bill specifies the amounts that are proposed to be paid to the owners of the mines/plants. The amount is proposed to be paid in cash and is to be disbursed through a Commissioner of Payments.

Members may be aware that coking coal production has been falling since 1969-70 due to factors like chronic shortage of wagons, fall in demand and shortage of sand for stowing etc. We hope that with improvement in wagon supply and commissioning of the Bokaro Steel Plant there will be a spurt in the demand for coking coal and BCC will be in a position to step up its production in the near future.

At the time of take over there were only 70,000 workers on the regular rolls of the erstwhile coking coal mines/coke oven plant and a larger number of them continued to be paid on vouchers and work under various contractors. The Government can take pride in the fact that Bharat Coking Coal has now

brought the majority of such contract labour who were regularly working in the mines on the rolls of Bharat Coking Coal and they are now entitled to pay scales and other benefits as laid down under the Wage Board. The total number of such regular employees has thus gone up to about 1,15,000.

Immediately after the take over, the 214 coking coal mines were brought under 24 groups and each group was placed under a custodian. It was found that there were several small mines which would be uneconomical and would not conveniently lend to scientific mining for increased output. A Planning Cell has now been set up in Bharat Coking Coal.

Substantial increase in production from the mines in Jharia is possible only after their reconstruction and reorganisation is taken up and completed in a scientific manner. The feasibility report for this is proposed to be drawn up with the help of technical experts from Poland. An agreement has been finalised between Bharat Coking Coal Ltd. and KOPEX of Poland in this regard. Effective steps to reorganise the mines can be taken only after the enactment of this Bill which will authorise Government to change the present identity of the mines.

I commend this Bill to the House and request that it be taken into consideration.

Sir I move.

MR. SPEAKER : Motion moved :

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, be taken into consideration."

There is one amendment by Shri M. C. Daga. Is he moving it ?

SHRI M. C. DAGA (Pali) : Yes, Sir. I beg to move :

[Shri M. C. Daga]

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 9 members, namely Shri Arvind Netam, Shri S. M. Banerjee, Shri S. Mohan Kumaramangalam, Shri Vikram Mahajan, Shri Kartik Oraon, Shri Damodar Pandey, Dr. Laxminarayan Pandeya, Shri R. N. Sharma and Shri S. N. Singh with instructions to report by the first day of the next session." (1)

SHRI SOMNATH CHATTERJEE (Burdwan) : Sir, I welcome this Bill in so far as it seeks to nationalise the coking coal mines and coke oven plants which play a very vital role in our country's economy. The collieries, specially the coking coal mines under the private management have become the playground of capitalist malpractices. There have been considerable experience that these private industrialists had indulged in slaughter mining, failed to take advantage of the technological developments that have been taking place in the mining industry, indulged in large-scale manipulation of books and accounts, showing lesser sales and production, showing larger expenses including preparation of list of fictitious employees and carrying on clandestine sales and thereby denying the State of its reasonable revenues and the workers of their legitimate dues. These deficiencies and malpractices have been found to appear also in the non-coking coal mining industry and so we do not see any reason why the non-coking coal mines should be kept out of the ambit of the present Bill.

We are wedded to the policy that all the means of production, specially of vital and essential commodities should be under the public ownership and control. At the same time, we want the nationalised undertakings to be properly managed and this should be run for the benefit of the public. We do not want nationalisation as an end in itself.

Unfortunately, there have been disquieting reports and I shall be very happy if the Minister allays our fears and apprehensions by assuring us that the information which we have got is not correct—that since the take over of the management last year there has been considerable fall in production of coal from the collieries. It is also our information, and again I shall be very happy to be corrected by the Minister, that the expenses for running these collieries have increased by leaps and bounds and there have been administrative bottlenecks hampering production and distribution of coal. We do not want the malpractices of private owners to be replaced by bureaucratic inefficiency or public evils like corruption and favouritism. As the private loot should be ruthlessly dealt with by the government, we should also see that public plunder and bureaucratic inefficiency are ruthlessly dealt with. We want the nationalised collieries and the coke oven plants to be run properly and efficiently under public management and we want to ensure that they do not become the playground of inefficiency of bureaucracy or of political interests. I would request the Minister to see that these collieries and the coke oven plants are put under proper management. Technical personnel with managerial capability should be put in-charge of these undertakings because, after all, technology is making considerable strides and we should keep pace with technological developments.

On a previous occasion, I have referred to some of the activities of some officers of one of the public undertakings and Mr. Mohan Kumaramangalam had said that it was unfair to criticise them. Instead of drum-beating the supposed sacrifices made by the officers, I would request the Minister to keep a strict and constant vigil on the functioning of the public sector undertakings so that the people of this country, the general masses of the country, who have been deprived for so long should get the real benefit out of nationalisation and that their faith in socialism may not be shaken. I would request the Minister not to think that they have got super-men in their set-up and that by putting one person in-charge of the entire nationalised undertaking, they cannot seek to achieve wonder. Therefore, there has to be proper management of the industrial undertakings which are being taken over and proper persons should be put in-charge of them with suitable qualifications.

There are some of the provisions in the Bill which require close scrutiny and some of them require modification. The first aspect to which I wish to draw the attention of the hon. Minister is the provision for payment of what is described as "amount" in clause 10 and clause 11 of the Bill. The Minister in his introductory speech referred to some procedure having been evolved for qualification of this amount. We do not have the details of the procedure. I do not want to make the fixation of amount a justiciable issue after the amendment of the Constitution. But the Parliament should be taken into confidence and the people should be assured that a proper method or a proper procedure for qualification of amount has in fact, been adopted and followed. Merely making a vague reference that they have adopted a particular procedure after taking into consideration the views of some cost accountants or chartered accountants or some Ministry officials does not satisfy us.

If you will kindly look at the First Schedule of the Bill, we find quite substantial amounts have been awarded to many of the collieries, coal companies. What is the basis? We want to know whether some concerns which have not been properly managing the affairs have been kept on the same footing as those concerns which have been looking after collieries properly. There are many concerns which may not have declared dividends for years. There are many concerns which may have been showing fictitious losses. How are they being treated? Are they being treated on the same footing as those well-run concerns which have made proper development and progress? There are some concerns which have been looking after the collieries properly and running them properly. We want to be told about it very clearly and with greater details. What is the basis for the quantification of the amount? We want to be sure that there has not been any wrightage given in favour of any particular owner and that a proper and due consideration has been given to this very important aspect.

After the amendment of the Constitution, this has become outside the purview of the courts' jurisdiction. Nobody can challenge the fixation of amount on account of inadequacy or impropriety. Therefore, we want to know the basis with greater details, not a vague reference which has been made so far as the fixation of the amount is concerned.

Then, I come to clause 9 of the Bill which deals with a very important matter concerning labour. If you will kindly look at it, it says that the Central Government is not to be liable for prior liabilities. These prior liabilities include liabilities for wages, bonus, provident fund, pension, gratuity, etc. On the appointed day, that is 1st May, 1972 or the date on which the Bill receives the assent of the President and comes into force, there may be outstanding arrears or outstanding amounts on account of wages, provident fund, bonus, pension, gratuity, etc. Provision has been expressly made that the workers have to run after their previous owners or managers to recover their just dues and Government will take over the undertakings without any liability to pay off arrears of wages, provident fund, gratuity, pension, etc. By this the companies are getting the benefit. Why should they poor employees suffer? If the wages are in arrears, if the bonus is in arrears, if they have to get provident fund amount, pension, etc. Why should they run after the former owners? Nobody knows what they will do with the money because they will be paid in cash and they may split away the amount, nobody may be able to catch them. The hon. Minister may refer us to Clause 23. Clause 23 says that the moneys due as wages, salaries, etc., may be deducted from the total amount payable. But, before that, the entire procedure, the long, time-consuming procedure of fixing the amount payable to the different persons has to be gone through under the other provisions of this Bill, and this is bound to take a long time. Suppose on the date the management is taken over by the Government, the labourers satisfy the custodian or the officer-in-charge that these are the amounts outstanding, why should they be made to prove that before the Commissioner and be asked to go through the entire gamut of procedure before making their claims to the Government which will deduct the amount from the amount payable? Why should it not be that Government itself takes up the liability, the statutory liability of payment of these dues and deduct these from the amounts payable to them? Our submission is that these liabilities should be made the liabilities of the Government and to that extent we have suggested an amendment to Clause 9 itself, namely, that these people should not be left to the mercy of their old employers.

Similarly, under Clause 9 (2) (b), with regard to awards, etc., the Central Government is not taking any responsibility, although

[Shri Somnath Chatterjee]

the title to the collieries will be vested in the Government.

The next Clause to which I wish to draw the attention of the hon. Minister is Clause 17. Clause 17 provides for continuation of the employment of workmen within the meaning of the Industrial Disputes Act under the Government after nationalisation. But it provides that, in such cases, their employment will be continued until it is terminated or until the remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company. We want an assurance that these alternations would not be less advantageous to the employees. They should not be made to suffer for having become employees under the Central Government or the Government company as the case may be. There must be a statutory reservation of their interests, their rights, namely, the terms and conditions of their employment should not be altered to the disadvantage of the employees.

With regard to Clause 17(2), there is a provision about all other employees who are not workmen within the meaning of the industrial Disputes Act; their employment is kept completely under the mercy of the Government in the sense that it provides that, unless they agree to continue on mutually acceptable terms and conditions, their employment shall stand terminated. I have no doubt that Government will not arbitrarily fix the terms and conditions; I hope, they will not do so, but there may be genuine cases of hardship. So far as certain employees who have put in their entire life are concerned... (Interruption).

THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMAR MANGALAM) : I am not able to follow this point.

SHRI SOMNATH CHATTERJEE : Under sub-clause (2) of Clause 17 of the Bill you are providing that all employees other than workmen will continue in employment on mutually acceptable terms and conditions and if their employment is not continued, then their employment shall stand terminated under sub-clause (3). Therefore, the Government will suggest new terms and conditions which may not be acceptable. It may be such that nobody can accept it or the employee concerned cannot accept it. If he does not accept it, he will not continue and

his employment stands terminated. There must be some protection for the continuation in service of these employees. The terms and conditions should be such as not to differ completely from their existing terms and conditions so that they are put in such a position that they cannot continue or their employment shall statutorily stand terminated. We have heard of cases that after the take-over of the company, the head office employees are having certain hardships. There have been cases where many of the employees have been transferred to the collieries, some of them are almost on the verge of retirement. Now, they have to take their establishment to Dhanbad and things like that we hear. Therefore, I would request the hon. Minister to take these aspects into consideration and give them some assurance and protection of the continuity of the job in the head office in which they have spent the best years of their life and against whom there have been no complaints and they have faithfully discharged their duties.

Then, I wish to draw the attention of the hon. Minister to clause 23 which I referred to earlier also. Clause 23 says :

"Every person having a claim against the owner of a coking coal mine or coke oven plant shall prefer such claim before the Commissioner within thirty days from the specified date."

And this also includes the claims on account of wages etc., payable to the employees or workmen. As I was submitting earlier, this should be taken over by the Central Government and the Central Government in its turn should deduct it from the employers. A statutory liability should be imposed on the Central Government and the Government company and not left to the workmen to go and have it from the employers. There is a provision. Kindly see page 12, sub-clause (3) of clause 23 which says :

"The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly."

Now amounts have become due on account of wages or bonus or pension or provident fund, etc. The law is going to provide that if there are no sufficient assets in the company to be able to pay the labourers, the employees

would lose their wages and the amounts will in equal proportion abate. I submit this is most unfair to the employees because their unpaid wages, unpaid salaries or the amount of gratuity or provident fund or whatever is provided there. It should not be left on the basis or on the calculation of the amount that the Central Government has arrived at as provided in the Schedule. Why should the workers lose their legitimate dues because certain amounts have been fixed which are not sufficient to meet the claims of the labour. I submit this is a very harsh provision so far as the labour is concerned.

A similar provision has been made in clause 24 for providing for payment of dues to the employees with abatement in equal proportions if there are not adequate funds. It is for the Central Government to arrange for funds. They are now taking over not only the management but the entire assets and liabilities of the company. My submission is that the hon. Minister should sympathetically consider these aspects. We could not give an amendment to this in time. I request the hon. Minister to provide for an amendment.

13 hrs.

There is another aspect to which I wish to draw the attention. This is with regard to the working of this colliery especially in West Bengal coalfield areas. The situation has become such that there is complete uncertainty. The employees and workmen are unable to go there; the law and order situation should be maintained; but it has become such that certain strong area methods are being adopted by the political parties. Only yesterday in this House we had discussions about the situation prevailing in one of the collieries there where 4 workmen lost their lives. These things should not be allowed to continue. It is the duty of the Central Government who has taken over the management, who are becoming owners of these collieries, who will be responsible for their working, to see that proper law and order condition prevails. Hundreds and thousands of workmen and employees cannot go to work because of the activities of a particular political party and groups of people. Such activities on the part of any particular political party or trade union should not be officially encouraged or patronised.

A condition must be created in which the proper functioning of the colliery can be carried on. The employees and workmen should be allowed to go there and work properly for the purpose of better working of the collieries in general. With these words I close. Thank you.

13.02 hrs

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock

[MR. DEPUTY SPEAKER in the Chair]

COKING COAL MINES (NATIONALISATION) BILL—(Contd.)

*SHRI C. CHITTIBABU (Chingleput) : Hon. Mr Deputy Speaker, Sir, the Coking Mines (Nationalisation) Bill, 1972 has been brought before this House by the hon. Minister of Steel and Mines and on behalf of my party, the Dravida Munnetra Kazhagam, I support it.

This Bill provides for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines around Calcutta area, that is to say, in West Bengal and in Bihar. While extending my support to this Bill on behalf of my Party, I would like to seek certain clarifications from the hon. Minister of Steel and Mines.

Sir, as you are aware, 214 coking coal mines and 12 coke oven plants are being nationalised through the provisions of this Bill. Clauses 10 and 11 of the Bill provide for the payment of Rs. 1637 crores as compensation to the owners of the mines and coke oven plants which are being nationalised. This figure has been compiled by the Government and the hon. Minister is seeking the approval of this House for making this payment to the owners of coking coal mines. Here it is not only the question of simple arithmetics. The hon. Minister of Steel and Mines is seeking the approval of this House for making payment of this huge sum in cash to the owners of coking coal mines, which, according to me, is an unprecedented approach to the question of nationalisation.

At the time when the 25th Constitution Amendment Bill was being discussed in this

*The original speech was delivered in Tamil.

[Shri C. Chittibabu]

very House, our hon. Minister of Steel, who participated enthusiastically in the debate, waxed eloquent about his commitment to the establishment of an egalitarian society in the country mainly by curbing the growth of concentration of wealth in a few hands. He pronounced the laudable maxim that compensation at market value is not justifiable. But, contrary to all expectations he held before us, he has come forward here with the proposal to pay Rs. 16.37 crores as compensation to 214 owners of coking coal mines and that too within a specified period in cash. I have seen his fierce reaction to the question of paying compensation to the erstwhile Princes and Maharajas, when their privy purses were being abolished. The Princes who ruled certain pockets in our country were denied the compensation when their privy purses were abolished. But, these 214 owners of coking coal mines, who got themselves fattened by fathoming the bowels of earth for years and years, are to be given this bounty of 16.37 crores of rupees by our hon. Minister of Steel. When I see that he is piloting this measure, I begin to doubt about the basis of his socialism. For any number of decades they have swindled the natural resources of the country for personal aggrandisement. I am not sure whether the Government have even cared to look into the profit and loss accounts of these owners. The Government can do that only when the balance-sheets are available. I need not hesitate to say that in most cases there would not be any balance-sheet at all. It is strange that the Government are proposing to compensate them in cash. Would it not be enough to give the compensation to them in certificates and bonds? This question assumes some significance if you look at the action of the Government in another sector. Some months back the employers of the Central Government were given dearness allowance of a paltry sum of Rs. 10 or Rs. 15. When the employees wanted the arrears in cash, this Government put forth the plea of financial stringency and remitted the arrears in the Provident Fund of the employees. When the Government were not willing to give their own employees the dearness allowance in cash, here these owners of coking coal mines will get in cash 16.37 crores. I do not know Sir, how this is in consonance with the professions of the hon. Minister of Steel. I may not say or even think in this direction, but a man in the street may be tempted to say that the ruling party may get a share if cash compensation is paid to the owners. I am warning the

hon. Minister that he should not give room for such a feeling among the common people. That is why I am suggesting that the compensation may be paid in securities and bonds.

I am also tempted to point out that the hon. Minister of Steel, whose enthusiastic fight for the cause of welfare of labour is well-known, is perhaps more sympathetic to the Mount Road workers than to their counterparts in the coal-mines of Bihar and West Bengal. It looks that the Mount Road workers are frequently remembered by the hon. Minister. In this Bill there is the provision that the Central Government are not liable for the arrears of wages, bonus, provident fund, gratuity and such other dues. This provision of the Bill does not speak well of the disposition of the Minister of Steel. One may think that only the workers of Tamil Nadu belong to the working class and that the coal-mine workers of Bihar and West Bengal belong to the capitalist cadre. I would appeal to the hon. Minister of steel to avoid such a kind of misapprehension in the minds of common people.

It is not only the question of paying Rs. 16.37 crores as compensation. On account of the retrospective operation of the provisions of Clauses 4 and 5 of the Bill, the owners shall also be paid during the interim period from 1st May, 1972 to the date of enforcement of this Act a sum of Rs. 3.50 lakhs per month. The two Houses of Parliament have to approve this Bill and then the President has to give his consent. That means, for the four months, apart from Rs. 16.37 crores, a sum of Rs. 14 lakhs would be paid to the owners of coking coal mines. I am not in a position to support this provision.

The addition to this, it is estimated that a sum of Rs. 5.46 lakhs as interest per month shall have to be the owners till the Payment Commissioner hands over the compensation to them. The people in general are left with no alternative except to misconstrue the action of the charitable-minded Minister of Steel. Is this the kind of socialism which he wants to establish in our country? Why should the hon. Minister be so considerate to the capitalists whom he wants to do away? It is just like robbing Peter to pay Paul. I have no hesitation in saying that public money is being squandered in this way.

Then there is the question of appointing Custodians for the purpose of manning these mines. What are the qualifications of these

Custodians? I don't think that any criterion has been laid down for the appointment of Custodians. Will these custodians be the erstwhile owners of coking coal mines or will they belong to the ruling party, who will be given this patronage? Then, again, what are the functions of the Payment Commissioner? He has to receive money from the Central Government and then hand it over to the owners. He seems to be just a broker or a middleman. Is it necessary to have a Payment Commissioner?

I would also like to know on what basis the compensation of Rs. 16.37 crores has been worked out. How much coal reserves are there in these mines? What is the potential exploitation of coking coal from these mines? Will the Government be able to work these mines profitably? What is the present value of the machinery? Who has fixed this compensation? When this House is asked to approve the provisions of this Bill, naturally all this information should also be made available. When it is reported widely in the Press and elsewhere that there is acute and critical financial condition prevailing in the country, if the hon. Minister has not come forward with the proposal of paying compensation in cash, then the people may entertain some faith in his professions of democracy, socialism and communism. When he visits South, he feels one among the workers. He feels his affinity there because he has been elected from there. But when he is in North, he is more at home with the capitalists and industrialists because they are the dependable force behind the ruling party at the Centre. I do not understand this dichotomy in his approach to the problems of workers.

What is the guarantee that has been provided in this Bill for the wages, gratuity, provident fund and other benefits of the workers which have not been given by the owners before the take-over of these mines? Why should not the dues of the workers in arrears be deducted from the compensation to be paid to the owners? I do not know what stands in the way of the Central Government accepting the liability for the dues of the workers in arrears. This particular clause regarding the dues of the workers should be modified suitably if the Government want to stand by the working class.

Similarly, there is also no guarantee for re-employment in the nationalised mines. If the custodians choose to have some of them, they may get their jobs. If it does not suit the management to have a certain group of

workers, they will be left in the lurch. Not only that. They have also to fend for themselves in the matter of getting their dues from the owners. When the unemployment situation is reaching alarming proportions, all your Five-Year Plans and Ten-Year Plans will be of no avail if the coal-mine workers are also thrown out of employment. These plans will only be consigned to the paper on which they are written. Just a week before, in a Rotary Club meeting, the brother of the hon. Minister who was the Chief of Staff in Indian Army, Gen. Kumaramangalam stated that all the people including his brother are talking so much about what should be done, but in fact very little has been done. He was not only referring to his brother but to the ruling party also.

I hope that the hon. Minister of Steel hailing from Tamil Nadu will uphold the lofty ideals and traditions of Tamil Nadu by suitably modifying certain provisions of this Bill which will give protection and security to the workers in these coking coal mines. I request him kindly to ponder over the suggestions I have made and do the needful.

With these words, I conclude.

श्री रामनारायण शर्मा (धनबाद) :

उपाध्यक्ष महोदय, मैं इस कोकिंग कोल विधेयक का, जो कि नेशनलाइजेशन का बिल है, स्वागत करता हूँ। इसकी प्रतीक्षा हम लोग पिछले अक्तूबर से ही कर रहे थे, लेकिन कुछ इस तरह की अड़चनें सरकार के सामने थीं, खास कर कम्पेंसेशन के मामले को लेकर, जिसकी वजह से सरकार ने कानून बनाने में विलम्ब किया और जितना विलम्ब हुआ, उतनी ही गड़बड़ी पैदा होने की संभावना बढ़ गई।

उपाध्यक्ष महोदय, अभी हमारे डी० एम० के० के भाई ने मुआवजे के बारे में बहुत चर्चा की। बात सही है, जब संविधान में संशोधन हो चुका है तो यह नहीं होना चाहिये था। लेकिन मुआवजे की जितनी रकम है, उससे तो हमारे मजदूरों का बकाया भी बसूल नहीं हो सकेगा, क्योंकि कोकिंग कोल माइन्ज पर केवल प्राविडेन्ट फण्ड का मार्च तक 2 करोड़ 86 लाख रुपया बकाया है। इसके अलावा जो दूसरे ड्यूज हैं, जैसे मंहगाई भत्ता, बेरियेबिल डीयरनेस एलाउन्स, जो हर 6 महीने के बाद

[श्री रामनारायण शर्मा]

बदल जाता है, जैसे जैसे मंहगाई बढ़ती जाती है, उसका रेट भी बदलता रहता है, ऐसी रकम भी 1967 के अक्टूबर से मालिकों ने बकाया रखी हुई है, अगर इस रकम का हिसाब लगाया जाये तो यह रकम भी कई करोड़ रुपयों में बाकी है। इनके अलावा स्टेट गवर्नमेन्ट की गायल्टी, माइन्स बोर्ड का टैक्स, वाटर बोर्ड का टैक्स, दूसरे टैक्स, इस तरह से करोड़ों रुपया इन कोलियरी मालिकों की तरफ बकाया है और मेरा ख्याल है कि उस मुआवजे से भी यह सारी रकम बसूल होने वाली नहीं है।

इस विधेयक में जो प्रावधान रखा गया है—मैं चाहता था कि सबसे पहले यह व्यवस्था होनी चाहिये थी कि जो सबसे कमजोर वर्ग का आदर्श है, उसको सबसे अधिक प्रोटेक्शन देने की बात हममें हाना चाहिये थी। मजदूर वर्ग जो कि मालिकों के इशारे पर काम करता है, कानून का पूरा मतांग वह ले नहीं पाता, यह कानून उसको मदद नहीं दे पाते और उसकी वजह से उसके ड्यूटी रह जाते हैं, बकाया रह जाता है। प्राविडेंट फंड का कोल इण्डस्ट्री पर 10 करोड़ रुपया बकाया है और कोकिंग कोल पर 2 करोड़ 86 लाख रुपया बकाया है। ये जो सरकार के कानून हैं जो कि भारत सरकार के अण्डर में हैं, भारत सरकार के श्रम विभाग को लागू करना चाहिए था उन मजदूरों को लेकिन श्रम विभाग अपने को असमर्थ पाता है, वह उनको राहत नहीं दिला पाता। और आज भारत सरकार का खदान विभाग आया वह भी अपने को, मैं देखता हूँ, इस विधेयक में असमर्थ पाता है क्योंकि इन्होंने जो प्रावधान रखा है वह कहते हैं कि हमारे ऊपर कानूनी पाबन्दी इस तरह की है जिसकी वजह से पहले तो उन चार्जों को देंगे जो कि मार्गेंज किया होगा या बैंक का ड्यू होगा या किसी तरह का फर्स्ट चार्ज जो कम्पनी ने पहले से दे रखा है, पहले उनको देंगे और उसके बाद ही मजदूरों का प्राविडेंट फंड हो सकता है, उनका बीमा हो सकता है, उनकी छुट्टी का पैसा हो

सकता है, उनकी मजदूरी हो सकती है। ये सारे चार्ज हमारे सारे लोगों के साथ साथ आयेगे। और तब मैं यह समझता हूँ मजदूरों को उन रकमों में से कुछ मिल नहीं पायेगा।

दूसरी बात यह है कि कम्पेन्सेशन के लिए जो कमिशनर होंगे, उसका पेमेन्ट करने के लिए, वे कमिशनर एक महीने के अन्दर ही दावा लेंगे। कटिनाई होने पर वे एक महीने का समय और बढ़ा सकते हैं अगर वे कविन्स हो जाते हैं। अब कमिशनर को कविन्स करना, अपने दावे को साबित करना और कोर्ट्स में जबर्जस्ति अनिश्चित समय लगता है तथा इस कानून के द्वारा, ट्राइब्यूनल ने भी मजदूरों को जो अधिकार दिए हैं यह भी सराफार लेने जा रही है। ट्राइब्यूनल ने अधिकार दिया है। अभी धनबाद की इंडस्ट्रियल ट्राइब्यूनल (नं० 2) का फैसला हुआ है :

“बकाया महगाई भत्ता भुगतान सम्बन्धित कोलियरी मजदूर सघ द्वारा उठाए गए श्रम विवाद संख्या 20(1970 का) केन्द्रीय सरकार औद्योगिक न्यायालय (नं० 2), धनबाद द्वारा इस प्रश्न पर अन्तिम निर्णय दे दिया गया है। माननीय श्रमायुक्त श्री एन० वेंकटराव ने न्यू तेतुरिया कोलियरी के प्रबन्धको द्वारा वहां के मजदूरों को वेतन मण्डल के सिफारिशों के अनुसार महगाई भत्ता नहीं दिए जाने को अनुचित बताया है तथा यह भी कहा है कि भारत कोकिंग कोल बकाया महगाई भत्ता भुगतान के लिए जिम्मेदार है।”

इस कोर्ट के सामने भारत कोकिंग कोल ने अपना प्रतिनिधित्व किया कि हम जिम्मेदार नहीं हैं और कम्पनी वालों ने प्रतिनिधित्व किया कि हम नहीं जिम्मेदार हैं। अभी चार साल का उनका बकाया है। आज ही यह नोबत है कि दोनों कहते हैं पुराने मालिक कहते हैं कि अब तो तुम्हारे नये मालिक हैं और नये मालिक कहते हैं कि हमारी जिम्मेदारी कुछ नहीं, तुम पुराने मालिक से बसूल करो, चाहे

लंगोटी ही रह गई हो, वही ले लो। तो यह प्रश्न है। और जो विधेयक हमारे सामने आया है उसमें भी यह प्रावधान किया गया है कि अगर ट्राइब्यूनल फैसला करे, कोई भी कोर्ट फैसला करे तो भी ये उसकी सुनवाई नहीं करेंगे, उसके लिये ये जिम्मेदार नहीं होंगे बल्कि पुरानी कम्पनी जिम्मेदार होगी और वही पेमेंट करेंगी। अब पेमेंट कराने के लिये भी अगर भारत सरकार जिम्मेदारी ले ले, खान विभाग नहीं तो श्रम विभाग जिम्मेदारी ले ले, कोई भी भाग्य सरकार का विभाग इसको करे और उन गरीब मजदूरों को जिनकी सख्या एक लाख है उनको राहत दिलाये तो मैं समझता हूँ वास्तव में उनको राहत मिले। जब खदान का टेरा ओवर हुआ था तो मन्त्री जी ने लगभग 50 हजार की गैररिंग में घोषणा की थी कि तुम्हारे ड्यूज जो होंगे वह फर्स्ट चार्ज होगा। अभी मैं बात कर रहा था तो उन्होंने बतलाया ठीक है, बताया लोगों का जिनका कानूनी हक है उनको पेमेंट करने के बाद यह फर्स्ट चार्ज होगा। अब फर्स्ट और लास्ट चार्ज के चक्कर में वे मजदूर जो है आज तक प्राइवेट मालिकों की चक्की में पिमते रहे हैं। अगर हमारी सरकार उनको राहत नहीं दे सकेगी तो उनमें अभी भी जो कुछ लगन है वह इन प्रबन्धकों की गड़बड़ी की वजह से समाप्त हो जाने की सम्भावना है और यह बिल जो है वह अपना महत्व खो बैठेगा।

मैंने मन्त्री जी के सामने कुछ सुझाव रखे हैं और संशोधन के रूप में भी रखा है। चूँकि समय कम मिला, परसों ही यह बिल इट्रोड्यूस हुआ था इसलिये आज मैंने संशोधन दिए हैं। मैं सरकार और मन्त्री जी का ध्यान इधर आकर्षित करूँगा और चाहूँगा कि यह जो 9 नम्बर का क्लॉज है जिसमें इन्होंने अपने को बिल्कुल मुक्त कर दिया है और कोई भी जिम्मेदारी नहीं लेते हैं, हमने सुझाव दिया है कि नं० (8) में ही आप पूरी जिम्मेदारी खीजिए और इनको प्रायर्टी खीजिए। 8 (3) के अन्त में हमने सुझाव दिया है कि इसमें बोनस, मजदूरों की बेजिज, प्राविडेन्ट फंड, पेन्शन,

ग्रेज्युटी, कम्पेन्सेशन की रकम—इन सारी रकमों को जोड़ा जाये और यह प्राविजन रखा जाये कि यह रकम देकर के ही किसी दूसरे को दिया जायेगा। जब आप मालिक से कोलियरी ले रहे हैं और बड़े पूजी वाले जिन्होंने उनको कज दिया हैं, मार्गेज रखा है उनको प्रोटेक्शन दे करके अगर आप मजदूरों के ट्राइब्यूनल के फैसलों को कानून में प्रावधान करके रोक सकते हैं कि वे फैसले लागू नहीं होंगे, कोर्ट के जजमेंट लागू नहीं होंगे तो आप उनको क्यों नहीं रोक सकते हैं? कहा जाता है कि सारे पुराने कानून जो है वह डिस्टर्ब हो जायेंगे। अगर हमारे लिए सारे कानून डिस्टर्ब हो जायेंगे तो कोई हर्ज नहीं है लेकिन उनके लिए डिस्टर्ब हो जायेंगे तो ठीक नहीं होगा।

इसलिये मैं सरकार से कहूँगा कि इस बिल में विलम्ब करने की तो ग्वायश नहीं है लेकिन मेरे इन सुझावों की जाच करें और जाच करके इस तरह की व्यवस्था करें कि लोगों को राहत मिल सके। एक मिनट बहुत ही ग्लैंग मिस्टर देखो है। पेज 20 पर नं० 121 में मालिक का नाम “इक्विटीबिल कोल कम्पनी” लिखा हुआ है लेकिन इसका मालिक है “होरिला डिकोल कम्पनी”। इक्विटीबिल कोल कम्पनी इसकी मालिक नहीं है। इक्विटीबिल कोल कम्पनी को 98,30,000 रु० का मुआविजा है और डेढ़ करोड़ रुपया प्राविडेन्ट फंड का बाकी है। तीनों कोलियरीज जो ली गई है वह वर्षों से बन्द है। ऐसी हालत में कोकिंग कोल का जो विधेयक है और जो इसके प्रावधान हैं उन पर दूसरी स्टेज में अगर संशोधन सर्कुलेट हुए तो उन संशोधनों पर मैं विशेष प्रकाश डालूँगा लेकिन अभी मैं यही ध्यान आकर्षित करना चाहता हूँ सरकार का कि वह इस चीज को ध्यान में रखे कि मजदूरों के हितों की रक्षा के लिए उनको प्रायर्टी मिलनी चाहिए।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

श्री आर० बी० बड़े (खरगोन) : माननीय उपाध्यक्ष महोदय, जो बिल माननीय मन्त्री जी

[श्री आर० बी० बड़े]

ने प्रस्तुत किया है मैं उसका अनुमोदन करता हूँ। कोकिंग कोल माइन्स में जितने मजदूर थे, जैसे कि झरिया में और रानीगंज में जो कोल फील्ड्स हैं, वहाँ के मजदूरों के वेज बोर्ड के बारे में गड़बड़ हो गई तो शासन ने 16.10.1971 को एक आर्डिनेन्स निकाल दिया और वहाँ एक लिमिटेड कम्पनी स्थापित कर दी जिसका नाम आपने भारत कोकिंग कोल लिमिटेड कम्पनी नाम रखा और 214 कोकिंग कोल माइन्स को अपने कब्जे में ले लिया है। लेकिन उसके द्वारा आपने केवल मैनेजमेंट अपने हाथ में लिया, ओनरशिप नहीं ली, जिससे वह अधूरा काम रहा। इससे काम अधूरा ही रहा, न स्त्री और न पुरुष, जिसकी वजह से इतनी अव्यवस्था हो गयी। अब जो बिल कोकिंग कोल माइन्स (नेशनलाइजेशन) बिल माननीय मंत्री जी लाये है उसके द्वारा न सिर्फ मैनेजमेंट बल्कि ओनरशिप भी आप ने ले ली है। जब कि पहले आप ने अधूरा काम किया था जिससे मजदूर खुश नहीं थे, न मालिक लोग खुश थे। मालिकों ने उस अधूरे स्टेप का अनुचित लाभ उठाया। जो आपने कम्पनी बनाई थी वह लौस में चलती रही, जब कि उस कम्पनी को करीब दो करोड़ का लाभ होना चाहिए था वह न होकर मई तक एक करोड़ 26 लाख का लौस हुआ। तो मैनेजमेंट अपने हाथ में लेने के बाद भी क्यों नुकसान हुआ इसका कोई कारण मंत्री जी ने अपने भाषण में नहीं बताया।

आयरन और स्टील के वास्ते कोकिंग कोल की बहुत जरूरत होती है। अभी आप को 11 मिलियन टन्स कोकिंग कोल प्राप्त होता है जब कि आप की जरूरत 16 मिलियन टन्स की है। और 1977 तक आप को 33 मिलियन टन्स की जरूरत होगी। मतलब यह है कि माइन्स की व्यवस्था ठीक नहीं है अतः उनके मैनेजमेंट की उचित व्यवस्था सरकार को करनी चाहिए।

आपने पोर्लैंड से ऐक्सपर्ट माइन्स डेवलपमेंट के लिये बुलाये हैं लेकिन अपने इंजीनियर्स को कोई चान्स नहीं दिया जो कि किसी भी हालत

में कम ऐक्सपर्ट नहीं हैं। जब तक आप अपने इंजीनियर्स को मौका नहीं देंगे तब तक कोई भी उद्योग उन्नति नहीं कर सकेगा। इसलिये मेरा मन्त्री जी से निवेदन है कि स्थिति का सही अन्दाजा लगाने के लिए यह जरूरी है कि आप अपने जो भारतीय ऐक्सपर्ट्स हैं उनकी भी राय लें।

इसके बाद मेरा कहना है कि जो मजदूर वहाँ काम करते हैं वे कांट्रेक्ट बेसिस पर काम करते हैं, और बहुतों को तो काम करने के बाद भी मजदूरी नहीं मिली। जिन सेक्शन्स का हवाला माननीय शर्मा जी ने दिया इसके अनुसार क्लाज 17 से पहले मैनेजमेंट के बारे में कहते हैं:

"In the case of a coking coal mine or coke oven plant, in relation to which a direction has been made by the Central Government under sub-section (1) of section 7, vest in the Government company specified in such direction, or"

और फिर कहा है कि:

"in the case of a coking coal mine or coke oven plant in relation to which no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2)"

बैंक द्वारा इनके कस्टोडियन नियुक्त हुए हैं, वे किस प्रकार के होंगे, उनके क्या अधिकार होंगे इसका कोई विवरण नहीं दिया गया है। आखिर 214 माइन्स के कस्टोडियन्स अपॉईंट होने वाले हैं उनके अधिकारों का कुछ तो ज्ञान हमको होना चाहिये।

क्लाज 17 जब मैंने देखा तो मुझे बड़ा ताज्जुब हुआ कि माननीय कुमारमंगलम जैसे प्रगतिशील व्यक्ति द्वारा ऐसा बिल किस प्रकार लाया गया। क्लाज 17 में है:

"Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee from a coking coal mine or coke oven

plant to any other coking coal mine or coke oven plant shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) Where, under the terms of any contract of service or otherwise, any person whose service becomes terminated, or whose service becomes transferred to the Central Government or a Government company by reason of the provisions of this Act, is entitled to any payment by way of gratuity or retirement benefit or for any leave not availed of, or any other benefits, such person may enforce his claim against the owner of the coking coal mine or coke oven plant, as the case may be, but not against the Central Government or the Government company."

इंडस्ट्रियल डिसप्यूट्स ऐक्ट को इसके द्वारा बालाएँ तक रख दिया गया। इसके अनुसार मजदूर अपनी ग्रेचुटी और बोनस के लिये कोकिंग कोल माइन्स के ओनर्स के खिलाफ सूट फाइल करेगा। तो जब आप ओनरशिप ले रहे हैं तब लायेबिलिटीज भी आप को लेनी चाहिए, और जो मुआवजा आप माइन ओनर्स को देंगे उसमें से वह धनराशि, जो कि मालिकों को ग्रेचुटी और बोनस के रूप में मजदूरों को देनी है, काट लें। यदि आप सचमुच में मजदूरों का भला चाहते हैं तो आप को ऐसी व्यवस्था करने में कोई शिक्का नहीं होनी चाहिए। मजदूरों को देय धनराशि काटने के बाद जो रकम बचे वह आप ओनर्स को या मार्गजी को दें। क्योंकि यह स्वयं कोल माइन ओनर्स का डिफाल्ट है कि मजदूरों के प्रोपर क्लेम्स उन्होंने नहीं दिए हैं आप ने कहा है कि मार्गजी का प्रथम चार्ज होगा। मैं कहता हूँ कि इसकी जरूरत नहीं है क्योंकि यह मजदूरों की गलती नहीं है, बल्कि ओनर्स का डिफाल्ट है जिसकी वजह से मजदूरों को उनका प्रोपर क्लेम नहीं मिल पाया। इसलिये ग्रेचुटी और बोनस का प्रथम चार्ज होना चाहिए, न कि मार्गजी का।

"9, (1) Every liability of the owner, agent, manager, or managing con-

tractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company."

It is just a repetition of clause 17.

Then, it says:

(b) no award, decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company;"

यहां आपने कहा है कि जो मजदूरों के बोनस और ग्रेचुटी के क्लेम्स होंगे उनके बारे में वे सरकार के खिलाफ नहीं बल्कि ओनर्स के खिलाफ सूट फाइल कर सकेंगे। यह मेरी समझ में नहीं आया कि जब आप ओनरशिप ले रहे हैं तो लायेबिलिटीज भी आप को लेनी चाहिए। आप ओनर्स पर इसको ऐनफोर्स कर सकते हैं। इसलिये मेरी राय में यह बहुत बड़ा लैकना है जिसकी तरफ ध्यान देना चाहिये।

आप को मालूम पड़ता है कि कोकिंग कोल मिलता नहीं है। मेरे पास रेलवे बोटल नेक के कुछ आंकड़े हैं जिनसे पता चलता है कि जितने वेगन्स आप को चाहिए वह आपको प्रोपर कोअर्डिनेशन न होने के कारण मिल नहीं पाते हैं जिसकी वजह से शोर्टेज हो गई है। और वेगन्स भ्रष्टाचार के कारण नहीं मिलते हैं जिससे नुकसान होता है।

"Transport bottle-neck due to wagon shortage is the chronic problem of the coal industry. The daily average wagons allotment to Bihar and West Bengal coal fields were as below At present the minimum demand of wagons is 7000 per day but only 6100 wagons are being allotted in May, 1972"

अगर रेलवे मन्त्रालय से कोअर्डिनेशन हो जाय तो तमाम बोटल नेक खत्म हो जायें।

[श्री आर० वी० बड़े]

अन्त में मेरा निवेदन है कि जो आप राष्ट्रीयकरण का बिल लाये है उसमें आप तभी सफलता पायेंगे जब आप मजदूरों को शान्त रखें और उनके हितों की रक्षा करेंगे।

श्री भूलचन्द डागा (पाली) : उपाध्यक्ष महोदय, माइनिंग ऐक्ट के सिलमिले में मैं बिहार की खरिया में गया और सारी कोल माइंस को देखा। मुझे ऐसा अनुभव हुआ कि वहां पर जो लेबर लाज है वह कोई भी लागू नहीं है। अगर लागू है तो इस माने में कि वहां पर आफिमर्स जरूर हैं, लेकिन कानून का इम्प्लिमेंटेशन नहीं हुआ। मैंने बिहार में जगह जगह घूम कर इस बात को देखा तब मुझे बड़ी ख़ुशी हुई कि आप इतना अच्छा बिल ला रहे हैं। उसकी बड़ी प्रशंसा हुई और वह तारीफ़ करने के काबिल भी है। लेकिन आपने उसमें तीन चार बातों का उत्तर नहीं दिया। कोल माइन्स को लेने में आप का खर्च कितना हुआ, आज वह कैसे नल रही है और वहां पर जो लेबर लाज है, चाहे बिहार गवर्नमेंट के हों या सेंट्रल गवर्नमेंट के, वह लागू है या नहीं। जब आप इस विषयक को बना रहे हैं तो इस लिये कि आप शोषण को बन्द कर सकें और जो पूंजी जमीन में जमा है उसको निकाल कर देश की आवश्यकता को पूरी कर सकें। (व्यवधान) इस बात को लेकर आप ने कई बार जगह जगह भाषण दिये और अखबारों में भी निकला है कि आप सारे देश के अन्दर माइन्स के अन्दर जो मजदूर हैं उनका हित करना चाहते हैं। लेकिन मैं आप से ठीक कहता हूँ कि चाहे कोई भी गवर्नमेंट एग्जेंसी हो उसके बारे में आपने कुछ नहीं बतलाया है। आपने बिल में जो भी कस्टोडियन बनाये हैं उनकी क्या रेवालिफिकेशन होगी, क्या डेफिनिशन होगी, कुछ नहीं बतलाया है। मैं बिल्कुल इस को फालो नहीं कर सका हूँ कि आप कैसे कम्पेंसेशन देना चाहते हैं। आपने कांस्टिट्यूशन को अमेंड कर दिया। धरती कोयला देती है और उसके कोयला देने के बाद किसी आदमी ने अगर उसका शोषण किया है, लाखों रुपये

कमा लिये हैं तो आप उसको कम्पेंसेशन क्यों दे रहे हैं? अगर बरसात में बाढ़ बरस जाये और धरती में घास हो जाय तो आप कहेंगे कि हम धरती का पैसा देंगे भले ही घास का पता न हो। कोयला जमीन देती है और उसको मालिक ने सम्भाल लिया। आप समाजवाद की इतनी वकालत करते हैं। आप मुझको बतलाइये कि आप लाखों रुपये कम्पेंसेशन देने की क्यों सोचते हैं। कितनी मशीन आपने ले ली। स्टेट मिनिस्टर साहब बतलायें कि कम्पेंसेशन देने के लिये इन्जीनियर का रेफ्रिकेशन सही था। कोर्ट आफ ला ने कह दिया कि हमने जिआलो-जिस्ट भेज दिया, सिविल इन्जीनियर भेज दिया। आखिर क्या क्राडेटेरियन था। मान नौजिये कि खान चल नहीं रही है या जमीन में इन्फीरि-अर टाईप का कोयला हुआ तब आप क्यों पैसा देना चाहते हैं? आप कम्पेंसेशन प्रापर्टी के लिये देते हैं या इसलिए देते हैं कि वह खान के मालिक थे। कौन मालिक था? मालिक उसको बना दिया हमारी रुढ़ियों और गलत तरीकों ने। जमीन हमारी है, लेकिन कोयला जो निकलना है उसके मालिक वह बन बैठे। तब फिर आज आप कम्पेंसेशन किम बात के लिये देते हैं? हमको बतलाइये कि आप ने दनना इक्विपमेंट ले लिया आपको बनलाना चाहिये था कि कोल माइन्स लेने में कितना रुपया खर्च हुआ और उसमें कितना आपको फायदा हुआ।

मैंने बिहार में मजदूरों के बीच में जाकर देखा है। ऐसा मालूम होता है कि मैं नरककालों के बीच में हूँ। लेकिन जो रिसीवर थे हजारी-बाग में वह इनने मोटे ताजे थे कि उनके बोझ से जीप का चक्का दब जाता था। बेचारे मजदूरों को गन्दा पानी पीना पड़ना था। मैंने उनसे पूछा कि क्या तुम को पीने के लिये पानी मिलता है? तब उन्होंने बतलाया कि वह गन्दा पानी पीते हैं। आप अब कैसे बने हैं। मैं स्टेट मिनिस्टर साहब से पूछना चाहता हूँ कि उनके खिलाफ बिहार गवर्नमेंट ने एक साल में कितने मुकदमों चलाये हैं? आपने बिल में लिखा है कि ट्राइब्यूनल में कोई भी अवाई दिया हो

"No award, decree or order of any court, tribunal . . ."

बोनस मजदूर ज्यादा क्लेम नहीं कर सकता। ऐसी स्थिति में मजदूर कहाँ जायेगा? जो मालिक बैठा था वह तो चला गया। सब कुछ छोड़ कर राजस्थान चला गया। मिल को सम्भला दिया और रुपया लेकर राजस्थान चला गया। क्या राजस्थान में डिगरी करायेंगे? या मद्रास में जाकर उसने मेडिसिन की दूकान शुरू कर दी है। आपने लिखा है कि :

"no award, decree or order of any court, tribunal or other authority . . . shall be enforceable against the Central Government or the Government company ;"

आप कहते हैं कि मालिक की जगह हम आये हैं। वी हैब स्टेप्ड इन बेअर झूज। आप सोचते हैं कि यह आफत कौन मोल ले कि चले उस के पीछे। लेकिन मजदूर कहाँ जायेगा। अब कहा गया है कि करीब 3 करोड़ रुपया प्राविडेंट फंड का बनता है। आप बनलाइये कि आपने लेबर लाज से कितना रुपया वसूल कर लिया ?

आपने बिल में मारगेज के बारे में लिखा है :

"within the time as prescribed"

सब जगह लिखा है कि ऐज प्रेस्क्राइड और रूल्स बने नहीं हैं आप के। आखिर फोर्स में आयेगा क्या ?

Have you brought those rules into force ?

आप ने कई जगह लिखा है ऐज प्रेस्क्राइड ।

What are those rules ? Have they been framed ?

SHRI R. D. BHANDARE (Bombay Central) : Rules will be framed later on.

श्री भूषणदास डाया : तो फोर्स में कैसे आ सकता था। आपका कहना ठीक है लेकिन आर्बर् इम्प्लिमेंट नहीं हो सकता था और न या

मारगेजी को कम्पेन्सेशन देने का। इस मामले में आप ने लिखा है कि लेबरर्स को आप ने उसकी मर्जी पर छोड़ दिया है। आपने क्लाज में लिखा है कि :

"The Central Government or the Government company in which the right, title and interest in relation to a coking coal mine or coke oven plant have vested, may employ, on mutually acceptable terms . . ."

यह किम लिये है ? मैं इसमें ज्यादा नहीं जाना चाहता क्योंकि आप वानून बनाने वाले हैं। आज आप यह कानून बना लें लेकिन सोसलिस्ट पैटर्न आफ सोमायटी का प्रिंसिपल जो है शायद आपकी व्यूरोक्रेमी ने बना रक्खा होगा।

इसलिये मैंने इसको मनेकट कमेटी में भेजने का अमेंडमेंट रक्खा था। मैं इन बिल को डिले नहीं करना चाहता, लेकिन मेरा यह मसद्द था कि जो बिल बनाया जा रहा है उसके अन्दर मजदूरों के हितों को तरफ कोई ध्यान नहीं दिया गया है। उनके जो सोशल क्लेम और राइट्स हैं उनको खत्म कर दिया गया है, वह आप राइट्स के लिये कुछ कर नहीं सकेंगे। इसका ध्यान रक्खा जाना चाहिये।

SHRI K. BALADHANDYUTHAM (Coimbatore) : Mr. Deputy-Speaker, Sir, however belated, on behalf of the Communist Group, I welcome this Bill of nationalising the coking coal mines. But, I fail to see the criterion in excluding other mines and taking only on a partial take-over the coking coal mines. As Minister of Steel and Mines, perhaps he was applying his mind only to steel and the need for coking coal, as Minister of Mines also, must have occurred to him and he must give equal importance to coal. It should be for all coal, not only coking coal. He is also Minister of mines; he should take care of all the other mines also. Even the West Bengal Assembly has passed a resolution. All of us agreed that mines have been managed very badly; in the words of Mr. Malaviya, they were slaughtered and massacred and all that. You have to consider the need for fuel in the country. Even the Fuel Commission have said

[Shri K. Baladhandayutham]

this. They have recommended only recently that the country needs 165 million tonnes of fuel. Therefore, I think this partial takeover is not justified. Even now it is not too late. You can consider the nationalisation of the entire coal mines.

We join hands with all those previous speakers who have made an issue of compensation; the amendment of the Constitution would be justified in this case. What all they have done was slaughtering of the mines. All that the mine-owners were doing was ruining of the mines. Why you want to reward those people who have been ruining the mines, slaughtering the mines? Compensation in this case is not only unjustified, but it is criminal because by this action the people who did ruin the mines and the country's natural resources are sought to be rewarded. Even now there are reports of fires in mines in Jharia coal fields. These fires are happening due to the mismanagement and due to the unscientific way of dealing with the mines. We know what havoc fires have done. We know what great loss we are going to sustain by way of loss of natural resources like coal. Therefore, Sir, there is no justification to pay them compensation.

We thought that when they were taking over this coking coal mines, they would not only take over the mines and the machinery but that they will take over the entire workers. The consideration shown to the mineowners, we find, has not been shown to the workers. I was pleased when I heard Mr. Mohan Kumaramangalam waxing eloquent last time about how the owners were obstructing the take-over. He mentioned that by the way the workers have welcomed this nationalisation and take over, he was hopeful of overcoming the resistance of the owners. Now he should be fair to the workers, because, with their cooperation alone can he make a success of nationalised coal-mines.

Here is a case of not recognising the rights of the workers with regard to their arrears and all those things, whereas, they go to pay compensation to the owners.

Have the mineowners ever issued any balance-sheets? Have they at any time brought out any balance-sheet about their company affairs? No. When there is no such balance-sheet, the Government may rightly say that there will be no compensation. On

what basis do you pay compensation? If there is no balance-sheet then it means that no compensation should be paid. That must be the answer. But what we find is that even though there is no balance-sheet still they will pay compensation. But when it comes to workers, we find that there are arrears to be paid to them, and there are records to the effect that the workers have not been paid and there are records in all these cases, and the Regional Labour Commissioner has got them, and the unions also have been raising it every time, and these arrears run to crores of rupees. The whole question is what is going to be done with regard to these arrears. I submit that the workers should be enabled to make an application to the payment commissioners and the arrears must be paid to them. If compensation is to be paid, I say that let it be paid to the workers who are going to continue to run the mines, in the form of payment of arrears due to them. I would like to know whether Government will take the responsibility of paying them the arrears, I submit that some provision must be made in this Bill for payment of arrears to the workers.

Even High Court judgments have been given, giving priority to wages, bonus, provident funds and other arrears to be paid to the workers. In these circumstances, I feel very strongly that some provision must be made in this Bill to guarantee payment to the workers, and Government should take the responsibility and see that compensation is not paid to the owners unless these arrears are cleared and only the balance that is left over shall be paid to the owners.

Even after the taking over of these mines I am very sorry to say that Government have not improved the condition of labour. The contract labour against which everybody has spoken still continues even in the Government managed mines.

With regard to sending a team to Poland, we welcome this team going to Poland to learn the work of reconstructing and restructuring the mines, but it is necessary that the Director-General of Mines Safety should also be sent.

Whenever any measure for nationalisation is brought forward, I would recommend that Government should take care to see that the management of these mines is not left only to the custodians or to Government by remote

control but it should be done by participation of labour in management, which has been the slogan of the Government in the recent past. In fact, even the Public Undertakings Committee of Parliament has recommended that a statutory committee should be formed of elected workers who will participate in management and in decision-making. This Bill will be a very progressive Bill and will be a model for other Bills on nationalisation only if it includes a provision for the participation of workers in management. A statutory provision should be made in this Bill whereby the workers will be able to run these nationalised mines or other nationalised public undertakings in a democratic way, so that there will be democracy, there will be efficiency and there will be good results. I appeal, therefore, to the hon. Minister even at this late stage to include this provision for a statutorily elected committee of workers for participation in the management of these mines.

श्री स्वर्ण सिंह सोखी (जमशेदपुर) : कोकिंग कोल माइन्ज नेशनलाइजेशन बिल जो लाया गया है इसका मैं स्वागत करता हूँ। मुझ से पहले कई माननीय सदस्यों ने बहुत सी बातें कह दी हैं। उनको दोहराने की मैं जरूरत नहीं समझता हूँ। लेकिन मेरे कुछ और सुझाव हैं जोकि मैं आपके सामने रखना चाहता हूँ और उम्मीद करता हूँ कि मिनिस्टर साहब उन पर ध्यान देंगे और उनको लागू करने की कोशिश करेंगे।

पहली बात तो यह है कि कस्टोडियन जो बहाल हों उनकी क्वालिफिकेशन कम से कम माइनिंग इंजीनियर की होनी चाहिये। उनको कोकिंग कोल माइन्ज को चलाना है। एक एकाउंटेंट को ले जाकर अगर आप बिठा देंगे और समझेंगे कि माइन का काम चल जाएगा तो यह असम्भव है। कई पब्लिक अंडरटैकिंग में ऐसा हुआ है।

साथ ही साथ जो लोकल लोग हैं उनको आप बहाल रखें, अगर बिहार में माइन है तो बिहार के लोगों को पहले नौकरी मिलनी चाहिये और अगर लोकल आदमी क्वालिफाइड आपको न मिले तो फिर आपको बाहर के लोगों को लाना चाहिये।

ठेकेदारों के बारे में भी कहा गया है।

ठेकेदारों की लेबर अभी भी माइन्ज में है। सारा काम वही बिगाड़ते हैं। लेबर चाहे वह लोडिंग के लिये हो या ओवर बर्डन हटाने के लिए हो, डिपार्टमेंटल होनी चाहिये।

15 hrs.

वहाँ लेबर की हालत बहुत खराब है। मैं बिहार के माइन्ज के इलाके को अच्छी तरह जानता हूँ। उन माइन्ज में न अस्पताल है, न स्कूल है, न पीने के पानी का इन्तजाम है और न रहने के लिए क्वार्टर है। मैं उम्मीद करता हूँ कि जब गवर्नमेंट ने इन माइन्ज को अपने हाथ में ले लिया है, तो अब वह इन सब बातों की व्यवस्था करेगी।

जिन कोक ओवन प्लाट्स की मशीनरी बहुत पुरानी हो चुकी है, उनमें नई मशीनरी लगाना पड़ेगा। जो भी नई मशीनरी लगानी पड़े, वह देसी हो, न कि किसी फर्म को ठेका दे कर बाहर से मंगाई जाये। सैट्रल डिजाइन्ज ब्यूरो की मदद से हम कम्प्लीट कोक ओवन प्लांट बना सकते हैं।

इन माइन्ज के मैनेजर्स को लोकल पालिटिक्स से नहीं पड़ना चाहिए। वे लेबर के बीच में अपना पालिटिक्स करते हैं, जिस से माइन्ज के काम में हर्ज होता है।

अगर एक माइन में एक लेबर यूनियन रेकगनाइज्ड हो, तो बेहतर होगा, ताकि झगड़े का अन्देशा न रहे।

जिन माइन-ओनर्स ने मशीनरी हटा ली है या दूसरी किस्म का नुकसान किया है, उनके साथ बहुत सख्ती से पेश आना चाहिए और उनके खिलाफ एक्शन लेना चाहिए।

जैसा कि दूमरे दोस्तों ने कहा है, मानिकों को कम्पेन्सेशन देने से पहले लेबर का सारा बकाया—बोनस और ग्रेजुइटी—दे देना चाहिए। इसके अलावा गवर्नमेंट के टैक्सों और बिलों का सब पैसा काटने के बाद अगर उनका कुछ निकले, तो उनको कम्पेन्सेशन देना चाहिए। अव्वल तो कम्पेन्सेशन देने की जरूरत ही नहीं है। अगर

[श्री स्वर्ण सिंह सोखी]

सीजिज को विदड़ा कर लिया जाता, तो कम्पेन्सेशन का सवाल ही न उठता।

इस कानून में कोर्ट में जाने के लिए कोई गुंजायश नहीं होनी चाहिए, क्योंकि मालिक लोग कोर्ट में जा कर कई किस्म की अड़चनें डालते हैं। गवर्नमेंट के डिपार्टमेंट का फैसला ही पक्का होना चाहिए।

पिछले दिनों में प्राइक्शन ड्राप हो गई है। जब भी कोई चीज पब्लिक सैक्टर में ली जाती है, तो पता नहीं क्यों उसका प्राइक्शन ड्राप हो जाती है। जो अफसरान हम के लिए जिम्मेदार पाये जायें, उनके खिलाफ एक्शन लेना चाहिए—या तो उनको हटा देना चाहिए, और या दूसरी मुनासिब कार्यवाही करनी चाहिए।

जो बाकी कोल माइज रह गई है, उन को भी जल्दी से जल्दी ले लेना चाहिए, ताकि बीच में जो कई किस्म की बाधायें और अड़चनें पड़ी हुई हैं, वे भी न रहें और गवर्नमेंट की स्कीम पूरी तरह से चल सके।

मैं इस बिल का स्वागत करना हूँ और इसकी सपोर्ट करता हूँ।

SHRI N. SREEKANTAN NAIR (Quilon): I am really pained and startled by the revelations made both on the floor of the House and in the various clauses of the Bill. I expected that with their background, Shri Mohan Kumaramangalam and Shri Shahna-waz Khan would approach this question in a slightly different manner. If at least the major chunk of the compensation had been kept pending to be paid at a future date after settling the claims of the workers, that would have been something. I do admit there are certain provisions which enable workers to put in claims which they are expected to prove before competent authority in a responsible manner. But what about awards? They say they have nothing to do with them.

We know that workers' claims, especially in coal mines, have been denied and they have been deprived of their rights. There will be many cases pending before tribunals which may be decided after periods of 8-9 years and then they may go to the Supreme Court for final decision.

Therefore, such provisions as have been made here are unhealthy. The decision to pay compensation in cash and also interest thereof is also not something which was expected.

Then, clause 9 (1) and (2) (a), (b) and (c) deals with the Central Government not being liable for prior liabilities. They are not enforceable. Then there is clause 17 (2), under which the claims under the Industrial Disputes Act are not enforceable. Then there is clause 17 (5); the claim cannot be enforced against the Government. Clause 19 deals with superannuation, welfare and other funds. They are to be distributed to the workers by the employer, so that the Government may not have any responsibility for them. There are funds. They are available with the employers. Those funds are to be distributed to the employees, but the Government are not taking up the responsibility for continuing them. That is very unfair. I do concede that all the coal-owners do not follow the same pattern. Some may have a welfare fund, and those workers under them will get it. You try to bring uniform measures of welfare for all the workers but do not compel the owners to disburse the fund; by so doing, you wash your hands of your responsibility to continue them in the future.

It also goes counter to clause 17 (1), because it is a question of laying down the same conditions of service. If you lay down the same service conditions and if a colliery worker has a welfare fund, that has to be continued. As a top-lawyer you know that you cannot deny them that benefit. So, you have to carry on the work of contributing to the welfare fund. Why do you want the employer to disburse it now, so that the workers may not count on it as a protection for the future?

Many arguments have been brought to your notice. There is clause 24; and there is clause 23 (a), (b), (c) and (d) which deal with the claims to be made. The workers' dues are all clubbed together, along with the dues to Government and other authorities. Is it fair that the workers' dues should be clubbed along with those of the Government and other creditors and be divided on a pro-rate basis on the basis of the assets of the concern? The workers' dues should be given priority; they must have been the first charge on any compensation that is paid to the owners, but I do not know how a man like

Shri Mohan Kumaramangalam could suggest such a thing. It is very unfair.

Then there is the penal clause; clause 30; and also clause 31 which deals with offences by companies. The penal clause has no meaning. We know that whatever they could remove has been removed, and to say that they will be forced to disclose the whereabouts is a humbug. We would not be able to get anything back. As has been pointed out, the mines have been destroyed and devastated, and so, the question of compensating them should have been gone into with much more thought and care.

Finally, I come to the question of the number of employers and the profits that these companies have made. The hon. Shri Shah Nawaz Khan was saying that there were 75,000 workers originally and most of them were under contract. Our working class strength is now 1,50,000. It may be that many of the mines were not working properly, but then, how could the number all of a sudden, shoot up, from 75,000 to 1,50,000. Have they made a proper study of the whole thing? Recruitment has been going on. There is a saying in my language to the effect that there are ample trees in the forest and ample elephants in the temples, and so cut a number of trees and let the elephants pull them with the rope, and you do not pay anything! If that is the attitude, I am afraid we are once again committing a mistake in the nationalised sector.

The point that mines have not been working on a profit has already been made clear. If that is so, what steps do the Government intend to take, in order to make them a profitable concern? As long as they have not been able to work with a profit, I cannot join my voice to those who said that the other coalmines should also be immediately taken over. When you cannot run the coking coal mines at least on a profitable basis, when you cannot produce what is required urgently for our steel mills and when you cannot run them properly, how can you run these multitudinous coalmines in this country especially when these mines have been devastated? They have been running very badly and miserably and you would not find much coal anywhere. Taking over more coalmines is not so important as making the nationalised mines run properly. I would finally request him not to depend upon the majority of the House, just to get the legislation passed as it is. I am

afraid he himself has not perhaps studied the Bill properly. Otherwise, many of these aspects would have come to his mind also. Because of shortage of time, I could not send my proposals in the form of amendments but I have explained them and I do submit that the Government must go into them thoroughly and if amendments are needed, he must bring forward amendments to the concerned clauses from the Government side, rather than get it passed as it is using the power of the steam-roller.

श्री जगन्नाथ मिश्र (मधुबनी) : उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करता हूँ। दिसम्बर में जब यह टेक ओवर कोकिंग कोल माइन्स (एमजेंसी प्राविजन्स) ऐक्ट 1971 के द्वारा हुआ था उस वक्त भी मैंने इसका समर्थन किया था। उसके बाद 8 महीने व्यतीत हो गये और आज यह नेशनलाइजेशन का बिल आया है। तो जहाँ एक तरफ मैं इसका समर्थन करता हूँ, वहीं दूसरी ओर मैं इसका कुछ रेस्ट्रिक्शन भी करना चाहता हूँ, रेस्ट्रिक्शन हैल्दी क्रिटिजिज्म के रूप में, विवेचना के रूप में, केवल आलोचना के स्थान से आलोचना नहीं। इस नेशनलाइजेशन बिल की महत्वकांक्षा है कि कोकिंग कोल का प्रोडक्शन बढ़े, स्टाकिंग हो, रिजर्वेशन रहे, कंजर्वेशन रहे और प्रोडक्शन कास्ट में संतुलन रहे तथा जो व्यवस्था हो वह बिलकुल ठीक हो और सभी के लिए हितकर हो। इस पृष्ठभूमि में मैं कुछ कहना चाहूँगा।

15.05 hrs

[SRI K. N. TIWARI in the Chair]

जहाँ तक प्रोडक्शन का सवाल है बारीकी से देखने से पता लगता है कि प्रोडक्शन में कोई प्रगति नहीं हुई है। मामला वहीं है जहाँ था। यह मैं कबूल करता हूँ कि भारत कोकिंग कोल लिमिटेड के समक्ष बहुत सारे प्राबलम्स हैं। फिर भी उसे चाहिए कि उन प्राबलम्स के बीच से होते हुए प्रोडक्शन को बढ़ाने का प्रयास करे। टेक ओवर के बाद इंडो पोलिश कोले-बोरेसन जो सहयोग के लिए हुआ उसका क्या कांक्रिट रिजल्ट निकला, इसमें तो मैं अवगत नहीं हूँ। लेकिन जो कुछ मैं कहना चाहता हूँ उसका सार यही है कि नेशनलाइजेशन के बाद

[श्री जगन्नाथ मिश्र]

परिस्थिति चाहे जो हो, लेकिन हर हालत में प्रोडक्शन बढ़ना चाहिए।

दूसरा सवाल मैं कंजर्वेशन के विषय में करूंगा। यह बहुत दुखद विषय है कि टेक ओवर के बाद भी कंजर्वेशन पर सरकार का समुचित ध्यान नहीं गया। हकीकत यह है कि इसका पूर्ववत दुरुपयोग हो रहा है। सुनने में आता है कि ईंट बनाने के काम में भी इसका इस्तेमाल किया जाता है। अब बहुत जल्दी बोकारो प्लांट कार्य रन होने वाला है उसके काम के लिये प्रति महीने 1.40 लाख टन की आवश्यकता होगी और इस परिस्थिति में हम क्या उम्मीद करें कि इस लिमिटेड स्टाक से इस्पात निर्माण का कार्य कैसे सम्भव हो सकता है? यह दुखद स्थिति है और हमका सुधार अपेक्षित है।

प्रोडक्शन कास्ट के बारे में मुझे निराशा ही है। भारत कोकिंग कोल लिमिटेड के यूनिट में इसका मूल्य प्रति टन 40 रुपये है जो इन्फ्लेक्शन रेट ही कहा जा सकता है। इसीलिये उसका प्रस्ताव है कि रा कोल का दाम 3 रुपये 50 पैसे प्रति टन बढ़ा दिया जाय। इतना ही नहीं हार्ड कोक और साफ्ट कोक का तो दाम बढ़ा भी दिया गया है जो उचित नहीं है। अगर सरकार नेशनलाइजेशन कर के मूल्य वृद्धि करे तब फिर हमारा कोई हक नहीं रह जाता है कि हम प्राइवेट लोगों की मूल्य वृद्धि पर किसी तरह की कोई आपत्ति करें। इसलिये भी यह आवश्यक है कि जहां तक कास्ट का सवाल है उसमें हम संतुलन रखें।

वहां पर भारत कोकिंग कोल लिमिटेड में जितने कैटेगरीज आफ वर्कर्स हैं उनमें सम व्यवहार होना चाहिये। हुआ यह है कि जो बड़े बड़े अफसर हैं उन्हें तो छोड़ दिया गया है और छोटे छोटे अफसरों का नये रूप में इन्टरब्यू हुआ है, नया अप्वाइन्टमेंट हुआ है और नया पे स्केल निर्धारित हुआ है। इसलिए वर्कर्स में बड़ा क्षोभ और आतंक है और वे परेशान हैं। वहां इसकी वजह से बड़े आतंक के समाचार हैं जो ठीक नहीं हैं। इसके पूर्व

भी बैंक नेशनलाइजेशन हुआ। वहां पर कर्मचारियों को टच नहीं किया गया। उनका जो स्केल आफ पे था, ग्रेड था, वहीं उनको छोड़ दिया गया। तो उसके अनुरूप ही कोकिंग कोल के कर्मचारियों के मामले में भी हमें ऐसा ही स्टेप लेना चाहिए और यह इसलिए भी आवश्यक है कि अगर कर्मचारियों में क्षोभ रहेगा, आतंक रहेगा तो यह निश्चित है कि वे ठीक से काम नहीं करेंगे जिसका रिजल्ट आपके प्रोडक्शन पर पड़ेगा जो बड़ा अहितकर होगा। इसलिए मैं सरकार से अनुरोध करूंगा कि वह इस स्थिति को दूर करने का प्रयत्न करे।

जहां तक नियुक्तियों का सवाल है यह सही है, पूर्व वक्ताओं ने भी कहा है और उससे इन्कार नहीं किया जा सकता है, टेक्निकल मामलों में तो मुझे कुछ नहीं कहना है, वह तो अगर प्रान्त में नहीं उपलब्ध हैं तो बाहर से मंगाने में कोई आपत्ति ही नहीं है, बल्कि प्रसन्नता भी है क्योंकि इससे प्रोडक्शन को बढ़ावा मिलेगा। लेकिन जिस काम के लिए स्टेट में ही लोग उपलब्ध होते हैं, न मालूम कैसे उन्हें वह आफर नहीं दिया जाता है और बाहर के लोग वहां थोप दिये जाते हैं। इससे लोगों में बड़ा असंतोष है। यह आप जानते ही हैं कि बिहार की स्थिति कैसी है? कोई भी कारखाना लीजिए, कोई उद्योग लीजिए, कुछ भी लीजिए, उसमें बिहार के लोगों को एम्प्लायमेंट नहीं दिया जाता है, बाहर के लोग लाकर वहां रखे जाते हैं। यह स्थिति जब तक प्राइवेट कम्पनियां थीं और प्राइवेट मैनेजमेंट था तब तक तो जैसी थी वैसी थी, लेकिन अब जब यह सरकार के अधीन है तो बिहार का पूरा हक है कि वह सरकार से कहे कि उसको अपना हक मिले बहाली के मामले में। इसलिए इन नीतियों के साथ और इस विश्वास के साथ कि जिन श्रुटियों की तरफ मैंने ध्यान दिलाया है, सरकार से उनका समाधान मिलेगा और उनका निवारण होगा तथा बिहार को उसका हक मिलेगा, मैं इस बिल का समर्थन करता हूँ।

श्री शिव शन्धिका (बांका) : सभापति

जी, यह कोकिंग कोल का जो बिल हमारे सामने आया है उसका मैं स्वागत करता हूँ। आज इसकी जरूरत थी। मैं उस प्रदेश से आता हूँ जहाँ पर कि ज्यादा कोयले की खदानें हैं और अधिक से अधिक मजदूर उनमें काम करते हैं। मैं यह भी जानता हूँ कि वर्षों से इन खदानों के मालिक किस तरह से मजदूरों को एम्प्लायट कर रहे थे और सरकार को भी धोखा देते आ रहे थे। सबों की यह मांग थी और बहुत से मजदूर नेताओं की भी यह मांग थी कि कोल का नेशनलाइजेशन किया जाय, लेकिन जब नेशनलाइजेशन हो गया और अब यह बिल यहाँ आया तो मदन में बहुत सी ऐसी बातें सुन रहा हूँ जो ममक्ष में नहीं आ रही हैं कि नेशनलाइजेशन में और इन बातों में जो यहाँ पर कही गई है, क्या सम्बन्ध है ?

हमारे डी० एम० के० के नेता साहब जो अभी इस बिल पर बोले हैं और उन्होंने अपने भाषण में कुमारमंगलम साहब पर यह दोषारोपण किया कि मद्रास में तो उनको मजदूरों के लिये हमदर्दी है लेकिन बंगाल-बिहार में उनको मालिकों के साथ हमदर्दी है। यह बिल जिस रूप में आपके सामने है, वह आपके सामने स्पष्ट है और जहाँ तक मजदूरों और मालिकों का सवाल है वह अपनी जगह पर अलग है। उनको मजदूरों के साथ हमदर्दी है, इसीलिये तो यह बिल यहाँ पर लाया गया है। अब यह बात उनकी ममक्ष में नहीं आ रही है तो इसका क्या इलाज है। उनका कहना कि मद्रास में तो मजदूरों के साथ हमदर्दी है, लेकिन बंगाल और बिहार में मालिकों के साथ हमदर्दी है—इसका क्या मतलब है, इस बिल से तो यह बात स्पष्ट नहीं होती है।

अभी हमारे एक जनसच के भाई ने कहा कि मालिकों को कम्पेन्सेशन क्यों देना चाहते हैं ? मैं उनसे पूछता चाहता हूँ कि जब प्रीवी पर्स का सवाल यहाँ पर आया था, उस समय जनसच के भाइयों ने हम लोगों का साथ क्यों नहीं दिया था, आज उन्होंने मजदूरों के लिये रोना शुरू कर दिया है। हमारे बहुत से

मजदूर नेता लोग कहते हैं कि कम्पेन्सेशन देने की क्या जरूरत है, उनकी तरफ मजदूरों का बहुत सा बकाया है, प्राविडेंट फण्ड का बकाया है, बोनस का बकाया है, डीयरनेस का बकाया है—मेरी ममक्ष में नहीं आता कि जब इतना बकाया है तो क्या हमारे मजदूर नेता लोग आज तक सोये हुए थे, वे लोग कदा थे जो आज यह सब बकाया निकल रहा है। इसके लिये कौन जिम्मेदार है, जिम्मेदारी इन मजदूर नेता लोगों की है, एक-एक जगह में ... (अवधान) ...

सभापति महोदय : हर आदमी को अपनी बात कहने का हक है और आपका कर्तव्य है कि उनकी बात को सुनें। उनको अपनी बात कहने का मौका दीजिये।

श्री शिव चण्डिका : सभापति महोदय, आज ये सारी बातें हो रही हैं, लेकिन जब नेशनलाइजेशन की बात आई थी, उस वक्त इसके बारे में कोई चर्चा भी नहीं हुई थी। हम सब मजदूरों का हित चाहते हैं, लेकिन इसका कोई तरीका भी होना चाहिये। आज कुछ भाई कहते हैं कि प्रोडक्शन बढ़े। प्रोडक्शन अवश्य बढ़ना चाहिये और इसी वजह से नेशनलाइजेशन हुआ है, लेकिन हर बात एक दिन में तो नहीं हो जायगी, इसके लिये सबसे पहले वातावरण बनना चाहिये। आज भी कई कोलियरीज ऐसी हैं, जिनमें पाच-छ यूनियन्ज हैं, पाच-छ यूनियन्ज की क्या जरूरत है ? अगर आप प्रोडक्शन बढ़ाने में विश्वास करते हैं तो ईमानदारी से एग यूनियन बनाइये और स्वस्थ वातावरण बनाने में मदद कीजिये।

हम सब लोग यही चाहते हैं कि यह उद्योग आगे बढ़े, मगर जो बात सरकार चाहती है, जिसकी देश के लिये जरूरत है और जिसकी मजदूरों के हित के लिये जरूरत है, उस वातावरण को पैदा करना हम सब का कर्तव्य है। आज कुछ भाई कह रहे थे कि पीने का पानी नहीं है, मकान नहीं है, अस्पताल नहीं है, यह चीज नहीं है, वह चीज नहीं है 25 साल आजादी को हो गये, जरा कोई धूम कर देख कर आये, कि कौन माईज वैंलफेयर आर्गनाइजेशन ने क्या काम इस दिशा में नहीं किया है

[श्री शिव चन्डिका]

25 साल पहले की बात को यहां पर कहना कि पीने का पानी नहीं है, सड़कें खराब हैं, आदि आदि अब शोभा नहीं देना मैं आपको बतलाना चाहता हूँ कि सैस लगा कर सरकार ने मजदूरों के वेलफेयर के सारे काम किये हैं और कर रहे हैं फिर भी अगर कोई कमी है तो उसको दूर किया जा सकता है मोहन कुमारमंगलम साहब, जिनके हाथ में यह जिम्मेदारी आई है और जिनके बारे में यह समझा जाता है कि वे रेडिकल मिजाज के आदमी हैं, वे सब कुछ कर सकते हैं, लेकिन इसके लिये हमें ठीक वातावरण पैदा करना होगा। अगर सब मिल कर प्रयत्न करे तो सचमुच वह प्रोडक्शन बढ़ सकता है। जो लोग कहते हैं कि वहां मजदूरों को कुछ भी फायदा नहीं हुआ है, मैं उनको इतना ही कहना चाहता हूँ कि झारिया में मेरी कास्टाचूएन्सी—बाका करीब 150 मान पर है। पिछले विधान सभा के चुनाव पर मुझे वहां के कुछ गांवों में जाने का मौका मिला था। जहां खदान के काम करने वाले मजदूर रहते हैं। हमने वहां लोगों से पूछा कि आप लोगों को कोल नेशनलाइजेशन से कुछ फायदा पहुंचा है। उन्होंने मुझे बताया कि नेशनलाइजेशन से बहुत फायदा हुआ है, उनकी मजदूरी बढ़ी है, पहले बहुत सी ऐसी नाजायज बातें होती थीं, जो अब नहीं हो रही हैं। वे लोग भी इससे सन्तुष्ट हैं, लेकिन यहां पर आकर हम कुछ दूसरी बातें कहते हैं—इसमें कोई फायदा नहीं है। अगर आप चाहते हैं कि देश तरक्की करे तो ईमानदारी से हमें भी अपना फर्ज अदा करना चाहिये। अगर हम ईमानदारी से अपना फर्ज अदा नहीं करेंगे और यहां आकर कहेंगे कि वह बिल खराब है, यह होना चाहिए, वह नहीं होना चाहिये, तो इससे कुछ भी होने वाला नहीं है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI CHAPALENDU BHATTACHARYA (Giridih): Mr. Chairman, Sir, at long last probably a forty-year old recommendation is

taking shape through this Bill under the able guidance of the steel and mines Minister. But we have to wait these forty years since the first Coal Mining Committee in the year 1937 recommended the nationalisation of these coal mines, and the coal industry had to tread a gory path of accidents. The reports of enquiry committees of Murulidih, Chinkur and Dhori speak out volumes of these black damp, fire damp and massacre of men and the cost we had to pay in the form of a river of blood and suffering until we reached the present stage when they are being taken over in the public sector.

Sir, I suppose you know the ethos of the coal mining industry. I remember as if it were yesterday because I started my life in trade union movement in coal mines. The ethos were that if you pay the workers more, they will go home; if you educate them, they will refuse to cut coal, and if you put them in good houses, there will be unrest. That was the ethos, the psychology of the employers which at that time was shared by the powers that be, or rather the powers that were. The history of coal mining industry has been a black history, a period of history where men were exploited, where womenhood were dishonoured and girlhood nipped in the bud.

MR. CHAIRMAN : Let him better speak on the Bill before the House.

SHRI CHAPALENDU BHATTACHARYA : Sir, we are endowed with memory and we cannot forget them.

The first benefit of this take over would be the removal of the 32 so-called "Bappas" in the coal mine area. Every mine which produced 5,000 tons of coal a month had to spend about Rs. 5,000 on these "Bappas" as kick black money. That overhead of corruption has been smashed by this Bill.

Secondly, at long last we would be trying to save this coking coal. I do not know for how long our reserves of coking coal will last. In fact, we should have taken steps to take over blendable coal also, leaving out only non coking and/or non-gradable coal. If we take into account the coking coal and blendable coal, it will hardly last 40 years for our steel making unless we take to some new process. Perhaps, the coal dust injection process may help us to cut down the consumption

of coking coal for steel making. The estimates of these coal reserves vary from 15 years to 40 years—that is the doomsday—so far as our steel-making industry is concerned. Unless our geological survey operations expose new reserves of metallurgical coal seams, it is right and proper that re-structuring of the entire coal mining area should be given to competent hands. The polish technology in coal mining is second to none today in the world. It is right and proper that they have been asked to make a survey. The Indian mining engineers should be associated and overall plans of development should take place.

I would certainly give a warning here. We have got the experience of N. C. D. C. before us. We are already heavily-loaded in Bharat Coking Coal Corporation. The fall-back wages bill has sharply gone up. Therefore, we must fix a break-even point for the coal production from 214 coking coal mines that we have taken over. Till that break-even point is reached, we must put our foot down against large-scale construction of buildings and airconditioned offices so that there is a glittering sector for the top officialdom and there is slow-trudging to and fro in the coal-field by the daily and monthly paid lower cadre of employees. We would have to infuse a sense of participation. Here is one thing that has to be borne in mind and taken into consideration. All should work as a team and share the difficulties and tribulations in the coal-fields.

Then, small thermal captive power plants are a must in the coal-fields. I have already suggested and I suggest again, please don't wait for the State Electricity Boards; don't wait for the Ministry of Irrigation and Power. You go-ahead, on priority basis, with your half a dozen captive power plants dispersed over the coal-fields. If you want to save the deeper coal-mine workers and workings, if you want to cut down the inherent danger to workers and workings, there is no other way out.

The taking over of coking coal mines has raised great expectations. These expectations have been partly belied by the quantum of compensation of Rs. 17 crores that is to be paid. I have added up these amounts and I find that about 34 collieries are given the quantum of compensation of the order of Rs. 4.5 crores. I would suggest that at least 50 per cent of this quantum of compensation should be paid in the form of 7 year National

savings certificates, not in the form of cash compensation. If the Bihar Government could pay for the abolition of zamindari in the form of 40 year bonds, why not pay them in the form of 7-year National savings certificates as payment of compensation for the taking over of coking coal mines?

Before I conclude, I must say, I entirely agree that the workers interests should be protected. It should be a charge on the Central Government. You cannot throw the workers to the mercy of the employers. You cannot say, "You go and chase the employers to get your dues from them." It is precisely here that the workers have failed to realise their dues from employers. Where they have failed, let the Government prevail and take necessary steps to ensure that they are paid their dues.

SHRI P. M. MEHTA (Bhavnagar): I welcome the Coking Coal Mines (Nationalisation) Bill, 1972. The Government has fulfilled a long-felt need. But, at the same time, I strongly object to, and oppose, the provisions made under Chapters III and V.

There is a provision for payment of compensation to the owners of the mines and to the owners of the coke-oven plants. I think they would have taken out by way of return all these years much more than the capital employed by them in these. Therefore, there is absolutely no necessity to provide compensation to these owners. When Government decide to pay such huge amounts to owners, naturally it will be a wrong start or a bad start for such public undertakings.

My second objection is to the anti-labour attitude reflected in this piece of legislation. It is always found that this Government speak too much about the workers, the working class, the down trodden and the backward classes, but when the time comes to protect them they have always failed, and this could be observed from this Bill also. They have shirked the responsibility to protect the due interests of the workers. It is said that the workers who want to claim their dues should claim those dues from the original owners. This is a very strange way of treating the working class. Government should have come out with the specific provision that if any worker had any claim they would entertain that claim and they would realise it from the owner. There is no sense in asking a poor worker to go to the owner for his legitimate dues. I was happy

[Shri P. M. Mehta]

when I learnt through the press that Shri Mohan Kumaramangalam had stated that the workers or the labourers were not responsible for the inefficient working of these mines. But he has failed to protect the workers. I conclude with the request and appeal to Shri Mohan Kumaramangalam that he should reconsider this aspect of the Bill and should protect the workers as he is supposed to do that.

THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARAMANGALAM) : Mr. Chairman, Sir, I should first thank all the hon. members who have taken so much interest in this Bill and spoken on it. By and large, the main criticisms of different provisions in the Bill have been concentrated on the provisions for compensation and also the position in relation to the rights and liabilities of different sections including the workers. So I think perhaps it would be useful if I put before the hon. Members the approach that is made by the Government in framing these various clauses in the Bill.

Under the Constitution, even after the amendment of Art. 31, we are still under a duty to pay an amount when we acquire any property. No longer is the position that we have to pay an amount that is equivalent to what may be called the market value of the property but the payment of an amount or specifying the principles on the basis of which the amount can be determined remains still part of Art. 31 (2). What we have done here in this case is to determine by appointing competent persons who could evaluate the value of the assets of these different 214 coal mines, evaluation of the assets and then fixing an amount which, in the light of the past working of all these mines and the lack of response which is shown by the owners in working these mines, is an amount that would be reasonable under these conditions. It is this amount to which is added the actual cost of the stores which were available as well as the stocks of coal which can be sold and from which the amount can be recovered. That is totalled up and put in the Schedule to this Bill. We have not taken into consideration the liabilities at all. That has been done on previous occasions when nationalisation has taken place but, advisedly, we did not do it on this occasion because we just were not sure what were the liabilities of these 214 different companies—partnerships, individual proprietors and so on.

As one of the hon. Members speaking in the discussion observed, coal is a very dirty business and it is a dirty business not only in our country but internationally recognised as probably the dirtiest of all businesses. Both physically and otherwise also, it is therefore not possible to place any reliance on the accounts that were available in the case of many of these 214 mine owners. Therefore, what is being done is that while what may be called the amount may be determined, we are not paying the amount immediately to the owner of the mine who may be a company or a partnership or an individual. We are depositing that amount before the Commissioner for Payments before whom all those who have got any claims against the mine owner will file their claims. The Commissioner for Payments will then adjudicate upon what is to be paid to these different coal mines.

15 42 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

This is broadly the scheme which has been incorporated in this Bill. The hon. Members would appreciate that the entire matter is not free from legal complications. It was my earnest desire, when we took over the management of the coking coal mines last year, to be able to bring this Bill for complete nationalisation take-over within three to four months, that is to say, sometime around April or May. But, unfortunately, the process of evaluating the value of the assets of all these 214 mines has been so time-consuming that even to bring it in this session of Parliament has required an enormous effort on the part of the officers who were requested to make the evaluation of all the assets of these mines. The difficulty, hon. Members would appreciate, is that it is difficult to evaluate what exactly is the worth of a particular asset; because if it has been well maintained, it deserves a little more and if it has been badly maintained, it deserves a little less though the asset has been bought by different owners at approximately the same time and our effort is to be as fair and just as is possible to all these 214 owners and that really has taken us so much time.

Sir, what I would like hon. Members to appreciate is that while we have all this effort to be as fair as possible, we have also tried to see that all the liabilities for which these persons are responsible are first of all met before they, as it were, walk over with the

compensation or the amount placed to their credit with the Commissioner of Payments.

Many of the hon. Members have been quite strong and vigorous, and understandably so, in criticising the fact that full priority has not been given to payments due to the workers. I would like the House to appreciate the position taken by the Government. When the mines were taken over, there were, really speaking, different kinds of liabilities, so far as the previous owners were concerned.

The first is what may be called the secured debts. That is to say, under the law of the country,—which continues to be the law of the country—a person who has advanced money to the mineowners on the understanding that he will have the first charge over all other debts, is protected. We thought that it would not be correct to take away their money from them because they are not responsible really for whatever misdeeds may have been done by the owners; they are persons advancing money in the ordinary course of business. Therefore it is that we did not think it proper to put aside the law of the country as it stands today, changing the position from his being a secured creditor on the date of the take-over to his becoming an unsecured creditor or the person at the end of the queue. It is only these secured creditors who have secured debts in terms of the laws of the country, in terms of the Transfer of Property Act, as it stands today, who still stand in front. They have not been given any big advantage. All that is done is this. Whatever the law had promised to them, whatever they were entitled to, prior to the take-over of October, 1971, they would be entitled to. What we have done to the workers in contrast? Please see Section 23, which has been quite strongly criticised by hon. Members. When the take over took place in October, 1971, they were in a position of being as good or as bad as any unsecured creditor, or except to the extent that one month's wages have priority over other debts. So far as all other claims of the workers are concerned they would be treated as claims of anybody else who have claims on the owner and what Section 23 (a) does is to give them, as it were, the next position in the queue immediately after the secured creditor.

Take the amount deposited with the Commissioner of Payments. The first set of persons having claims on that amount will be persons who have advanced money on the basis that they will have the first charge on the property of the previous owner. The second set of

persons are those mentioned in clauses (a) to (e) of Section 23. I do not know whether hon. Members object to the fact that dues to the State Governments rank in the same position as payments due to the workers. We thought this should be so, in the interest of Centre-State relations.

SHRI N. SREEKANTAN NAIR : That is unfair. To rank Government's dues with workers' dues is unfair.

SHRI S. MOHAN KUMARAMANGA-LAM : In the interest of Centre-State relations about which he is, I am sure, aware, we thought it would be better that we should protect what is also due to the Government representing you, me and everybody else. After all, what is that money? That is the money of the people as a whole. It is not money belonging to any particular individual. It is right that when we think in terms of priority, certainly, workers should be entitled to whatever is their due under the law. We have given something more than what they are entitled to ultimately. To go against the existing law and put aside the contractual agreement, in respect of individuals, who themselves have not been in any way responsible, as it were, for the misdeeds in the coal-mining area, would be, I think, against the ordinary principles of justice, as we, in a civilised country, understand them. Are we to put the workers higher up, and considerably higher up, than all others who might have lent money in the ordinary way to the employer, to the owner?

But we put him in the queue immediately after those who have got the right of priority under the law as it still exists inside our country.

SHRI P. M. MEHTA : But he has made the dues to the creditors the first charge rather than those due to the workers or labourers.

SHRI S. MOHAN KUMARAMANGA-LAM : I am afraid that he has not followed what I have said. Possibly if he had read the Bill and the Act a little earlier, he could have followed it. But I cannot be responsible for that. So far as the Bill is concerned it is very clear. It is the secured creditor—I hope the hon. Member appreciates who a secured creditor is, because I am not here to give a lecture on law and say who a secured creditor is—who alone is put in front by virtue of the ordinary law of transfer of property. Unless we take that right away from him, which he

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already had on the day of take-over, we cannot take away his first priority. Whatever right he had on the day of take-over is all that is preserved. He is not given any new right. But so far as the worker is concerned, who could have stood along with all other ordinary creditors, he is put in front of all other ordinary creditors. This is the scheme, and I think that it is quite understandable. What I would like Shri P. M. Mehta to understand is that it is not as if compensation is going to be just paid out to the owner and the workers will have to go running after the owners all the time. That seems to be his impression. That is not at all the case. What the worker has to do—and I am sure the unions will do it on his behalf, because we have got very strong and active unions in this area—is to file whatever claims he has got against the employer, the previous owner, before the Commissioner of Payments, and the Commissioner of Payments then, in accordance with the priority that is laid down in terms of the Act and then ultimately in the rules, will pass orders first of all honouring whatever the secured creditor has against the owner, and secondly meeting all the workers' dues and also the royalty of the State Governments, and finally dealing with all the ordinary creditors. When all that has been paid out, whatever is left of compensation or the amount, whatever is left at the end of all that will alone then be taken away by the owner. So, we have tried to do it, therefore, in such a way that not a single paisa....

SHRI N. SREEKANTAN NAIR : May I ask one question of the hon. Minister? Suppose the workers have any case before a labour tribunal or have filed any claim, as per their claims statement the workers must get so much, and until that amount is paid to them, no money should be paid to the owners; till a final decision is arrived at, will the hon. Minister be in a position to withhold the amount as per this Bill?

SHRI S. MOHAN KUMARAMANGA-LAM : To see that the money is paid?

SHRI N. SREEKANTAN NAIR : To see that the money is withheld?

SHRI S. MOHAN KUMARAMANGA-LAM : The money that is deposited with the Commissioner of Payments will not be paid out to the owner—I am again using the word 'owner'; it may be companies, private pro-

prietors or partnerships—until all these claims are settled. That is the scheme..

SHRI N. SREEKANTAN NAIR : My point was this. Suppose, I have filed a case before a labour tribunal claiming Rs. 10 lakhs from the employers? Will that amount be withheld until a decision is arrived at?

SHRI S. MOHAN KUMARAMANGA-LAM : That is a different matter. If he has already got an award from a labour tribunal which is enforceable against the present owner or the previous owner, yes, he can file his claim before the Commissioner of Payments. But if he has got something in the future in mind, then I am sorry that it cannot cover that, because already more than nine months have passed since the take-over, and all these claims could only relate to the period prior to October, 1971; in respect of everything that comes after October, 1971, the present management will be responsible. But so far as everything that happened before October, 1971 is concerned, well, I hope that all these claims would have been settled by that time, but we cannot leave everything out uncertain to cover what may happen next year or the year after that in respect of the workers' claims that may have come into existence but were never enforced in the past. This is the position so far as the compensation part is concerned. This covers the points made by hon. Members on clauses 17, 18, 19 and 23.

SHRI SOMNATH CHATTERJEE : May I seek a clarification? The hon. Minister has just now said that any claim arising between the date of take-over and the date of vesting of the undertaking in the Government would be covered, but that is not the position under clause 9.

SHRI S. MOHAN KUMARAMANGA-LAM : I was talking of the period prior to the take-over.

SHRI SOMNATH CHATTERJEE : What about the period between the take-over and the vesting of the responsibility in the Government? The workers will have to run after the owners in respect of their claims during this period? That is the scheme here..

SHRI S. MOHAN KUMARAMANGA-LAM : If there are any dues, obviously those who are in charge of the management of that period will be liable, but that is a different thing, and that has nothing to do with the owner. So far as the owner is concerned, he

will be responsible for all the liabilities which have arisen in the course of his ownership of the particular mine. They will be dealt with the terms of priority as laid down in clauses 17, 18, 19 and 23. So far as provident fund is concerned, it is clause 18; clause 19 is about superannuation. So far as non-payment is concerned, that comes, whether as usual, under clause 23.

SHRI N. SREEKANTAN NAIR : In 17(1), you say that service conditions will be protected. But under 19, the employer can simply disburse those amounts. Why do they not hand it over to you?

SHRI S. MOHAN KUMARAMANGA-LAM : He should appreciate that in regard to what has happened in the past, the Government is not going to put its hand into its pocket which is the pocket of the general treasury. What we are doing is that everything that is due to the worker to the extent that money is available in the hands of the owner, on the basis of whatever is to be paid to him, will be paid to the worker first so far as his dues are met before it is paid to the employer. I think that is quite sensible.

SHRI R. N. SHARMA : He has said that preference would be given to tribunal's award. Under sec. 317 of the Companies Act, retrenchment compensation and lay-off compensation is a first charge along with the secured charge. So why not place all these charges also along with these charges and keep them as secured charges?

SHRI S. MOHAN KUMARAMANGA-LAM : I do not think they are going to be any worse of so far as that is concerned because there is cl. 23 which is a charge immediately after the secured charge. I do not think we should bring into the picture any other.

So far as clause 17 is concerned, I would like hon. members to appreciate that these powers are powers which have been taken virtually under every nationalisation Act. Government have taken all these powers to see that if there are any anomalies, they should be dealt with properly. But to my knowledge, these powers have never been used—on a previous occasion also I referred to this question when it came up in the House—to the detriment of workers. Take for instance, what happened when the LIC was brought into existence. At every stage when anything has been nationalised, we take these powers, but they have never been utilised to

the detriment of the workers; they have always been used for the benefit of the workers. That is first thing.

So far as sub-clause (2) is concerned, that is really in relation to non-workmen, that is to say, officers. I think it was Shri Chatterjee who said that we have virtually thrown them to the wolves—he did not say so in so many words; let me be mild, but that was the purport of his observation. I do not think we have done anything to harm their interest. But our difficulty is this. I do not know how much personal knowledge he has about those working in the Jharia district. But there have been a few cases, possibly 50 or so—I cannot give the exact number—who have been paid very high salaries, Rs. 5,000, Rs. 6,000 Rs. 8,000 and Rs. 10,000 with a lot of privileges, attendant benefits and so on. These are the gentlemen whom we would like to be able to deal with fairly and honestly. I think he would also agree that they should be dealt like that.

SHRI SOMNATH CHATTERJEE : That is with regard to the onerous clause in the contract of service. They will be governed by that.

SHRI S. MOHAN KUMARAMANGA-LAM : If there are cases like that, I am sure hon. members will bring them up inside and outside this House and they will be dealt with.

But the whole object of this is to give us enough freedom to be able to reorganise these 214 mines, to put persons who are properly paid in proper places, and where they are not properly paid—in fact, they are over-properly paid—to be able to reduce them to the proper level. If a person is not properly qualified, who is to say whether it is onerous or not? We are not going to lose ourselves in a controversy over this in deciding whether it is not onerous or it is onerous. Why not have a little confidence in us? Why does he think that we are going to misbehave in these matters? Why be so sensitive on this score? Have we misbehaved in the past when such powers were taken by us in other cases? In the past we have taken very wide powers of this character and we have not misbehaved. To this day, even today, I would only request hon. Members to say if they have ever come across an instance where the Government has actually misbehaved and misused the power in its hands.

Hon. Members also made some criticism—and I can appreciate it—of the fact that

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16. hrs.

production has not come up very much or is more or less the same or a little less than it was before. One of the principal reasons for this has been the fact that we have been suffering from a shortage of railway wagons. I can show to the hon. Members the figures, but I have not got them now, because I did not know that those points would be raised in this manner. The coal stocks which we have at the pitheads in the different mines are virtually the same; the stock is not less than what it was at the time of nationalisation. I think that is the best proof which will show that it is not production that has come down, but that production has been going up at a reasonable level, but to make it much higher than that would not in any way advance the interest of the coking coal mines but merely add to the amount of coal that would be piled up in the pitheads.

Hon. Members also made some quite vigorous criticism of what they seem to feel is the ignoring of the interest of the workers. My friend Mr. Baladhandayutham was particularly eloquent, and Mr. Chittibabu seems to feel that I am only anxious about the workers of Tamil Nadu and have forgotten the workers in Bihar. I do not blame him because he does not very much know about what is happening to the workers in Bihar. But I will educate him and say that while I am well attuned to the interest of the workers in Tamil Nadu, I am as much interested in the workers of Bihar. Now, in relation to the workers in Bihar, a number of problems are facing us. The first is, you will be interested to know, that when we took over the management, we had about 70,000 employees on the rolls of the coking mines, but on the 1st of April, 1972, the total number rose to 1,28,400. That is to say, 58,400 extra employees have been taken in. How does this happen? It happened firstly because a large number of contract workers, who were not on contract, went into the category of regular workers. Secondly, the employers very often used to get a large percentage of the total number of workers working on a casual basis, and so, you had a duplication of workers: that is, a larger number of workers working casually than were actually needed in the mine itself. It is extremely difficult for us to separate them and decide who are the sheep and who are the goats; who are the casual workers who should be taken, and who are

not casual workers who should not be taken. The result has been that we have undoubtedly got surplus of workers today in the Bharat Coking Coal, and we have got—that is equally unfortunate perhaps—a number of workers who have come on the rolls who possibly did not have very much right to come in.

It became extremely difficult to separate them, particularly in these days of unemployment when, under the Wage Boards, every worker feels that he has real parity with others and he is really assured of wages, provided he does his work honestly and properly. Not only have we taken all the workers, but we have also seen that the wage Board level of wages and all other benefits have been given to all those 1,28,000 workers. I would say—it is a very rough estimate—that the Wage Board conditions of services may not have been given even to 50 per cent of the workers in the coking coal mines. I think I would be broadly right, because, very often though it was certain that under the employers, the Wage Board level of wages was being paid, in fact, it was not being paid. But now, we have seen that it is being paid. The increase that has accrued in the cost of coal as a result of the extra payment that we are making to the workers is something like Rs. 3.50 a tonne. Apart from the increase in dearness allowance on the Wage Board scale, no worker in the Bharat Coking Coal gets today less than Rs. 7.13 per day. I think this does augur pretty well so far as the management of the Bharat Coking Coal is concerned. We have also set up a consultative committee with representatives of the central trade unions to advise and help us to see that we are really able to follow a proper labour policy.

I would even now plead with the hon. Members that they should be a little indulgent so far as the work that we conduct in the coal mines is concerned, because the more I get to know about these mines the more I find the number of difficulties that arise out of the way in which the mine-owners have operated for years and years. Mr. Bhattacharyya mentioned forty years. We are forty years too late because the recommendation to nationalise the coal mines came about forty years ago, it was in 1937. For at least 35 years the mine-owners had so many corrupt practices operating in the mines that to get rid of all of them, to clean up a place like the Jharia mines and rebuild it as a place where the best coking coal in our country is avail-

able, is a very difficult task but a task which I am confident we shall be able to fulfil.

SIIRI DINEN BHATTACHARYYA (Serampore) : Why do you pay compensation to these corrupt employers ?

SHRI S. MOHAN KUMARAMANGALAM : Mr. Bhattacharyya knows that we have a Constitution and we work under that Constitution ; even in terms of articles 31 and 31C there are certain obligations which we observe and it is in terms of the Constitution that the law is passed.

श्री हुकम चन्द कछवाय (मुर्ना) :
उनका प्रोविडेंट फण्ड का जो पैसा है, उसको आप जमा करेंगे या उन मालिकों से लेगे ?

SHRI S. MOHAN KUMARAMANGALAM : I am really amazed when I hear a gentleman representing the Jan Sangh shedding so many tears for the labourers because whenever we proposed, they always fought against the amendments of the Constitution by which we could protect the workers. . . . (Interruptions) It is better that wisdom should dawn on them, even if it is late. Shri Vajpayee also knows that so far as the Constitution amendments were concerned, the voice of the Jan Sangh, to put it mildly, was rather dubious.

श्री हुकम चन्द कछवाय : मैंने सवाल पूछा था कि उनका प्रोविडेंट फण्ड का जो पैसा है, मालिकों को जो मुआवजा दिया जायगा, क्या उसमें से काटा जायगा या आप जमा करेंगे ?

MR. DEPUTY-SPEAKER : I think the hon. Member was not here ; I saw him just rushing into the Chamber. The hon. Minister has been speaking for quite some time and he has dealt with that question quite at length and you are raising it now.

SHRI S. MOHAN KUMARAMANGALAM : The trouble about some hon. Members is that they like to listen to themselves but not to others and naturally they are not able to follow the proceedings of the House very accurately.

My last point is about the question raised by Mr. Chittibabu, whether we take into consideration the reserves of the coalmines in fixing the amount of compensation. We do not. There is no compensation so far

as reserves are concerned. Reserves of coal under the soil are the property of the State ; they are not the property of individuals mine owner ; no compensation has been provided for that whatsoever.

Some remarks were also made by Mr. Chittibabu which I should not let pass. He seems to imagine that custodians are going to be appointed from the political party to which I belong. But I would request him not to judge us by his standards. His standards may be different. So, also he seems to think that much of the compensation that we are going to pay out is because of certain obligations made at the time of the elections. I am afraid again that he is acting on the basis of his outlook and not ours. This compensation has been evaluated very strictly and has been arrived at on the basis of very hard and sustained work by teams of accountants and technical people in evaluating assets. I think hon. Members will appreciate therefore that we have done our best in producing this Bill now which will enable an effective and complete take-over of the mines and enable us to go forward to amalgamate them effectively so that we can get the maximum out of these mines and use the most scientific and modern methods in their development, while at the same time doing our best to protect the interests of the workers and other sections of the people who have certain rights in relation to the previous owners.

I would only mention in respect of Mr. Daga's request that the matter should be referred to a Select Committee that I would most earnestly request him not to press his suggestion, the reason being not that we are afraid of going to a Select Committee, but that it will take another four months. Already, the amalgamation has been delayed too long. The whole object of the take-over was to make the 214 mines into something like 50 or 60 units and then even make them smaller in number. The longer we delay it, the longer will be the delay in initiating process of rationalisation and scientific exploitation of the mines. The matter is not very complicated and we have been very careful in fixing the amount of compensation on the basis of a very sustained study by responsible officers. It is in this light that I would commend the measure to this House.

MR. DEPUTY-SPEAKER : I put amend-

[Mr. Deputy Speaker]

ment No. 1, for referring the Bill to a Select Committee, to the House.

Amendment No. 1 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto, be taken into consideration "

The Motion was adopted.

MR. DEPUTY-SPEAKER : Before we take up clause-by-clause consideration there are a number of difficulties which I wish to point out. According to the rules, all the amendments should be given one day in advance so that copies of the amendments can be circulated to the Members and they may be able to study them and come to the House prepared to make their contributions. There are quite a large number of amendments which were sent in only today, including some amendments of the Government. I am in a difficulty. According to the rules I may or may not accept them, but I would not like to be arbitrary in the matter. How is it possible to circulate the amendments received today to the Members so that they can study them? I would like the hon. Minister to enlighten me. Under the circumstances, possibly the best thing is to take up the Clause by Clause consideration tomorrow.

SHRI S. MOHAN KUMARAMANGALAM : I am told that the next business on the Order Paper is ready and Mr. Khadilkar is here. So, though I am not anxious to postpone it, if the House considers it reasonable, we can take up the Clause by Clause consideration tomorrow and give the hon. Members an opportunity of going through all the amendments.

SHRI K. NARAYANA RAO (Bobbili) : There must be a formal motion for adjournment of the debate on this particular Bill.

MR. DEPUTY-SPEAKER : Under Rule 89, the Speaker may, if he thinks fit, postpone the consideration of a clause. So, even without referring it to the House, I can do it. But I am happy the Minister agrees with me. Clause by clause consideration will be taken up tomorrow.

SHRI DINEN BHATTACHARYYA (Serampore) : Can some new amendments be given at this stage?

MR. DEPUTY-SPEAKER : I do not know. Next item

16.16 hrs

PAYMENT OF GRATUITY BILL

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : Sir, I beg to move :

"That the Bill to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, oil-fields, plantations, ports, railway companies, shops or other establishments and for matters connected therewith or incidental thereto, as reported by the Select Committee, be taken into consideration."

I have the honour to move that the Payment of Gratuity Bill as amended by the Select Committee be taken into consideration and also that the Bill be passed. The bill is part of a package of social security measures we have promoted to enable the workers to meet the different contingencies of life. The grave problem of unemployment is, of course, with us all the time and we have to do all we can to solve or at least to contain it. But at the same time, we must also do our limited best to dispel the sense of insecurity which haunts the minds even of those who are already in employment. Absence of adequate retirement benefits is one of the factors that make for this sense of insecurity. The worker knows that even after a long working life he would not have the wherewithal with which to meet the needs of life on retirement. This thought starts disturbing him as he approaches retirement and makes retirement itself an event to be looked upon with