

[Pandit G. B. Pant]

bers two of the foremost and knowledgeable persons in our country. That Commission made certain recommendations. We had had long arguments; every little point was very carefully considered; after that, decisions were reached. Let there be no sores left now. Let us all bow to the collective will of this House, so that its strength may grow, and with it the strength of each one of us may grow, and our country may rise to the heights to which it is entitled to rise by virtue of its ancient history, of its vast population and equally vast area.

Shri Thangamani (Madurai): Has the hon. Minister anything to say about amendment No. 7 on the question of renaming the State of Madras as 'Tamil Nad'? In the speeches that were made in this House by Members from that particular State, there was no reference made to this.

Mr. Speaker: The hon. Minister, evidently, has said what all he wanted to say. Whatever he has not said, he does not agree with.

Shri Sadhan Gupta (Calcutta—East): It may be the other way.

Mr. Speaker: Hon. Members may please themselves as they want.

Now, so far as the amendments are concerned, if there are any on which the House has to divide, I shall put them off for voting till 14-30 hours, because we do not divide between 13-00 hours and 14-30 hours. May I have the numbers of those amendments so that I can put them off till 14-30 hours and put the other amendments and take a voice vote?

Shri T. B. Vittal Rao: All the amendments may be voted upon later.

Mr. Speaker: All right. Then we will take them up at 15-00 hours. At 15-30 hours, non-official business will be taken up. It is rather inconvenient to make it later because as the evening advances, the House becomes thinner and thinner. It will take some time also for hon. Members to come

back after lunch. Therefore, this will stand over till 15-00 hours.

Pandit G. B. Pant: May I have your permission to go as I do not enjoy the privilege of voting here? Therefore, neither my presence nor my absence is going to make any difference to the voting.

Mr Speaker: Yes.

COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) BILL

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): I beg to *move—

"That the Bill to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith be taken into consideration".

In the Second Five Year Plan, we have a target of additional production of 22 million tons of coal, out of which 10 million tons would be produced in the private sector whereas 12 million tons would be the responsibility of the public sector. With regard to the additional production of 12 million tons which the public sector has to add to the present production, as much as 10 million tons are to be raised from new areas and new mines that are to be developed and opened up. To attain this objective, a private limited company under the name 'The National Coal Development Corporation' has been formed with a capital of Rs. 50 crores.

Nearly all the coal bearing areas are covered by mining leases held by

*Moved with the recommendation of the President.

private persons or by prospecting licenses which carry a right to the mining lease. Therefore, it is necessary that Government should have the power to acquire unworked areas covered by private leases which are found surplus to the production required in the private sector.

Therefore, so far as the agency which has to realise that target is concerned, it is actually in position. So far as the need for a legislation of this type is concerned, it is fully established because the existing powers, whether under the Land Acquisition Act or under the Mines and Mineral Concession Rules, are not adequate for acquisition of mineral rights. The scheme of the Act itself is something which is in accordance with the general principles which have been laid down from time to time by this hon. House with regard to the general approach to such matters. The areas which might be required for acquisition have to be notified. Then certain other consequences flow from this notification. The authority which would be entrusted with the development of the mines would have the authority to enter into possession for the purpose of taking preliminary steps and the like for either prospecting or for actual exploitation.

The provisions relating to the payment of compensation are in accordance with the general principles that have been adopted in similar circumstances. These provisions are neither niggardly nor too liberal and the basic principle has been payment of reasonable compensation, regard being had to the amounts that might already have been spent by the parties whose rights are sought to be acquired.

Then, there is a provision for resolving disputes that might arise in this respect. The Bill contemplates the appointment of a tribunal consisting of a person of the status of a High Court Judge.

Shri Supakar (Sambalpur): I am afraid there is no quorum in the House.

Mr. Speaker: We do not take notice of quorum during this interval. That was why I said that whenever a division was to take place, it had to be after 14.30 hours. In the House of Commons, they do not insist upon a quorum at all. We have fixed a quorum of 50 here. But we have started a convention whereby between 13.00 hours and 14.30 hours, quorum is not insisted upon. If there is a difference of opinion on a particular matter requiring division, it is put off till 14.30 hours, when the House is in full strength.

Sardar Swaran Singh: I was saying that the Bill contemplated the creation of an appropriate machinery for resolving disputes, and a tribunal consisting of a person of the status of High Court Judge would adjudicate the question of compensation.

Then again, there is a provision for appeal to the High Court. Under clause 20(1):

"Any person aggrieved by any award of the Tribunal under section 14 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the land or some portion of the land which has been acquired or the land or some portion of the land covered by a prospecting licence or by a mining lease in respect of which mining rights have been acquired is situate".

The rest of the provisions are incidental to the basic principles which I have attempted to enunciate above.

To my mind the Bill should be regarded as more or less non-controversial because.....

Shri Bharucha (East Khandesh): That is what you think.

Sardar Swaran Singh: I was saying what I thought.

The basic principles which constitute the structure of this Bill are in accordance with the structure that has been adopted and approved by this hon. House while dealing with

[Sardar Swaran Singh]

similar subjects on earlier occasions. Anyhow, if there are questions of principle that might be raised or about which there may be any doubt, Government will be prepared to consider them.

There is one aspect, however, which I want to place before this hon. House. The target of additional production of 12 million tons during the Second Five Year Plan is a fairly ambitious one. The total increase is 22 million tons where the existing production is at the level of 38 million tons is a very high percentage if we consider it in terms of increased percentage. One year out of the Plan period has already passed. Government did enter into private negotiations to find out if they could acquire the lessee's rights from the various leaseholders on reasonable terms. But, we have not met with any great success. The National Coal Development Corporation have already acquired and brought in position machinery of various types of the value of about Rs. 1 crore. And, we have to achieve this target during the remaining period of the Plan.

At one stage the Government was seriously considering the question of acquiring these areas by promulgating an Ordinance. But, then, it was considered that this, perhaps, would be a matter which could not be placed on the statute-book by enacting an Ordinance. I am mentioning this only to point out the urgency of this legislation and I hope I will have the co-operation of all sections of this hon. House in enabling me to place this enactment on the statute-book.

Mr. Speaker: Motion moved:

"That the Coal Bearing Areas (Acquisition and Development) Bill, 1957, be taken into consideration."

Shri T. B. Vittal Rao (Khammam):
Mr. Speaker, Sir, I welcome this Bill. It should have been done some months ago. Since the Government have made up their minds not to nationalise

the coal mines during the Second Five Year Plan period, at least this is a welcome step in the direction of the nationalisation of mines.

Although in our country we have got abundant coal deposits, which, at present rate of raising, is enough to last for 300 to 400 years. But when we compare the production of our country with countries like the United Kingdom and the United States of America, we will find how far we lag behind. For instance, our coal production at the end of the First Five Year Plan was 38 million tons. During this period, in the United Kingdom which is 13 times smaller than our country, coal production is 230 million tons. If you take the United States of America, it is somewhere like 460 million tons a year. In the Soviet Union, it is about 390 million tons. Even China has recently increased its production to somewhere between 100 to 120 million tons per year. So, our embarking on a 60 million tons plan at the end of the Second Five Year Period is not at all ambitious when we take into consideration the coal deposits available in our country.

These coal mines are spread all over the country and some 930 collieries are being worked. In the past, big coal mines were managed by the English companies like Andrew Yule and Company and Bird and Company, and so on and so forth. These people raised coal in a manner which should be said was not planned at all. They wanted quick profits. They did not care what happened to the country, what happened to the national wealth which lay hidden within the bowels of the earth. On account of this unplanned working of these mines, today we have got a very sorry state of affairs. Various mines have been flooded and they cannot be worked at all economically and some coal mines are on fire. This is how these have been worked. Some mines have not properly been worked. Huge portions where we have got large quantities of coal have not been

worked. For instance, in Asansol sub-division there is the Mandalpur colliery of Birla Brothers. Here the lower seam has been worked about 3' 6". There is a top seam also about 6' thick of good coal but the management have thought it fit to close down this mine.

13.48 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

These are some of the instances. I can give some other instances also like the Singareni collieries and others. This is how our collieries have been worked in an unplanned way. In order to achieve the targets—it has been said they are ambitious but I do not consider them ambitious at all taking the fuel position in our country—this has to be done. Only yesterday the hon. Minister for Natural Resources and Scientific Research told us that we import something like 40 lakh tons of oil and how much is wasted by way of foreign exchange in importing this crude oil when we have got natural deposits of coal available in this country, which is a substitute for crude oil.

I can quote the instance of Hyderabad in the south. We have got 800 sq. miles where we have coal mines but we are working one 30 sq. miles. We have an urgent necessity to step up our production and in order to step that up we should take over such of those mines which are not being worked at all. So this Bill tries to do the same.

Secondly, in order that we may achieve our target of production, we had recently appointed in the beginning of last year a committee to go into the question of the amalgamation of smaller collieries so that they can raise coal economically.

I believe that report was submitted in September or October. We do not know how far the Government has accepted the recommendations made therein. It is clearly stated in that report that the Government will have

to undertake legislation if some smaller collieries are to be amalgamated and in case these small colliery owners do not agree to amalgamate themselves. I think we will get another legislation regarding the amalgamation of smaller collieries.

I feel that a reasonable amount of compensation should be paid to those collieries which have been working properly. Those collieries which are not working properly but work in an unplanned way and have been responsible for the loss of national wealth should not be paid any compensation. There is no use of paying compensation to a colliery whose mine is burning due to the improper working.

There is another point. There may be disputes and if disputes arise, they should be taken over to a tribunal. I would like the decision of the tribunal to be final. There should not be any appeal about that decision. Otherwise, this litigation will go on when we have to concentrate on increasing production. I desire that we should nationalise the coal mines in order to increase production. Since, however, Government has taken a decision not to nationalise them during the Second Plan, I support this Bill.

Shri Bharucha: At the outset, let me make it plain that I fully welcome the principle underlying this Bill. But, neither the scheme of the Bill nor the clause relating to payment of compensation is framed in a satisfactory manner. I think this requires to be looked into in greater detail.

So far as the scheme of the Bill is concerned, it is broadly provided that a notification is to be issued conveying the intention of the Government to prospect for coal in a particular area. The Bill lays down that certain consequences flow from such notifications. Later on, if as a result of prospecting, the Government comes to the conclusion that there is a likelihood of coal being obtained in that area, another notification is issued

[Shri Bharucha]

and objections are invited. After considering the objections, a declaration of acquisition is made and as a result of that certain rights vest either with the Government or the Government company which the Government proposes to establish and on such vesting, the Government is in a position to exploit all these mines.

First, let us consider the defects in the scheme. In the Statement of Objects and Reasons, para 4, it is stated:

"With the acquisition of zamindari rights by the State Governments, the rights in minerals are now vested in all areas in the State Governments, and it is not appropriate to use the Land Acquisition Act, 1894, for the acquisition of mineral rights, particularly because the Central Government does not intend to acquire the proprietary rights vested in the States. There is no other existing Central or State legislation under which the Government has powers to acquire immediately the lessee's rights over the coal bearing areas required by Government for the additional coal production."

The question is this. It is not merely in zamindari areas that there may be coal bearing lands. There may be many areas outside as well. For instance, in Bombay State I can conceive of some areas which may have to be included—the former inam lands. The Bombay State Legislature has abolished the tenure but while abolishing tenures, with regard to mineral rights, an exception was made. Mineral rights were not acquired but were left to the holders of that tenure. Section 9 of the Bombay Personal Inams Abolition Act, 1952, lays down:

"Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any inamdar subsisting on the appointed date to mines or mineral products in an inam village or inam and granted

or recognised under any contract, grant or law for the time being in force or a decree of a court."

In the first place the assumption made in the Statement of Objects and Reasons that the rights vest in the State Governments is incorrect.

There is another defect in the Bill. A very peculiar procedure is adopted for acquiring the rights either for prospecting or exploiting. It is presumed in the first instance that the State has got this right. The State may not have this right. Now, the Central Government, the Bill lays down, should become the lessee of the State Governments. I ask: why go beating about the bush. If the Central Government wants to exploit the mineral resources, let it do so straightaway. Pay compensation to the States and take over the entire coal bearing areas in that particular region. Why should it resort to this round-about way? The Central Government should become the sub-tenant of the State Government! The lease is for a particular period only. Again, what happens after the lease expires? Therefore, my submission is that the provision in the Bill in that respect is not satisfactory.

The Government wants to exploit mines. I have got no experience of mine exploitation. But, even common sense tells us that the way adopted here is not correct. A notification is issued conveying the intention of the Government to prospect for coal in a particular area. What happens? The person who owns that particular area has got a right to sit tight over everything that he has done so far. He can withhold his maps, plans, charts, etc. from the Government; he can withhold the results of preliminary borings and exploitations and every other conceivable thing that would help in carrying out prospecting. Cannot we lay down that upon the issue of a notification by the Government of its desire to prospect for coal in an area, the owners of mines in that area shall hand over to the Government the maps, plans, charts,

any prospecting results, analysis, etc.? Why should it not be done? It is not a new principle that I am enunciating. When we abolished Jagirdari, inamdari and other tenures in the Bombay State, what have we laid down? We have said that those people shall surrender their title deeds to the Government. Otherwise, what is the result? It is like the way of a novice which the Government is adopting. After the issue of the notification, Government starts its trial and error methods and wastes more public money.

14 hrs.

If the original lessee has prospected in a particular place, he knows the results. The Government need not waste more time in prospecting all over again in that area. Why can't the Bill compel the owner to deposit with the Government the results of the exploitation so far? It can be done. If you do not do this and adopt the scheme in the Bill, we will have to start the whole thing all over again. The previous experience of the owner will be lost to us. Why? Because of the defect in the Bill. That should not happen; that means more money. So the scheme of the Act should be so amended that on a notification being issued under clause 4 of this Bill the results of the survey of the land, boring into the sub-soil etc. done by the owner must all be deposited with the Government. That is the way that the Government should proceed, and try to save the money of the public.

The second point in connection with it is that the Government is too very eager to give compensation to all useless sorts of persons. The other day we were told that the Government wants to adopt a socialist pattern of society. But, see what happens; how the compensation is paid in every direction? As soon as a notification is issued the man becomes entitled to a certain amount of compensation. When the State wants to take over a particular area, after feeling satisfied that there is coal to be found in that area, and it

issues a notification for acquisition, what is it that is provided here? If that particular individual happens to be a licensee, not a mine-owner but a licensee, then the Government says that it shall pay him by way of compensation a sum which shall be made up of all items of reasonable and *bona fide* expenditure actually incurred in respect of the land. These are the items of compensation which that fortunate man will get: "the expenditure incurred in obtaining the licence". Why should expenditure incurred in obtaining the licence be paid to that man? Has he not had the benefit of the licence so far? After all, what is a licence? It is a right to do things upon the land which an unlicensed person would not be able to do. It is not an interest in the land. When, for instance, a State issues a right to prospect it reserves within the terms of the licence a stipulation that whenever necessary it can revoke the licence. No man can claim that he has got an inherent and vested interest in the licence. The original capitalist concept of licence giving you a right which cannot be taken away must be brushed aside, otherwise we cannot proceed.

Further, in the formation of a socialist pattern of society the hon. Minister in charge of the Bill has proceeded under the assumption that a licence is very sacrosanct thing which cannot be touched except on payment of *dakshinas*, *bhakhshis* and *mams*. Why then, have we amended our Constitution providing that inadequacy of compensation shall not be challenged in a court of law, if you are not going to make use of that amendment? And, which time is better than this to make use of this payment of *dakshinas*, *bhakhshis* and the case of a person who holds a licence to exploit for coal in a particular area and who sits tight on his licence, or take the case of a man who has gambled in taking out that licence and failed. He might have done borings, incurred *bona fide* expenditure and failed. Now, the Government comes on the scene and says:

[Shri Bharucha]

"Oh! You spent so much on procuring a licence, we pay you so much. You spent so much on preparing maps and plans, we pay you so much". He has utilised them and has found them to be useless. When he is about to go into liquidation, the Government steps in and says, do not go into liquidation, we will give you compensation for all that you have gambled and lost. The Government is a very poor bargain striker in this respect. Why should a man who has had a licence for exploiting coal, when he has tried everything, gambled and failed, be paid for the expenditure incurred by him in obtaining a licence and also for preparation of maps, plans and charts? Why should Government say that it will pay him compensation for the expenditure incurred by him in constructing any approach roads to the mine? It is also said here that he shall be paid compensation for expenditure incurred by him in connection with any other operation necessary for prospecting carried out in that area. When a man has gambled and lost, well he has gambled and lost; there is no need to pay him compensation. If I go in for a licence I know that I am gambling for big stakes and I might lose. Having lost, because just I happened to be a fortunate holder of a licence, which is worthless to me, why should I be paid by the Government compensation for the gamble that I lost? I might have done work inefficiently and because of my bad management, bungling or want of proper geological knowledge I might have failed. Why should I be now paid for my default and told that I should now get out and allow the Government to come in and do the job?

What is the basic principle of this Bill? Why does the State want to come in? It is only because the State wants to see that licences do not remain just licences, they produce results. It is only because results are not produced the licence-holders are being persuaded by compensation to move out so that the nation can get

the benefit of the mineral wealth of the country. That is the basic principle.

That is so far as licences are concerned. Then I come to the question of lease. Where a lease is granted and some exploitation has been carried out negligently, carelessly and without proper technique, and where there was bad management and all that, what will the Government do? Just because the owner happened to possess the land the Government says that it will take over the lease of the land and pay him compensation. Here it is not only all those items of compensation I have stated before that he is paid but the Government wants to pay something more. On page 7 of the Bill it is said:

"the expenditure, if any incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal;"

What is the significance, the implication and connotation of this clause? Has the hon. Minister tried to understand it? It means, if I have a lease and I have not worked for ten years because of my negligence but under the terms of the lease I had to pay dead-rent to the owner of the land, Government must pay me the dead-rent for ten years. Why should a man who has slept over a thing, defaulted and as a result of default failed to carry out exploitation, for his failure to produce coal be compensated, a premium paid for his negligence and default? This is what this clause does.

Then again, not satisfied with this, interest on that is also provided. There is compensation for negligence and interest on compensation for negligence. There is provision for payment of interest at the rate of 5 per cent. on the quantum of compensation. Does the hon. Minister want that public money, in trying to get these coal bearing areas, should be squandered like this?

This is not the whole story. Supposing the Government wants to purchase the land, see what wonderful terms have been offered. Line 35 on page 7 says:

"Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section (4)."

When a person has not worked a mine, the land is useless. Because it was originally intended for exploiting minerals, if that work was not done, there is no value for the land because agricultural work cannot be carried on there. Having owned a particular land, neglected it—or whatever has happened—and not produced coal, if the man himself wants to go into the market and sell the land what can he get? At best, the market value of the land, nothing more than that.

This very generous Government under the socialistic pattern of society after imposing Rs. 93 crores of taxation on the poor wants to pay that rich mine owner not only the market value of the land but something else in addition.

The clause reads:

"the damage sustained by the person interested by reason of the taking of any standing crops which may be on the land at the time of the taking possession thereof";

One can understand that. Then follows this:

"the damage if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from other land;"

After all, is that item not included in the market value? If I have a piece of land and I go to sell it in the market and if a particular price is offered and I accept it, don't I accept

it knowing the fact that I am losing some advantage because of the severance of that land? I ask why should an additional benefit be offered when the person does not deserve it? Not only that, but the person has to be compensated if he has sustained any damage at the time of taking possession of the land by reason of the acquisition injuriously affecting his other immovable property in any other manner. How are we concerned if other properties are affected? When a man comes out to sell his land in the market, the purchaser does not care whether his other immovable property is injuriously affected or not.

The Government is the purchaser here and why should it pay something more and more and still more? The market value of the land itself is more than enough. The next sub-clause reads as follows:

"If in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any incidental to such change".

As a result of Government taking it over and paying handsomely, if I have got to stay 10 miles away and incur the expenses of daily travel to my place of work that would also be included. I ask that the Government should place themselves on a level with an ordinary purchaser. If the market prices are paid, I ask why should anything be paid in addition. This is also not enough.

The next sub-clause reads:

"the damage, if any, *bonafide*, resulting from the diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2), of section 9."

If you're going to pay for the land, what does it matter whether the profits diminish or do not diminish? An ordinary purchaser does not care what

[Shri Bharucha]

has happened to the land. He will see what the value of the land is and say: I am prepared to pay this price. But the State is in a more advantageous position than an ordinary purchaser; it can acquire land and pay compensation. The Constitution allows this. It is not a new principle which I am enunciating in this House. During the years 1952-54 in the Bombay State Legislature where I happened to be a Member, they have passed legislation depriving the people of the land and paying them not only a paltry compensation but a ridiculous compensation. The State benefited by the abolition of these tenures to the extent of Rs. 46 lakhs every year and what was the compensation paid to the inamdars and others whose lands were taken away when they abolished those tenures? We paid them a ridiculous compensation, in some case 3 times the assessment and in some cases 7 times the assessment and in some cases more. Even under the Bombay Tenancy and Agricultural Lands Act, where under the new legislation from the 1st April, the tillers of the soil have become owners, the land owners are going to get anything between 50 and 200 times the assessment. But here under this Bill a fortunate, but negligent mine owner who has gambled and lost can get everything more than the bona-fide seller in an open market. Then we are told that this is a step towards nationalization. I am against this thing.

Then he is to be paid in ready cash. In Bombay, may I tell the hon. Minister in charge that we paid compensation in terms of transferable bonds bearing 3½ per cent. interest with maturity of 20 years? That is the way to nationalize.

Mr. Deputy-Speaker: Did not the hon. Member suggest here that the compensation should be ridiculous?

Shri Bharucha: No, Sir. It should be in consonance with the socialistic pattern of society, which this Government claims to establish.

Shri T. K. Chaudhuri (Berhampore): That is the objective which we have not reached, i.e., the socialistic pattern of society.

Shri Bharucha: That is why I say, hurry up and reach it. They are going to usher in the socialistic pattern of society. But this is capitalism, something worse than capitalism. These are some of the points which are to be taken into consideration and therefore, I have given notice of an amendment and I hope the hon. Minister in charge will consider the suggestions which I have made. I am sure that by accepting my suggestions he will save many lakhs of rupees.

My experience in a legislature has taught me that whatever comes from the Opposition is never accepted by the Government, but nevertheless I do feel it my duty to put forward my views and I have done.

Mr. Deputy-Speaker: Did the hon. Member say that he was in the opposition in the Bombay State legislature?

Shri Bharucha: Yes, Sir. I was for 19 years in the Opposition there.

These are the arguments which I have desired to advance and I earnestly desire the hon. Minister in charge to take them into consideration. If he does not choose to take them into consideration, we shall bow to the House, but outside this House, we shall tell the public about it.

Shri Mohiuddin (Secunderabad): The Bill which the hon. Minister has placed before the House is the first attempt to achieve the aim of the target of 60 million tons of coal that should be produced by 1961. The principles which have been explained by the hon. Minister are broadly acceptable to us all. But the points raised by the speaker opposite also deserve full consideration. This Bill, I think, is the first after we amended the Constitution regarding the payment of compensation. That amendment provided that compensation or the principles regarding compensation

will be laid down by Parliament and those principles will not be questioned in any court of law. This Bill I think, is the first of its kind in which we propose to lay down such principles.

Sardar Swaran Singh: We have already done that in the acquisition of slums.

Shri Mohiuddin: Thanks, but I do not remember the clauses mentioning the principles which were incorporated in the Bill for the acquisition of slums. But this Bill has a more far reaching consequence. The objections that have been raised by the hon. Member who has just sat down have some strength and force. The principle that the market price will be paid has already been incorporated, and then some additional amounts are to be paid, over and above. I do really think that this principle of payment of compensation on the basis of the market price and then adding something on to it may lead to complications in future.

The person who had obtained a licence for prospecting is also to be paid the expenses in obtaining the licence. Those who have been to the coal-bearing areas of Bengal and Bihar know that there are large areas, especially in the possession of British companies, which were acquired by them 70 or 80 years ago. As soon as the Geological Department of those days knew of the existence of coal of a particular kind or a particular type, the British companies applied and acquired large areas out of which some areas have been worked and exhausted, some areas are being worked now and there are large areas that are lying idle in their possession. I do not know whether the expenses that they had incurred 70 or 80 years ago should now form part of the compensation which is now proposed to be given by the Government.

I do not wish to go into the details. I would suggest that, as this is a very important Bill in which principles of compensation are being laid down and which may form precedents for the

future, the hon. Minister may agree to refer the Bill to a Select Committee which may report within, say, seven or eight days, to this House.

Shri Bharucha: That is a good idea.

Shri Mohiuddin: The Select Committee may go into the details of the principles of payment of compensation and may arrive at those principles which will form precedents in future Bills for acquisition of properties. I therefore suggest that the Bill should be referred to a Select Committee.

Mr. Deputy-Speaker: The hon. Member has not sent in any motion to that effect.

Shri Mohiuddin: I have not, Sir, but I am suggesting it to the hon. Minister himself. Now, there is another curious clause on page 6, line 40, relating to "reasonable and *bona fide* expenditure".

Sardar Swaran Singh: That is enumerated below the clause; nothing hangs on that really.

Shri Mohiuddin: There is one thing to which I would draw the attention of the House. Clause 13(2)(ii) says:

"any reasonable and *bona fide* expenditure of the nature referred to in clauses" etc., "actually incurred in relation to the lease, together with the *salami* if any, paid for obtaining the lease".

I hope the hon. Minister will enlighten us in his reply as to what this means.

Sardar Swaran Singh: This is not the *salami* of the type of *pagri* as we have in the tenancies. There is nothing hidden in it.

Mr. Deputy-Speaker: In some parts of the country, *pagri* is not *salami*.

Sardar Swaran Singh: That appears to be worrying the hon. Member.

Shri Mohiuddin: No, Sir. I have been a member of the Amalgamation Committee for small collieries, and I know what is the meaning of *salami*

[Shri Mohiuddin]

as far as lease of coal-mines are concerned. This *salami* was simply an amount as that of a *nazar* paid by the lessee. It is only a sort of premium paid to the zamindar for anything that he wanted to do on his land including the acquisition of the right to prospect, the right to mine and even to open a path or a passage for the carrying of coal from one side to the other. As far as I know, and the hon. Minister should know better than I do, payment of *salami* has been prohibited by the Governments of Bengal and Bihar. We were informed that *salami* is an illegal payment.

Now, if the word *salami* is the same which I have explained, which the leaseholder used to pay to the zamindars for the right of any particular action which they want to take in carrying out the process of mining, and if that *salami* has been declared illegal by the Government, how does it come here in this Bill? The Amalgamation Committee had also to deal with the principles to be laid down for the payment of compensation to those whose small collieries were to be amalgamated, and I think—of course the hon. Minister will correct me if I am wrong—we did not include the payment of *salami* in the items of compensation which was to be paid to those whose collieries were to be amalgamated. There are so many complications. I hope the hon. Minister will agree to the suggestion that the Bill should be referred to a Select Committee.

I have got only one or two more points. I expect that the hon. Minister will inform us as to the scheme of producing, in the public sector, an additional ten million or 12 million tons of coal. The Corporation has been formed, and the hon. Minister has informed us that the machinery, worth about Rs. 1 crore, is on the site. What is the progress of the schemes regarding the achievement of the target of eight or ten million tons of coal by 1961? We know that production of 22 million tons by the end of 1961 is too ambitious.

Sardar Swaran Singh: It is not too ambitious.

Shri Mohiuddin: I will correct myself; it is ambitious. We were informed last year that the private sector wanted to go ahead with their schemes. They had prepared their schemes for the production of the quota allotted to them out of the 22 million tons. There were complaints that there had been considerable delays in the Ministry in approving of the plans they had submitted. In the public sector, the corporation has been established. What is the revised target for coal production in the public sector? How much of the revised target is estimated to come from the existing Government collieries which are working at present and how much from the new collieries which will be working by 1961? For example, in Singareni collieries, they are rapidly increasing their output. From 1.2 million tons, they had gone up to 1.6 million tons in 1956, and their target is 3 million tons.

Sardar Swaran Singh: I think I explained this in my opening remarks, namely, 10 million out of the 12 million tons are proposed to be raised from the new collieries.

Mr. Deputy-Speaker: That is also given in the Statement of Objects and Reasons.

Shri Mohiuddin: That is what I am really surprised at. The Singareni collieries are regarded as being in the public sector.

Sardar Swaran Singh: Singareni collieries are to produce 1.5 million tons.

Shri Mohiuddin: By 1961 they are expected to produce 3 million tons. 1.5 million tons represent the output in 1956. They have to increase it by 1.5 million tons. There will be an increase of 2 to 3 million tons in the output from the existing collieries in Bengal and Bihar.

Sardar Swaran Singh: That is only half a million. Half a million plus 1½ millions is 2 millions.

Shri Mohiuddin: That is really surprising, because the Government colliery in North Bihar, where the thermal station was established, namely, Bokaro, is a huge colliery and I expected that their output would be more than doubled and would be even three times the existing output.

Anyhow, I had my doubts about the 10 million tons to be produced from new areas and I have expressed them. I have suggested that, as the Bill envisages very important principles of compensation, which will be a precedent for the future, these principles require full consideration; and, I hope that the hon. Minister will agree to the Bill being referred to a Select Committee.

Shri Supakar (Sambalpur): There is no quorum in the House.

Mr. Deputy-Speaker: It is past 2-30; there should be quorum. The bell is being rung. Now there is quorum. **Pandit Thakur Das Bhargava.**

पंडित ठाकुर दास भार्गव (हिसार) : जनाब डिप्टी स्पीकर साहब, यह जो कोल बिएरिंग ऐरियाज (एक्वीजिशन एंड डेवलपमेंट) बिल प्राया है, इसके स्टेटमेंट आफ प्राइवेट्स एंड रीजंस में कई बातें बड़ी बाजें तौर पर लिखी गई हैं जिनमें एक यह है कि यह जो २२ मिलियन टन एडीशनल कोल का प्रोडक्शन सेकेंड फाइव इयर प्लान के दौरान होना है उसमें से १२ मिलियन टन पबलिक सेक्टर के वास्ते और १० मिलियन टन कोल प्राइवेट सेक्टर के वास्ते रखा गया है। इसके बारे में स्टेटमेंट आफ प्राइवेट्स एंड रीजंस के दूसरे पृष्ठों में जो बलफाज है वे इस तरह हैं :

"It has been decided that out of the additional production of 22 million tons per annum envisaged, the public sector should produce an additional 12 million tons per annum, the balance being allocated to the private industry for production from existing collieries and immediately contiguous areas."

जिसके कि मानी यह है कि प्रायन्दा कोई नई कोलियरीज प्राइवेट सेक्टर में नहीं खोली जायेंगी बल्कि एग्जिस्टिंग कोलियरीज और इन्मिजिएटली कंटिगुएस ऐरियाज में से ही उनको प्रोवाइड करना है। मैं जानता हूँ कि लोकल गवर्नमेंट्स फोर हमारी सेंट्रल गवर्नमेंट दोनों के ही अन्दर यह एक टेडेंसी है कि अगर जरा भी उनको किसी चीज की जरूरत हो तो प्राइवेट राइट्स एंड प्रापरटी को वह पब्लिक नहीं करती है और इस बहाने में कि गवर्नमेंट को जरूरत है, कम्युनिटी को जरूरत है, छोटी सी एक बात पर भी प्राइवेट आदमी को प्रापरटी को पब्लिक न करके बड़ी आसानी से हुकम दिया जा सकता है कि उसको फौरन रिक्वीजिशन कर ले या एक्वायर कर ले। जब पहले नोटिफिकेशन होता था और जो पहले ला था और मैं समझता हूँ कि अब भी ला यही है कि जब तक किसी चीज की सख्त और अग्रहद जरूरत न हो, जब तक सरकारमस्तान्सेज ऐसे न हों जिनके अन्दर यह जरूरी हो जाय कि किसी की प्रापरटी एक्वायर की जाय, तब तक किसी प्राइवेट शरुस की प्रापरटी एक्वायर नहीं की जाती थी लेकिन मैं जानता हूँ कि चाहे वह लोकल गवर्नमेंट का एडमिनिस्ट्रेशन हो या सेंट्रल गवर्नमेंट का एडमिनिस्ट्रेशन हो उसको जहाँ कोई अच्छी जगह हो या कहीं ऐसी प्रापरटी हो जहाँ कोल ज्यादा मिलने की आशा हो या जो ज्यादा प्राफिटेबल हो तो उस जगह को एक्वायर करने में किसी किसम का हेजिटेशन नहीं होगा कि वह एक प्राइवेट आदमी की प्रापरटी ले रहे हैं। मैं अदब से पहली चीज तो यह अर्ज करना चाहता हूँ कि गवर्नमेंट को महज इस बहाने पर या महज इस वजह से कि वह ऐसी चीज है कि प्राइवेट आदमी को फायदा न हो और कम्युनिटी को फायदा हो जाय, इस गरज से और इस नीयत से किसी प्राइवेट प्रापरटी को एक्वायर नहीं करना चाहिए।

यही उसूल हमने अपने कांस्टीट्यूशन में भी रक्खा और अभी मेरे लायक दौरत ने यह उसूल रक्खा कि सोशललिस्टिक पैटन कुछ और

[पंडित ठ.फूर दास पं.पं.व.]

बीज है और कैप्टेलिस्ट करंटन कुछ और बीज है जहां तक एक्वीजिशन का सवाल है। मैं प्रश्न से भ्रष्ट करना चाहता हूँ कि जहां बाकूई में प्राइवेट प्रापरटी लेने की जरूरत ही तो चाहे कैप्टेलिस्ट करंटन हो या सोशलिस्ट करंटन हो, उसके एंक्वायर करने के उसूलों में फर्क नहीं है। जहां तक मैं समझता हूँ जो तबदीली हमने कांस्टीट्यूशन में की है उसमें भी हमने कोई तमीज किसी तरह की नहीं रखी है और जो कानून में तबदीली की है वह एक भी है ख्वाह वह सोशलिस्ट करंटन या और किसी तरह के वास्ते (property) प्रोपर्टी ली जाये कांस्टीट्यूशन में हमने जो इसकी बाबत उमूल रख्या है उसके मुताबिक और प्राइम मिनिस्टर और होम मिनिस्टर की तकरीरों में भी यह बीज बिल्कुल साफ धर दी गई थी कि गवर्नमेंट की हरगिज यह मंशा नहीं है और कानून की यह मंशा नहीं है कि किसी प्राइवेट प्रोपर्टी को उसकी प्रापरटी के बदलें रीडिकुलस कम्पेंसेशन दिया जाय। मैं तो इस को ही रीडिकुलस समझता हूँ कि किसी प्राइवेट प्रापरटी के वास्ते रीडिकुलस कम्पेंसेशन दिया जाय। मुताबिक हमारा मान्य होना चाहिए। असली उसूल जो कि हमारे सुप्रीम कोर्ट ने कायम किया था वह यह था कि कम्पेंसेशन फुल और ऐडिकेट होना चाहिए और यही अल्फाज थे जो हमारे प्राइम मिनिस्टर और होम मिनिस्टर ने कांस्टीट्यूशन में तबदीली होने के समय अपनी तकरीरों में फर्माये थे खसूसन ऐसी जायदाद के लिये जिसमें लाज स्कैल एक्वीजिशन न ही और मानी शहरियों की जायदाद का सवाल हो। मैं यह सुन कर हैरान हूँ कि इस हाउस में अब तक इस तरह के ब्यालात हैं कि किसी को अगर कम्पेंसेशन दिया जाये तो रीडिकुलस दिया जाये और हाउस में कहा जाये कि रीडिकुलस कम्पेंसेशन दिया जा सकता है। यह ब्याल बिल्कुल गलत है और मैं चाहूंगा कि हमारे मिनिस्टर साहब इस बात का लिहाज रखें कि जो कम्पेंसेशन के असली उसूल हैं उन को

हरगिज न भुलाया जाये। मैं पूछना चाहता हूँ कि यह कहाँ का इंसाफ है कि एक प्राइवेट प्रोपर्टी की प्रापरटी कम्प्यूनिटी के नाम पर ली जाए, उस को मजबूर कर के कि वह कुछ ज्यादा सैक्रिफाइस करे और कम्प्यूनिटी कोई सैक्रिफाइस न करे। यह कह देना बड़ा भ्रसान है, जो पार्लियामेंट के मेम्बरान हैं इस के लिये बड़ी भ्रसानी से और जल्दी कह देते हैं कि ज्यादा कम्पेंसेशन देने की जरूरत नहीं है, लेकिन यह ब्याल बिल्कुल गलत है। जब सोसायटी अपने वास्ते कोई चीज लेती है तो कोई वजह नहीं है कि एक प्राइवेट प्रोपर्टी को नुकसान पहुंचाया जाये। मेरे लायक दोस्त न कुछ मिसालें दीं, वह एक तरह से एक्सेप्शनल (exceptional) नेचर की थी।

Mr. Deputy-Speaker: I was asked to get the bell rung and invite hon. Members to listen to the valuable contributions that are being made and not come here and talk among one another.

पंडित ठाकुर बंस भार्गव : मैं जनरल की खिदमत में भ्रष्ट करने जा रहा था कि क्या कोई गारंटी है, जब कि गवर्नमेंट सिर्फ ऐसी जायदाद लेगी जिसमें कि पता लगाया जा सके, कि वह प्रोपर्टी एक गेम्बलर तो वहां फल हो गया और गवर्नमेंट उसी जमीन से सोना पैदा कर लेगी। हर एक किस्म की जायदाद के वास्ते एक ही असूल व बुनियाद हुमा करती है, एक ही कानून सब किस्म की जायदाद के एक्वीजिशन पर हावी होगा। सेक्शन ४ में लिखा है

"when it appears to the Central Government" and not when the Central Government is satisfied—

इस नोटिफिकेशन के बाद गवर्नमेंट कब्जा करेगी और तजुर्बा करेगी वहां पर इतना खुदवाएगी, इस तरह से काम होगा और इतने बरस तक उसे वह अपने पास रखेगी, और उस के बाद फंसल करेगी वफा ६ में कि उसे लिया जाये या नहीं। जनरल वफा ४ में मुलाहजा फरमाएंगे जिस दिन से नोटिफिकेशन जारी होगा उसी दिन से वह शक अपने जायदाद से महकूम

हो जायेगा। खुनाचे दफा ६ के अन्दर यह साफ तौर पर दर्ज है जिसके ऊपर मेरे लायक दोस्त ने बड़े जोर शोर से शिकायत की कि अगर किसी की जमीन ली जाए तो उसे क्यों मुआवजा दिया जायें। मैं हैरान हूँ कि जिस शक्स की जायदाद ली जाती है, उस के ऊपर गवर्नमेंट एक्स्पेरिमेंट कर के देखना चाहती है कि वह उस को आइन्दा के वास्ते ऐक्वायर करे या नहीं, सिर्फ इसी लिये उस को महरूम कर दिया जावे। और काफी दिन एक्स्पेरिमेंट करने के बाद जब गवर्नमेंट फेल हो जाये तो कहा जाय कि, जाग्रो हम ने एक्स्पेरिमेंट कर लिया और अब हम तुम्हारी जायदाद नहीं चाहते। दिस इज अनजस्ट। जो यह प्राविजन है उसे अगली दफा में रिपीट किया गया है जिस के बारे में मेरे लायक दोस्त ने बड़ी एलोक्वन्स का इजहार किया, उस में लिखा है :

“(f) the damage, if any, bona fide resulting from diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2) of section 9.”

जनाब मुलाहजा फरमायेगे कि यह जो बक्फा है उस का लिहाज रखा गया है। एक और दफा में लिखा गया है, दफा ७ में, कि :

“(7) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire, etc. etc.”

जिस के माने यह है कि बरसों तक, जिस शक्स के बखिलाफ दफा ४ के मातहत नोटिफिकेशन जारी हुआ, वह सस्पेन्स में

रहेगा कि पता नहीं गवर्नमेंट जमीन लेती है या नहीं, और इस जमाने में वह कोई फायदा उस जमीन से नहीं उठा सकेगा।

इस के बाद जनाब मुलाहजा फरमाएंगे कि मार्केट वैल्यू का बड़ा जिक्र किया गया। कहा गया कि जब मार्केट वैल्यू दी जाती है तो फर्दर एंडवान्सेज देने की क्या जरूरत है, लेकिन यह मार्केट वैल्यू कब की है ? सेक्शन १३ के सब-सेक्शन ५ के मुताबिक मार्केट वैल्यू उस दिन की नहीं है जिस दिन जायदाद ऐक्वायर की जाती है। वहां पर दर्ज है :

“Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration:—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4:”

सेक्शन ४ के अन्दर जो नोटिस जारी करने की तारीख है उस दिन की मार्केट वैल्यू दी जायेगी। सेक्शन ५ के अन्दर जो है उस के माने यह है कि मान लीजिये आप किसी की जमीन ऐक्वायर करते हैं, कुछ दिन वह आप के पास रही, आप ने देखा कि जमीन आप के काम की है और उस को लेना चाहें तो मुआवजा उस दिन का दिया जायेगा जिस दिन नोटिफिकेशन जारी हुआ था। मैं कहना चाहता हूँ कि यह बहुत अनजस्ट होगा अगर इस तरह का प्राविजन हो जाये कि जितने दिन गवर्नमेंट ने अपना कब्जा रक्खा है उस का कोई मुआवजा न दिया जाये। मैं कहना चाहता हूँ कि दफा १३ का जो सब-सेक्शन ५ है उस के सिवा बाकी के जो प्राविजन हैं जो मार्केट वैल्यू को एंड करते हैं वह उस दिन से एंड करते हैं जिस दिन से कि प्रोरिजिनली जायदाद ऐक्वायर हुई है। और इस वजह से यह सब की सब दफात बहुत मुनासिब और युक्त है। अगर जनाब उस कानून को देखेंगे जिस के अन्दर ऐक्विजिशन ग्राम तौर से हुआ करता है, यानी १ of १८६४ के मातहत, उस में

[पंडित ठाकुर दास भागवत]

प्राविजन है कि सप्लेन्स और डिस्ट्रिब्यूटर्स के वास्ते १५ फीसदी मुआवजा दिया जायेगा। मैं जानता हूँ कि बहुत से लोग इस के खिलाफ थे। अभी हमारे अमानरेबल मिनिस्टर साहब ने फरमाया कि वह प्राइवेट फ़ादमियों से प्राइवेटली जमीन एंवायर करने का भरसक यत्न किया। लेकिन लोगों ने अपनी जमीनें और लाइसेंस देने की स्वाहिसा जाहिर नहीं की। जब गवर्नमेंट, मेरे लायक दोस्त के कहने के मुताबिक, इस कदर फ़ैयाज है और ज्यादा से ज्यादा कम्पेन्सेशन देना चाहती है तो वह गैम्बलर जिस की गरीबी बढ़ गई है वह क्यों देने से इनकार करता है? हर एक आदमी जो अपनी जामदाद का ठीक इस्तेमाल करता है, वह खुद ज्यादा से ज्यादा फायदा उससे उठाने की बात सोचता है। उस शर्त को वह मुआवजा अपील नहीं करता जो गवर्नमेंट देना चाहती है, वह उसे पसन्द नहीं करता। अगर वह मुआवजा फ़ैयाजाना होता, जैसा कि अमानरेबल मेम्बर कहते हैं कि जमीन ऐसे हाथ में आ गई है जो गैम्बलर में फेल हो चुके हैं तो वह क्यों उसको न लेता? सरदार साहब गवर्नमेंट का क़या लुटाना नहीं चाहते, वह तो रुपये के सोलह अंश के बजाय सवा सोलह अंश बनाना चाहते हैं। इस लिये यह कहना कि गवर्नमेंट फ़ैयाज हो गई है, गवर्नमेंट सोशलिस्ट पैटर्न नहीं ला रही है, यह टुट्ट नहीं है। मैं जानता हूँ कि इस तरह से गवर्नमेंट प्राइवेट प्रापर्टी के साथ खेल रही है, और मुआवजा भी ठीक नहीं दिया जाता। मेरे दोस्त ने जमींदारों का जिक्र किया। मुझे बम्बई के लागू प्राविजन्स का पता नहीं है, लेकिन किसी भी हालत में मैं उस मुआवजे की प्राविजन को ठीक नहीं समझता जिस के मातहत बम्बई गवर्नमेंट ने मुआवजा दिया, लेकिन उस के लिये खुद अमानरेबल मेम्बर साहब फरमाते हैं कि वह रिडिकुलस था। मैं चाहता हूँ कि गवर्नमेंट किसी शर्त को भी रिडिकुलस मुआवजा न दे, बल्कि ठीक मुआवजा दे। और जो

मुआवजा देने का उसूल है वह भी मैं समझता हूँ कि उस शर्त के नुकते निगाह का लिहाज कर के देना चाहिये, जिस की जायदाद ली जाये। यह प्राविजन हाजिज जेनरस नहीं है। खुद मिनिस्टर साहब ने कहा कि यह स्ट्रिक्ट नहीं है, और नहीं लिबरल है। लेकिन इस सब को देखते हुये मैं कहना चाहता हूँ कि इन प्राविजन्स को वास्तव में लिबरलाइज किया जाये और उस जमाने के मुताबिक मुआवजा दिया जाय जिस जमाने में जमीन ली जाती है। मैं समझता हूँ कि जब गवर्नमेंट किसी शर्त को अपनी प्रापर्टी से कम्प्यूनिटी के वास्ते महरूम करती है, तो उसको पूरा मुआवजा मिलना चाहिये। मैं अमानरेबल मिनिस्टर साहब की खिदमत में अर्ज करूंगा कि वह उसूल को अपने खयाल में रखेंगे कि प्राइवेट प्रापर्टी उसी शर्त की ली जाय जो कि यह समझे कि इस से उस का फायदा होगा। कम्प्यूनिटी के इन्टरेस्ट में पहले तो किसी की बिना मर्जी के महरूम न किया जाय और अगर ऐसा किया जाय, क्योंकि आप को अख्तियार है, तो अख्तियार के होते हुए भी फ़ैयाजाना तौर पर उसे मुआवजा दिया जावे। हम ने अपने कांस्टिट्यूशन के आर्टिकल १६ के अन्दर यह प्राविजन रखा है कि हर एक शर्त प्राइवेट प्रापर्टी के यूज का हक और डिसपोज़ल का हक रखता है, इस का लिहाज रक्खा जाय और आप सोशलिस्ट पैटर्न को आगे बढ़ाना चाहें तो भी आप को हक नहीं है कि जिस किसी वक्त आप जिस की जायदाद चाहें ले लें। अगर ऐसा किया भी जाय तो उस के मालिक को पूरा मुआवजा न दें। इन अल्फाज के साथ मैं इस बिल को सपोर्ट करता हूँ।

Shri Mohammed Sahir (Kishan-ganj): Sir, the Bill which is under consideration, though it is a very small Bill in volume, has got certain very important aspects. Government wants more production of coal. A very important aspect so far as this Bill is concerned is the payment of compensation, about which my friends had spoken.

Now, I want to submit that before we enact that we should pay compensation for acquisition of the land for mining, we have to satisfy ourselves as to whether or not we are actually liable to pay the compensation. From the statement of objects and reasons you will find it is stated:

"Very nearly all the coal bearing areas, however, are covered by mining leases held by private persons or prospecting licences which carry a right to a mining lease."

Now, Sir, while we are considering this Bill we have not got the deeds of lease that might have been executed between the lessor and the lessee. We do not know as to what are the terms and conditions of the deeds of lease. Suppose there is a condition in the lease that the lessee has taken the settlement for production of coal for a certain period. And suppose it happens that for that period they have failed to produce the coal. If that be the case I do not think in any case the lessee is entitled for any compensation; because after taking the lease of the land for mining purposes they have failed to produce the coal. Therefore, my submission would be that in such circumstances they are not at all entitled to have compensation.

And it is not a new thing. There are other countries also where the lands are being acquired. If you just look to the report submitted by our delegation which had gone to China recently, you will find that the agricultural lands have been acquired by the Chinese Government without any compensation. If the national needs require that we have to acquire some lands, then there is no harm if you do not pay the compensation. So far as our Constitution is concerned, we have provided that if for public purposes we are going to acquire any land we have to pay compensation. But in this case, as I have said already, suppose there is a condition in the lease that for such and such period they will produce coal and they have not actually done so, in

that case the lessee is not at all entitled to any compensation; because by their own action they have brought a national loss to the country.

But I would say that at present we have not got the papers before us for considering this matter. Therefore, I think the suggestion that has been made to the hon. Member that this Bill should be referred to a Select Committee should be accepted by the hon. Minister; and, if that motion is accepted, then in the time given to the Select Committee all the papers relating to the deeds of lease in the possession of the State Government concerned may be brought here and looked into for ascertaining the terms and conditions of those deeds of lease. And then, after that, we will be able to decide as to whether we are liable to pay compensation or not. With these few words, I hope that my friend, the hon. Minister in charge will accept the suggestion that the Bill be referred to a Select Committee.

Mr. Deputy-Speaker: I have just received notice of an amendment by Shri Jhulan Sinha that "the Bill be referred to a Select Committee consisting of the Members mentioned below etc." But it is not within the time required by the rules, and unless Government, that is the hon. Minister, agrees, I cannot waive the notice. If Government agrees, I am prepared to waive the notice.

Sardar Swaran Singh: I am sorry, Sir, I cannot agree to the motion for reference to Select Committee.

Shri Dasappa (Bangalore): The Select Committee can report during the Session itself.

Mr. Deputy-Speaker: That should be an appeal to the Minister. If he agrees, I have no objection.

Shri Dasappa: Through you I am appealing to him that he will not have to suffer any delay because of the reference to the Select Committee. It will report in three or four days or in a week's time.

Sardar Swaran Singh: It has to be got through two Houses. There is a very tight schedule. I am sorry I cannot agree.

Mr. Deputy-Speaker: Under those circumstances I cannot waive notice, and this amendment is time-barred.

Sardar Swaran Singh: Sir, I am grateful to the hon. Members who have participated in the debate. If I have understood the tenor of the debate correctly there is general agreement about the principles of the Bill. Excepting for the hon. friend from Bombay, who has said something about the scheme of the Bill, there has not been any criticism so far as the basic principles underlying the Bill are concerned. I may presently come to the points that he tried to list under the heading of criticism when he said that he was not in favour of the scheme of the Bill. His main objection under that score; if I have understood him correctly, was with regard to two separate notifications, one for prospecting and the other for acquisition of the lessee's rights with regard to mining. He explained....

Shri Bharucha: May I point out, Sir, that he is not correctly interpreting what I said? I had no objection to the two notifications.

Sardar Swaran Singh: Then, Sir, he said that we are perhaps going to compensate the gambler. It is very difficult for me to meet an argument of that nature. I can only assure him that this can hardly be our intention, and it will certainly not be our intention to compensate a gambler. After all, if we want to acquire coal bearing areas which have not yet been worked out and where sufficient development has not taken place, we will not take up those areas where other people have failed or where the coal deposits are very meagre. If anything, generally the complaint is that we might pick and choose richer areas rather than that we should have any great fancy or partiality for bad areas. But I am grateful to him for the caution he has sounded, and we will certainly

take care that we do not pay anything to what he has been pleased to term as gamblers.

Now, Sir, the only other point about which hon. Members have offered comments relates to the principles underlying the scheme of payment of compensation. The hon. friend from Bombay, who has also tabled certain amendments with regard to the relevant clauses, appears to have been frightened by the various provisions which find a place under clause 13 which is the operative clause with regard to payment of compensation.

15 hrs.

But, if the substance of the provision be analysed, the House will agree with me that we are not in any way liberal. We are just trying to be just and fair. I think even the Opposition is not entitled to press that we should not be just and fair.

Under clause 13 (1), the various items are:

"(i) the expenditure incurred in obtaining the licence;"

If the Government is stepping into the shoes of the original licensee, in all fairness, whatever expenditure might have been incurred in obtaining the licence should be paid by the Government. Then,

"(ii) the expenditure, if any incurred in respect of the preparation of maps, charts and other documents....etc."

On the one hand, the hon. Member was very eloquent and pressing that we should by some decree seize all these maps, charts and other relevant documents so that we may have all that information, and in the same breath, he asked that we should not pay him the expenses that he may have incurred on that score. I will come to the other point as to whether we should compel them to part with these documents or not. If we analyse this argument in the background of our liability to pay compensation, no doubt is left whatsoever that if we

want to take hold of that know-how in the form of documents, in all fairness, we should pay for that.

Then,

"(iii) the expenditure, if any incurred in respect of the construction of roads or other essential works on the land...."

My hon. friend has conveniently forgotten this very significant adjective 'essential'. Roads, I think, will always be a good amenity and if the works are essential, certainly, when I am taking over that, I should pay. The wording is,

".....if such roads or works are in existence and in a usable condition;"

If I am using any works and they are usable, certainly it is fair that I should pay for them. Then,

"(iv) the expenditure, if any incurred in respect of any other operation necessary for prospecting carried out on the land."

Again, the important adjective is 'necessary'. With the vast experience that the hon. Member from Bombay has had of the functioning of the legislature in a very progressive and efficient State like Bombay, I think he will realise that adjectives in legislative measures do play an important part and these words have not been used without meaning or without significance. So, if we analyse this clause, the conclusion is irresistible that the principles that we are laying down for the payment of compensation are nothing but fair.

Then, there is a distinction between a licence and a mining lease. That is brought out in clause 13 (2), which says:

"(2) Where the rights under a mining lease are acquired under this Act, there shall be paid to the person interested....."

Under this head, the only point about which my hon. friend raised

objection was with regard to sub-clause (iii) which refers to expenditure, if any, incurred by way of payment of dead rent or minimum royalty during any year or years when there was no production of coal. In this case, it has to be remembered that the royalty or dead rent is payable to the State Governments. It has always been the intention of the Central Government and it will continue to be our policy not by any unilateral action to take a decision which may affect the revenues of the States. Therefore, it is in that effort to safeguard the interests of the States in the matter of their right to realise these dues that we have undertaken the responsibility of paying this amount which should be or which has been paid to the State Governments.

Then, he has taken very strong exception to interest being paid on expenditure. Even yesterday or day before yesterday, when the Finance Minister presented his budget proposals, he announced certain increase in rates of interest, namely, bank rate and also with regard to small savings and the like. I do not think that payment of interest is in such great conflict with the socialist pattern that my hon. friend should have tried to build an argument on that score.

The last criticism with regard to the principles of compensation was with regard to sub-clause (v) where it was sought to be made out as if some great principle has been violated. In the matter of acquisition of land under section 9, we are prepared to pay market value of the land at the date of the publication of the notification under sub-section (1) of section 4. There are, however, two significant riders about which my hon. friend has very conveniently glossed over. One is that the usual solatium of 15 per cent over and above the market price that is normally paid in the case of a land acquisition proceedings is not provided for here. Secondly, there is a very significant explanation that the value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land. We thought that with these

[Sardar Swaran Singh]

two provisions, it would safeguard against the payment of any excessive compensation.

. I am sorry I have not been able to agree to the suggestion made by two of my hon. colleagues, one from Andhra Pradesh and the other who gave notice of a formal motion for reference to a Select Committee. I wish I could oblige them and I am generally averse to oppose a motion of that type. Because, that gives time for all of us to go into these matters in great detail and the person who is entrusted with the piloting of a Bill derives very great benefit by the discussions that take place in the Select Committee. But, in this particular case, as I submitted in my opening remarks, there is a vital time schedule which has got to be adhered to. I venture to point out to the hon. House that we were contemplating at one stage the undertaking of legislation by the promulgation of an Ordinance. My hon. friend who made this motion for reference to a Select Committee also enquired from me very legitimately that I should give some idea as to the progress that has been made with regard to the achievement of the ultimate target after the expiry of one year. That is a very legitimate query. My reply would be that a great deal depends on the expeditious adoption of this legislative measure. Most of these coal bearing areas are already covered by either prospecting licences of mining leases and the lessees concerned, whether they are prospecting licensees or mining lessees, are not actually making use of these areas in the matter of exploiting coal or taking any other effective steps. It is very necessary that Government should have the power to acquire these areas so that they can take concrete steps for prospecting and mining.

15.00 hrs.

[MR. SPEAKER in the Chair.]

It is for this reason very necessary that we should be able to push ahead this Bill rather than refer it to a Select Committee. Then, again, there is general agreement about the principles

underlying the Bill. The basic structure of the Bill has not been opposed by any section of this hon. House, for which I am extremely grateful to them. The points that have been raised are with regard to compensation, which are broader principles and not principles which depend on drafting. In taking this broad decision, as I have submitted, the middle course which has been adopted in the matter of laying down the principles for assessing compensation are both fair and proper.

Therefore, I would submit that the Bill which has got such a great volume of support and such a consensus of opinion with regard to its principles should be placed on the statute-book as soon as possible. Before it becomes law, it has to be approved by the other House also. So, the time-schedule is such that much against my will, I am very reluctantly opposing the motion for reference to Select Committee.

If there are any other points, I shall make my submissions in regard to them, as and when the clauses are discussed.

Mr. Speaker: I do not think there is any formal motion for reference to Select Committee. I do not find that any has been tabled.

Sardar Hukam Singh (Bhatinda): It came late; it was time-barred, and, therefore, I disallowed it.

Mr. Speaker: The question is:

"That the Bill to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith, be taken into consideration."

The motion was adopted.