

Shri Lal Bahadur Shastri: Sir, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT BILL

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

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

The Coal Bearing Areas (Acquisition and Development) Act, 1957 was passed in the May-June session of Parliament. It received the assent of the President on the 8th of June, 1957 and came into force on the 12th June, 1957. The discussion that took place on the floor of this House took place quite recently and it is not my intention to take the House through the details of the parent Act. I would, however, like to draw attention to a few salient features of the parent Act.

13.42 hrs.

[SHRI BARMAN *in the Chair*]

The scheme of the Act briefly is that there will be a preliminary notification respecting intention to prospect under section 4 of the Coal Bearing Areas (Acquisition and Development) Act. Thereafter, there is a provision under section 6 for compensation for any necessary damage done under section 4. This, from the very nature of the circumstances, will be more or less of a preliminary character and that does not by itself vest any title

in the Government except the right to enter and to do the prospecting.

Then, under section 7 of the Act, there is power to acquire land or rights in the land which had been notified under section 4. This provides that the Central Government could give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

Under section 8 of the Act, there is a provision that objections may be lodged against this proposed acquisition by Government and it also provides for an enquiry to be made into any such objections. And, under section 9, the Central Government has been given the authority to consider the report, if any, made under section 8 of the Act and thereafter the land or rights in or over such land can be acquired and a declaration in the usual form would then issue.

The first important amendment which is contained in clause 4 of the present amending Bill relates to a modification of the procedure which I have just mentioned. It is to this effect. If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.

From the very nature of this amendment it will be seen that it is to provide against an emergency and contingency. If the Central Government is satisfied that the land should be acquired straightaway, then, this power is being taken so that the usual obstructionist tactics that might be adopted by an interested party may be got rid of and a declaration may straightaway be made that the land in

*Moved with the recommendation of the President.

question or the rights therein may be acquired.

So far as the nature of this Bill itself is concerned, there is nothing extraordinary about it because this power is very much similar to the powers that vest in an appropriate authority under section 17(4) of the Land Acquisition Act, Act I of 1894. Even if there were no precedent of the type to which I have made a reference, namely, the relevant provisions of the Land Acquisition Act, the nature of the power that is now sought to be acquired is not in any way extraordinary. It does not, in any way, do away with the obligation to pay compensation which will be determined according to the scale and according to the procedure which has been laid down in the Act itself. All that it postulates is that without having to go through a very lengthy enquiry, if the Central Government is satisfied that speedy action has to be taken, then, appropriate action will be taken under this new section which is sought to be added by the amending Bill.

There is one other important matter about which I might make a reference even at this stage. That relates to the nature and quantum of compensation that is payable to the person whose rights are likely to be affected. Under section 13 of the Act—it is a fairly longish provision—principles have been laid down with regard to the assessment of the compensation for prospecting licences etc. These principles were gone into at considerable length when the Act itself was under consideration. Briefly, it can be enunciated as a principle that we have proceeded on the basis of actual expenditure plus certain reasonable rate of interest with a ceiling of 50 per cent. over the actual expenditure.

There may be criticism that the scale is liberal; there may be criticism to the effect that we are placing a ceiling and, therefore, departing from the strict principle of giving compensation on the basis of actual out of pocket expenditure plus reasonable rate of interest throughout the period.

But a reasonable mean has been struck between these two viewpoints so that the expenditure incurred plus a reasonable rate of interest with a ceiling of 50 per cent. over and above the actual expenditure had been provided for in section 13 of the Act.

There was, however, one omission in that respect and the industry and the leaseholders have been extremely critical with regard to that omission. That omission is now being sought to be rectified by clause 6 of the new amending Bill. If the provisions of section 13 of the Act are referred to, it will be found that in clause 4 of sub-section (2) of section 13, the wording is such according to which the interest payable on expenditure incurred for prospecting is not taken into consideration at the time or for the purpose of assessing the interest that is payable. By introducing this new amendment, by virtue of clause 6 of the amending Bill, it is sought to remove this anomaly. It is now proposed to allow interest on all reasonable and *bona fide* expenditure incurred before the date of the mining lease in those cases where a prospecting licence has led to the issue of a mining lease.

No elaborate explanation is required for this change. A party having obtained a prospecting licence have carried on investigations to locate the availability of coal and thereafter have pursued their case and obtained a mining lease. Therefore, in all fairness, we should take into consideration the amount of interest that might have been incurred or which could have been incurred during the period that expenditure was incurred after the issue of the prospecting licence till the final date, provided again that this may be limited to 50 per cent. of the principal.

I would add only one submission at this stage; the time that might elapse between the issue of a prospecting licence and the issue of a mining lease may be quite considerable. There is no elaborate scrutiny obviously made at the time when a party applies for the issue of a prospecting licence. It

[Sardar Swaran Singh]

is more or less a permission to investigate and to carry on enquiries which might ultimately establish that coal is available in quantities that can be exploited commercially and economically. Therefore, considerable time may actually elapse resulting in many cases even in infructuous expenditure, because every search for any mineral need not necessarily be crowned with success.

Mining leases are obtained in cases where quantities have been located generally and where there are reasonable prospects of coal being mined in an economic manner and according to the commercial practice. Therefore, when all that preliminary work has been done, it appears to be a case in which we should take into consideration the interest that should be payable to the party which took out that prospecting licence and later on obtained a mining lease also.

These two are the main provisions of the amending Bill. The remaining clauses do postulate some verbal amendments but they are not very material. So, it is not my intention to go into in greater detail the other amendments which are sought to be made by this amending Bill.

Before closing, I owe an explanation to the House as to why after such a short time should it be considered necessary to come to the House again for an amendment of the provisions of an enactment which was approved by Parliament only a few months ago. The provisions, as has been borne out by examination, do throw out a very serious doubt about the effectiveness and speed with which the coal-bearing areas might be capable of being acquired under the provisions of the Act as it stands today.

If I may venture to admit, a provision like the emergency provision contained in clause 4 of the amending Bill really ought to have been in the main Act itself. The principle is well known to the country and to the people at large for over 50 years,

because it is very much analogous to the provisions contained in the Land Acquisition Act which has stood the test of time. I would have no hesitation in saying that it was an omission which could have well been avoided even when I came to this House with the main Act itself. It may be that at that time we thought that occasions for acquisition like this may not arise and perhaps even by going through some lengthy procedure it would be possible to attain the desired objective. But a target has been set in the Five Year Plan which contemplates a fairly stiff burden upon the National Coal Development Corporation for increased production. The development of mines, their designs, organisation, etc., take considerable time and already the National Coal Development Corporation is very much pressed for time. In certain cases parties have gone to courts of law and even stay orders have been issued in certain cases. I do not want to go into the merits of those cases which will of course be decided according to the law which prevails, but, it is a matter of very great urgency that possible steps may be taken and the authority for taking those steps should be available in cases of emergency. It is for this reason that section 9A is sought to be added by clause 4 of the amending Bill.

With these words, I conclude. I hope the House will be good enough to approve the amendments which are sought to be made by the amending Bill.

Mr. Chairman: Motion moved:

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

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Mr. Chairman, I regret I must express my complete disapproval of the way this amendment has been brought in. I

wish Government had been more realistic and elicited public opinion before this. After a very short lapse they dare come to us for an amendment. I hope I will not be misunderstood when I say that I am doubtful whether this amending Bill can be enacted without infringing some of the articles in the Constitution. I am not quite certain about it as to whether this amending Bill is in order when you think of the safeguarding subsections of article 19 of the Constitution, relating to the particular protection that has to be given to the Scheduled Tribes in regard to the acquisition of their land. That is something that Government would do well to examine, to search their hearts and ask themselves whether in bringing an amending Bill of this nature they are in any way jeopardising, or going back on their word, as it were, by making acquisition of lands in the Scheduled areas in particular, more arbitrary than has been hitherto.

14 hrs.

Let me say straightaway that the tribal people today are living in the mineral depository of India. I come from coal-bearing area. I have seen what has happened. It is not something that has happened only since independence. It is something that is happening all the while. More and more people are becoming landless. If people from Jharkhand go to the tea estates of Assam, it is not because they want to leave their areas but because their lands have been taken away.

It is very very necessary, it is essential, that we must listen to their objections. We talk of a socialistic pattern of society, we talk of the general interest of the society. Here is something done in the name of the public sector because the public sector is to produce so many millions of tons of coal for the Second Plan period. We say that the public will have to suffer by the immediate acquisition of the land to help the public sector.

I do not want to stand in the way of the mineral or any other development of this country. But the industrial development of this country is going to affect the Adibasis more than any single community in our Indian society because they are living in that area. They cannot escape it. But to say that they shall have no voice whatever, they may raise no objections, you can walk into their fields and acquire them immediately, I regret, I cannot accept the *bona fides* of this Government.

Again and again they have come to this House, they have preached from the house tops that a fair deal will be given. What happened to the D.V.C. activities? Were we not told by the Leader of the House, every Minister and by the party manifesto at the general elections that land for land, house for house and field for field will be given? But what happened to the Maithon catchment area? Water came up seven years ago and even to this day hundreds of villagers have not yet been resettled.

I am not standing in the way of development of coal-bearing areas. But I want to know what is going to happen under this Act. You can take immediate possession of any area that you wish under the amending Bill. What happens to the people? Where do they go? What do you do for that? Do you expect them to take the word of the Government? Again and again, they have dishonoured their promises.

I very much regret that this is something I feel very strongly about. We do want the country to be developed, but not at the expense of our human beings. Not only in the Maithon Dam area, you can go to the Sindri Fertilizer Factory, you can go to the Chittaranjan Locomotive Factory, I can multiply and make a big inventory of areas that have been acquired where the tribal people and other people have been displaced.

Even under the old Act we had the right of submitting objections; bad

[Shri Jaipal Singh]

enough. But this is going to give arbitrary powers into the hands of the Government. In other words, they can take your land and you do not know what kind of compensation you will get; that is something that has to be negotiated afterwards, after you have been removed from your property. In other words, you are like an orphan without a roof. What bargaining power do the people have?

There is discrimination between the private sector and the public sector. The public sector must have special facilities. Why don't you give special facilities to the private sector also? I ask this question. I want the Government, the hon. Minister to give us a definite, categorical assurance that acquisition and compensation shall be simultaneous. They must be simultaneous. If Government have to take my coal-bearing areas—today we are only talking of the coal-bearing areas; tomorrow it may be any other ore because we come from an area where minerals of every shape and form are to be found—they must pay me the compensation simultaneously. Today if you go to the Jharkhand area you will find that the entire countryside being, as it were, covered by geologists, hunting for, may be uranium, may be any thing else. There is every mineral there. Today this will affect only the coal-bearing areas. Tomorrow it may be something else. Why not? After all, the country must be developed. No citizen must come in the way or impede our progress. We do not want to impede progress, but we want at least to have a roof. What is going to be the effect of this immediate acquisition?

In the Statement of Objects and Reasons we have been told that experience in the administration of the parent Act has indicated the necessity of introducing this amending Bill. Now, in a very vague way, my hon. friend has told us that there have been certain obstructionist tactics. I wish he had been more explicit and had given us instances as

to what these obstructionist tactics were.

We know some matters are before the courts. But still we should have some experience. Experience is not only one case. It may be a good case or it may be a very bad case. Experience of one instance can hardly justify bringing in an amending Bill of this nature, which would vest Government with tremendous powers, which would cause untold suffering to the people, in the name of the commitments of the public sector in the Second Plan.

We must be cautious. I would like Government to go to those areas and ask the people: what is going to happen to you? What are you going to do about this? The rest of the country must go ahead. Then they will have the right to ask: yes, let the country go ahead, but where shall we be? Let the Government answer this question. Because, I am not prepared to accept the *bona fides* of the Government any more. They have broken their faith with the people of these areas again and again, whether it is the D.V.C. or Hirakud project or any other big project. Now it is not too late to listen to public opinion.

I want a categorical statement from the Government, I wish the Leader of the House were here because he is the biggest show man of the ruling party. He is the one who goes round the country and says: look at these wonderful projects that we have for the betterment of the people. Let them make a categorical statement that acquisition shall not take place unless it is simultaneous with compensation.

As I have already said in this House again and again, in regard to the tribal people in particular, compensation must never be in terms of money. We have seen the disaster at Sindri. We have seen it at Chitranjan. We shall see it in several places. They are the children of

the soil. They are the Adibasis. If they have to be transplanted from one area, they must be transplanted to another area. You have to transplant them. If you take the land away, you must give them land of equivalent production. Money is not going to benefit them. Tons of money will not help them if you are going to leave them roofless.

So, Sir, I hope Government will not take this amending Bill light-heartedly. It is going to have very serious repercussions. I am not quite certain whether this is not going to infringe on the Fifth and Sixth Schedules of the Constitution; because in these two Schedules the Constitution has empowered the Tribes Advisory Council and the District Councils to advise Government, and in Assam you have such coal bearing areas in the Scheduled areas. What is going to happen? If this Bill becomes law, is Government going to override the functions of the District Councils in Assam? What is going to happen? Are they going to consult the Tribes Advisory Council in Bihar before taking over any coal bearing areas, say, in South Bihar?

May I again repeat that I do not want to stand in the way of good exploitation, better development, not only of the coal bearing areas but of any other mineral bearing areas; but let us not think of industrialisation or anything like that at the expense of human beings. If we are not careful, hundreds and thousands more will become landless. If Government pay no heed whatever to giving them alternative habitation or land to make them happier and better citizens of this country, it would only increase their misery, as it has done in the last 150 years.

What was wrong with the Land Acquisition Act? What is the urgency, I want to know. Is the House on fire that you want to call in the fire brigade? Many objections may be filed. What is the delay? It may be delay of a few months. Has

the public sector become so effective, so speedy? The hon. Minister said it should function with effectiveness and speed. Well, it amuses us to know that Government is thinking of moving effectively and with speed; we are all for it. But is a delay of three months or six months going to make any difference to coal production, I ask you. Let him answer that. He has told us that this is nothing extraordinary. I wish he lived in my area and was an Adibasi. He says it is nothing extraordinary, it is an ordinary thing, normal thing. Immediate acquisition a normal thing!

What kind of a government have we in this country that takes up this sort of attitude against the poor people, just because they cannot assert themselves as my hon. friend there can assert himself? Let us bear this in mind that this Government has taken unfair advantage of the loyalty of the Adibasis because they are poor, inarticulate and do not resort to things which my hon. friend and his friends would resort to if a similar thing had happened. Is this playing the game, I ask.

I again appeal to Government: certainly, we will give them all the power. But after all, who are the people who are going to produce coal? Not hon. Members who sit on those benches. It will be people of my area. You cannot attain any target of coal production, whether it is in the public sector or in the private sector, except with the fullest co-operation of the people who have to work in the mines and quarries. What are you doing by this Act? Are you befriending them, or are you antagonising them? What are you doing. Are you trying to carry the people with you? Government had better think very seriously about it.

I know that this Bill will go through. I wish it did not go through just now. I wish that public opinion, specially of the areas that

[Shri Jaipal Singh]

would be affected, had first been elicited. Then this House would be in a position to study those reactions and know how to act. But the Government, scared by some court case—one court case, I believe; I do think there have been more than one—now want to come in with these extraordinary powers and tell us that it is nothing extraordinary. Mr. Chairman, I regret I cannot find myself in a position to lend any support to this amending Bill.

Shri Naushir Bharucha (East Khandesh): I am afraid I am not in a position to share the views expressed by my hon. friend Shri Jaipal Singh. There will be opposition to this Bill, but on totally different grounds. In fact I am inclined to believe that the hon. Minister in charge of the Bill is right when he says that certain emergency powers are necessary, and perhaps my hon. friend Shri Jaipal Singh does not appreciate the fact that these powers are also in the Land Acquisition Act. Why was that Act particularly enacted? To eliminate the delay caused by litigation. It is not the intention, once the possession of the land is taken, that the party should not have compensation. That is not at all the case. But it is conceivable that a party that is bent upon litigating this matter can protract the litigation not only for three or six months but for two, three, four or even five years. There is nothing to prevent a party from taking the matter from one court to another court, then to the High Court, and then to the Supreme Court. If, at that rate, we keep on waiting on parties, I am afraid there will be no coal produced whatever, and the target in the Second Plan will never be reached. I am absolutely in favour of these special powers being exercised. They are being exercised today, and probably my hon. friend Shri Jaipal Singh does not know that land is being acquired today even for the private sector. Let there be no mistake about it. (Interruption). The possession of the

land must be taken. otherwise it becomes impossible to proceed in this matter, and this Bill will only remain a dead-letter.

There is one point on which I find myself in agreement with Mr. Jaipal Singh and that is that some provision must be made either by way of transit camps or something for people who are displaced. That can be managed. . .

Shri Jaipal Singh: That has never been done in the past.

Shri Naushir Bharucha: It may not have been done, but it should be done—that is my point.

The main objectionable portion of the Bill is where it provides for compensation. I remember when the parent Bill was put through on 20th May, 1957 in this House, most of us protested against the amount of compensation that was proposed to be paid for the so-called rights that were being taken away from the prospecting licence holder and the mining lease holder. Under this amending Bill the main purpose is to provide for payment of interest on expenditure that a person may have incurred in the course of operating his prospecting licence. I ask this honourable House, what is it further that the hon. Minister wants to be paid? Are we not paying the expenditure incurred in obtaining licence? "Expenditure incurred in obtaining licence" is such a wide phrase that it can cover anything. In fact, when it comes to the question of acquiring the lease, we have to pay the expenditure involved also in relation to the lease together with the *salami* for obtaining it. *Salami* is nothing but another word for premium, *pugree* as they call it—in Burma it is called *lungi*, and in other places by other names, but it is nothing but anti-social gratification. What does the hon. Minister want to pay? Interest and more interest? Does he want to pay *salami* on *salami*? There must be a limit to which public funds

can be squandered. The prospecting licence holder gets all the expenditure incurred in getting the licence. He gets expenditure on the maps and charts which are prepared. He gets the expenditure on the analysis of samples of minerals, the expenditure incurred in constructing roads and also expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out. What is left out. Nothing is left out.

Take the case of a person who carries on prospecting in a leisurely, inefficient manner. He incurs more costs, if he is inexperienced and does not know how to carry out prospecting, he incurs more costs. All this would be paid to him. On top of that, the hon. Minister comes and says, pay him interest to the extent of 50 per cent of the capital. Suppose I spend Rs. 10 lakhs in prospecting for coal. Why do I spend Rs. 10 lakhs? Because, I do not know, I am inexperienced, I am inefficient, I carry on the operation in a dilly-dallying fashion. I waste time. I see that labour is not efficiently utilised. I have to keep on paying for the labour for the idle days when nothing is done. After I spend Rs. 10 lakhs, if I find a small deposit of coal and go in for a licence, Government will step in and pay me Rs. 10 lakhs and interest on that which is Rs. 5 lakhs. It can go as much as that. Why? Because, I have been inefficient, inexperienced; I have delayed the matter. Hence, the Government pays more of the public money. A premium on inefficiency, dilatoriness, stupidity is being paid out of public funds.

The longer you delay, the better for you. Therefore, a rich person who has a prospecting licence, who knows that he can ultimately get the losses, will carry out the work inefficiently. They will inflate the costs; they will keep bogus books of accounts. We not only will be paying all that; but on top, we shall be paying interest as high as 50 per cent of the capital.

Let us look what are the items which are being paid in the case of acquiring a lease. As I said, actual expenditure in relation to the lease together with the *salami*, 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. A man can sit tight on his mining lease and keep on paying the minimum royalty which he has got to pay for years together. If the Government wants to take it, it must pay him back all the royalty because he has been sitting idly tight over his mine. What type of legislation have we brought. There is an amendment to our Constitution to get over various difficulties. The fourth Amendment says that the adequacy of the compensation cannot be questioned in a court of law. I want to ask the Government, why not take advantage of this amendment of the Constitution.

We give them all these things and on top of all the expenditure involved in prospecting, the hon. Minister comes and says pay them interest at 5 per cent. Whose money? Not the hon. Minister's. It is public money being squandered.

Sardar Swaran Singh: It is Shri Naushir Bharucha's money.

Shri Naushir Bharucha: I pay the tax and it is part of my money.

Sardar Swaran Singh: That is what I say.

Shri Naushir Bharucha: The hon. Minister dare not say this; it is public money. Public money is being squandered. I protest against that. Too much is given. I do not know why this Government is so very generous to the capitalists, to people who are inefficient. The hon. Minister must make out a case for the generosity which is being shown now in addition to what was shown on 20th May 1957 when you passed the parent Bill.

Shri Jaganatha Rai (Koraput): Sir, I support the Bill. We are concerned only with two provisions of the

[Shri Jaganatha Rai]

Bill which the hon. Minister wants to amend. One dispenses with the enquiry under section 8 of the Principal Act. This is an emergency power similar to the power under the Land Acquisition Act, section 17(4). This power to dispense with the enquiry would be necessary in cases where the Government have to take immediate possession. But, this dispensing with the enquiry does not take away the right of persons interested in the mine of claiming compensation. This amendment certainly does not go against the interests of persons interested in the mines that are sought to be acquired.

The other amendment is to section 13 whereby the amount of compensation is sought to be increased by the payment of interest on expenditure *bona fide* incurred by persons in working up the mine. Section 13 gives various items under which a person owning a mine or the lessee of a mine is entitled to compensation. Now, interest is sought to be given on the amount actually spent by the persons *bona fide*. Because, the person who is prospecting and who has obtained a lease, may not have had the benefit of the lease by which time Government comes forward with a Notification. Therefore, it is in the fitness of things that a person who has invested so much, and laboured hard in prospecting should have at least this much amount by way of compensation or damages towards compensation that should be paid to him. I see no reason in the objection raised by Shri Naushir Bharucha that interest should not be paid. Suppose a person is lazy or indolent and does not work with diligence, he says, he should not have the benefit of interest and no premium should be placed on indolence or laziness. But, mining operations are such that it is not possible to get at the vein or seam immediately. A person may go deep; yet, he may not find the vein. It takes years and years for persons engaged in mining operations to extract any mineral from the mine. The provi-

sion which is sought to be introduced in this Bill is certainly reasonable and it gives some relief to persons who would be dispossessed by the Notification.

This emergency power, to which I referred earlier, by which the enquiry under section 8 is sought to be dispensed with is also necessary because this section contemplates an enquiry regarding the objections to the acquisition. Such an enquiry may be prolonged and the very purpose of the Notification expressing its intention to acquire may be defeated.

There are other verbal amendments which are sought to be introduced by this Bill. However, I am not in agreement with the hon. Minister why there is any necessity or need for these amendments. In clause 3 of this Bill, section 5 of the principal Act is sought to be amended by the omission of the words "granted to any person under the Mineral Concession Rules which authorises him". Also in clause (b), the words "granted to any person under the Mineral Concession Rules" are sought to be omitted.

According to the hon. Minister, these amendments are necessary. The Mineral Concession Rules have come into force in 1949. If the owner of the land had given any lease prior to that, subsequently, they were bound by the Mineral Concession Rules. Rule 44 of the Mineral Concession Rules is very clear on the point. If a lease had been granted by a private owner of a mine to work out or prospect, he is bound by the Mineral Concession Rules. I do not see any reason why the Government now seeks to delete these words.

Similarly, in clause 5 of the Bill, an amendment is sought to be introduced by the addition of the words "free from all encumbrances". Under section 10, with a notification by the Government, Government is entitled

to possession. Section 10 of the principal Act reads thus:

"On the publication in the official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government."

It is now sought to introduce the words "free from all encumbrances". If it is an encumbrance prior to the notification under section 4 of this Act, it is open to a lessee of a mine to transfer—transfer will include a sub-lease—all the interest he has in the mine. That he can do under the Mineral Concession Rules with the approval of the Government: for specific minerals in Schedule IV with the permission of the Central Government. Supposing there is a case of a lessee and he has sub-leased it to another person with the permission of the Central Government. What about him? How can it be said that free of all encumbrances the Central Government should be entitled to possession? So, the free-of-all-encumbrances clause would not be necessary because he comes within the definition of a person interested in the mine. He would be entitled to compensation. So, the omission of these words in section 10 of the principal Act does not cause any hardship to the Government, and I wish to say there is no need for the amendment proposed.

The other amendment in clause 7 which seeks to introduce a clause in sub-section of section 28 of the principal Act is only consequential to the introduction of section 9A.

I submit that in general the two important objectives with which the Bill is introduced are certainly salutary and I entirely support the Bill.

Shri T. B. Vittal Rao (Khammam): When we passed this Bill in the May session we did so because we had already adopted the industrial policy resolution and we felt we should do all we could for accelerating the development of coal mines and

increase production. We did not even want it to be referred to a Select-Committee so that we could go through it in more detail, but because it was an urgent measure and we wanted to acquire some coal-bearing areas, we did so.

Within a few months of it we have an amending Bill. My hon. friend Shri Jaipal Singh has narrated the experience he had. My experience in this regard has been exactly the opposite. I know of a coal mine very well which is in the public sector in my place. They decided to open a mine. They have got the monopoly of the lease. They wanted to open a coal mine and they announced that a Minister would perform the opening ceremony. But one gentleman came there and said that they could not open the mine in that area. He happens to be a big landlord of that place. He said that the land was his and that they could not open the mine at all. Then the whole schedule was upset. The Deputy-Collector was called in and other people were also brought into the picture. Though the company which is in the public sector promised to pay him reasonable compensation, the demand for compensation was ten times more. I was present when all these talks were going on. This area in Andhra Pradesh is inhabited by scheduled tribes as is the case in Bihar, and the gentleman who stopped the inaugural ceremony is the person who has dispossessed the scheduled tribes of their land in this very area.

I am not saying anything new. I have represented this to the hon. Home Minister here. I agree with him in one respect that the people displaced are not properly rehabilitated, even the scheduled tribes are not properly rehabilitated. Even though two years have passed our Central Home Minister is corresponding with the State Government and sending his Commissioner or Assistant Commissioner to enquire, but nothing has come out of it.

[Shri T. B. Vittal Rao]

So, I welcome this measure because it will prevent such landlords upsetting the whole schedule of our production. Therefore, some powers like this are very necessary.

Last time when the question of compensation came up in the case of our taking over some of the mining leases, I stated that at least in respect of prospecting expenses we should not pay compensation, but the hon. Minister did not agree, and so for all the expenses we are paying compensation. As was pointed out by my hon. friend Shri Bharucha, for any coal mine which is working, the expenses in regard to prospecting are always part and parcel of the general mining. He may show you a separate account, but these expenses for prospecting are always a part of the mining operations. Therefore, I do not understand why we should pay interest.

Anyway, there is one saving clause, that the interest shall not be more than fifty per cent. of the actual amount due.

I do not agree with paying interest for expenses incurred for prospecting. Generally, when a mine-owner takes a prospecting licence, he does not prospect the whole area of 10, 15, 30 or 100 square miles. He first concentrates on prospecting in particular areas. When he gets coal from there and is making progress, he goes to other places and starts prospecting. This is the process. Therefore, payment of interest for expenses incurred for prospecting is not at all reasonable.

I may say one or two words in connection with this Bill about the progress we are making in the public sector. When this Bill was brought forward, then also there was criticism from the private sector, and we also had our own doubts as to whether the Government would be able to reach the production allotted to it under the Second Plan. A reference to the industrial policy resolution will tell us that coal belongs to the first category, and this is what has been

said in that statement: "In the first category will be industries, the future development of which will be the exclusive responsibility of the State." Immediately after this, what is happening? On the one hand we are taking powers to acquire coal-bearing areas. We are going to acquire coal-bearing areas. This is in consonance with the industrial policy resolution we have adopted and also in consonance with the objectives wherein we have said that in some of the basic industries the public sector should have a dominant role, but even in the matter of allocation, this dominant role of the public sector in the coal industry has been given the go-by. Even at the end of the Second Plan period the public sector can raise only 25 per cent. of the total production and 75 per cent. will be by the private sector.

Then while we are debating here I read a statement from the Minister of Development and Planning of Bombay State. He has convened a conference of mine-owners in Bombay, and he says that there are 500 square miles of coal-bearing areas in the State, and that the coal which they are now getting from Jharia and Bengal cost them more because of freight charges. In Bombay State itself there exists 500 sq. miles of coal-bearing area which we can develop. I have no quarrel with him if he does it in public sector. But he convened a conference of the mine-owners. Who are these mine-owners. They are from Vidarbha, those who have got a mining lease to the extent of 40 sq. miles out of which they are raising coal in about 9 sq. miles, the annual production of which is only four lakh tons. Now he wants to give further mining lease to these people. He told in that conference that he is going to approach the Central Government, the Planning Commission, to see that these areas are given to them.

Sir, even these mines are worked in such a fashion that they have not been able to increase their production. Not only that, but they have flooded the mines. The other day a question

was put to the Labour Minister about the working of the Rajpur colliery on the floor of this House. It is flooded. How much of national wealth hidden underground has gone waste; you cannot bring it out. If you try to bring it out you will have to spend at least two times the control price of coal today. This is not one stray instance. Take the example of Majri collieries in Wardha Valley in Bombay State. It is also flooded. This is how the private sector people have been working the coal mines. In technical words I would call this method of working of the coal mines as robbing. Literally they have robbed. They could have planned methods of raising coal. We have to dig out all that which is hidden underground. That is national wealth. Not a ton of coal should be lost. Today this industry is one of the best industries. Only 1 per cent. of the population working in the industry contributes 5 per cent. to national income.

I do not know what decision the Government will take. Probably they would say private sector can also combine with the public sector in the matter of raising coal. Sir, I venture to suggest to the government, if at all you are very serious about working this 500 sq. miles of coal-bearing area, please hand it over to Singheri management. They are working their mine very close to this area. They are producing nearly 6 lakh tons of coal per year which they propose to raise to 10 lakh tons. That management will be able to dig from the Vidarbha area also and manage efficiently.

Now, I come to the public sector. Nearly twenty months of the Second Plan period is over. 12 millions tons was allotted to the public sector, i.e. four times their annual production. We thought our Government was serious about this because we cannot allow destruction of our national wealth at all. I am afraid, Sir, the progress in this direction has been rather very unsatisfactory, to put it very mildly. Our increase in production has been

only this year. It seems to be about 2 lakhs tons only. At this rate how are we going to achieve this target. Now, the Minister will simply get up and say "For machinery and equipment for our coalfields we have to depend on foreign countries, and there is foreign exchange trouble". Sir, in this connection, may I say, how the private sector has been able to increase their production by nearly 4 million tons this year. Should we not learn a lesson from them? What is it that we lack in this respect? Is it mining experience. Mining experience in our country dates back to 80 years. Are we so backward that we require only foreign know-how for the development of these mines? What is it that is happening? I am afraid you will have to go into the question rather very deeply. You will have to take stock of your administrative structure. For development you are taking it to the Corporation from the Department. Somehow rapid development of the coal-mines is necessary so that increased production may be achieved. But what is it that we see after it has been handed over to the National Coal Development Corporation (N.C.D.C.)? We do not see any great progress being made.

I am told Korba Coalfields are going to be worked by some foreigner. Why not take some benefit of their advice. Let not lack of equipment and machinery stand in our way. We have got the traditional method of bringing out coal in our country. That will also solve the unemployment problem of our country. We have got enough manual labour. Let us not wait for this machinery from foreign countries. Working with indigenous labour may be a little costly, but every ton of coal produced quickly goes to the benefit of our country.

Then, I come to the question of rehabilitation of those dispossessed of their lands. Only the other day I was reading a paper report of no less a responsible paper than *Hindu*—I do not know how far these reports given in the papers are true. I read some

[Shri T. B. Vittal Rao]

very good arrangements of rehabilitation have been made in Nevell. They have spent Rs. 10 lakhs for that purpose. I shall request the hon. Minister, whenever any land is acquired, to please see that the people who are dispossessed of their lands are rehabilitated properly.

Finally, the other day I saw the statement by the Chief Minister of Orissa Government in their Assembly. In reply to a question why a particular coal mine villiers is not paying proper wages to its workers for several months—not only wages to the workers but the royalty to the Government—and what action did the Orissa Government propose to take against that particular mine, the Chief Minister replied that if they ask for payment of royalty they will close down and the labourers will be unemployed. It is really very good of him to have shown such sympathy to these labourers who bring out coal but are not getting paid for several months. Sir, In this connection, I humbly request our Minister to let us know what he is doing for the development of coal mines, and for raising the production in the public sector because we do not have the full picture before us.

Shri C. R. Pattabhi Raman (Kumbakonam): Sir, the ambit of this legislation is admittedly narrow. Powers are given under the Land Acquisition Act Sub-section 5(A) and of Section 17 deal with objections. Wherever land acquisition takes place they have a regular paraphernalia for receiving objections and the hearing. The usual time is taken. Objections are invited, counter-objections are filed and so on and so forth. But even in the Land Acquisition Act of 1884 we have a provision under Section 17(4) which says:

"In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1) or sub-section (2) are applicable, the appropriate Government may direct

that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the application of the notification under section 4, sub-section (1)."

Therefore, it is nothing new, that is coming up on the House by way of an expropriatory measure. This Government has always had a right. In this connection there is a well-established dichotomy between what is called the police power of the State and the ordinary power of the State. If the State acquires land for any purpose best know to itself, then, there is the usual provision for compensation. And, we have article 31 in our Constitution, brought up to date, which deal exhaustively with compensation. There again you will find, in the later part of it, article 31,—

"Nothing in clause (2) shall affect—

(b) the provisions of any law which the State may hereafter make—

(ii) for the promotion of public health or the prevention of danger to life or property...."

Here you have got a new concept with regard to the coal-bearing areas. Even in England, they have had nationalisation of certain items in the mining industry. Government is endeavouring to catch up with the rest of the world and have a policy which will place us on a par with other civilised nations. They have to interfere in cases where there is either a lackadaisical management or inefficient management or actual wanton lapse.

In all these coal mining leases, you will find that the surface land belongs to somebody and in nine cases out of ten so far as the subterranean rights are concerned, the owner has either sold it or leased it to somebody else. It is always possible to quibble where mining is concerned. Land is an item which does not belong to the Union List. But mining really comes under items 53 to 55 of the Union List. It

is just possible to say that land belongs to the State but mining is really not an item which conforms to the State list. Therefore, the Government have very wisely come with this Bill to arm themselves with power to acquire coal mines, to acquire them swiftly and to prevent dilatory tactics, to prevent objections being raised on all sorts of flimsy grounds; and they have actually provided for compensation.

I wish to join issue with my hon. friend, Shri Vit'ral Rao. He naturally will go the whole hog; he does not see any point in compensation. But that is not our ideal at all. We have always said that we would take the golden mean between the Vit'ral Rao way of living and the extreme way of living in other parts of the western world. We always try to be just in what we do. Therefore, we are quite properly providing for compensation.

With regard to interest he was saying that no interest should be given. There are very few people who have got the wherewithal to start a mine. They invariably have to borrow from banks; and when they borrow from banks they will have to pay interest and when they pay interest, they must be compensated for the interest they have paid. They have to prove that. It is not as if, as Shri Bharucha was saying, that public money, the tax-payers' money is being paid for interest and all that. Here are cases where they have to prove that interest charges have been incurred by them and it is not as if that they can say, here is a mine worth crores of rupees and so give us interest of a few lakhs. Nothing of that kind. So far as interest is concerned, it has to be proved that interest charges have been incurred. Actually, there may be very few cases where interest is not involved; but by and large, in most cases where a man starts a mining industry he may have to borrow from the bank. Therefore, quite properly, provision has been made for payment of interest.

I heartily support this Bill.

Mr. Chairman: I find that more Members are now rising to speak.

Shri Naushir Bharucha: We have still got time.

Mr. Chairman: I will just tell you about the time. We commenced this at 1.41 and we have to finish it at 3.41.

Some Hon. Members: Three hours have been given for this.

Mr. Chairman: Only two hours. In the previous Bill also we had exceeded the time somewhat. It all depends upon the wish of the House.

Shri Sinhasan Singh (Gorakhpur): There are only two or three Members; it will not take much time.

Mr. Chairman: I would request those hon. Members who have got any particular thing to speak about to be as short as possible.

Shri Jaipal Singh: It may be decided when exactly we finish.

Mr. Chairman: We finish at 3.41.

Shri Jaipal Singh: May I request you to exercise your discretion and extend the time?

Mr. Chairman: I may if it is the wish of the House.

Shri Naushir Bharucha: Yes, Sir.

Mr. Chairman: I am just indicating the time allotted by the Business Advisory Committee.

श्री प्र० सि० सःगल (जंजगौर) :
सभापति जी, माननीय मंत्री महोदय ने जो कोल
बेन्नरिंग एरियाज प्रमोडिंग बिल, १९५७ रक्ता
वह किस उद्देश्य से लाया गया है, मैं इस को
बतालना चाहता हूँ। मैं उस जगह से जाता
हूँ जहाँ पर कोरबा का नया कोल फील्ड खुला
हुआ है। इस कोरबा कोल फील्ड का प्राक्वोटिन्ग
साइसेंस एक माननीय भाई को दिया गया था।
लेकिन उस में क्या हुआ, क्या नहीं, यह
दूसरी चीज है। जब हम ने मई १९५७ में
ऐक्विजिशन ऐंड डेवेलपमेंट ऐक्ट, १९५७
पास किया, उस के बाद जितनी भी कोल

[श्री प्र० सि० सहगल]

फील्ड्स वहाँ की थी वह भारत सरकार या प्रान्तीय सरकारों के हाथों में आ गई। वहाँ कार्य धीमी तरह से हुआ या नहीं, लेकिन मेरे माननीय दोस्त ने एक मुकदमा दायर कर दिया। चूँकि मुकदमा दायर है, इस लिये मैं इस पर कुछ नहीं कहना चाहता क्योंकि इस से केस प्रेजुडिस होगा। लेकिन यह जरूर कहना चाहता हूँ कि जो हमारे यहाँ का पब्लिक सेक्टर है उस को काम करने में बाधा आती जा रही है। वहाँ काम शुरू हुआ है। मैं माननीय मंत्री महोदय से निवेदन करूँगा कि कम से कम वह जा कर उस जगह को देखें, वह तो मेरी कास्टिट्यून्सी में है कि वहाँ कार्य किस तरह हो रहा है। वहाँ जाने पर पता लगेगा कि जो काम वहाँ शुरू हुआ है, उस में कितना काम हुआ है। लेकिन जो हमारे भाई हैं, जिन को पब्लिक सेक्टर से कोई बास्ता, पता नहीं है या नहीं, इस में धरुचनें आ गई हैं। प्राइवेट सेक्टर में काम करने वाले हमारे भाइयों को कम से कम इस तरह की धरुचनें नहीं डालनी चाहिये। यदि वे इस तरह की धरुचनें लाते हैं तो हमारे पास इस के सिवा कोई चारा नहीं रह जाता, खास कर भारत सरकार के व प्रांतीय सरकार के पास कि वह इस तरह के बिल सदन के सामने लाए।

आज हमारी सरकार रीजनेबल कम्पेन्सेशन देना चाहती है तथा ब्याज भी देना चाहती है। मान लीजिये हम ने लैंड ऐन्विलजिशन ऐक्ट, १८६४ की दफा के मातहत ऐन्विलजिशन किया। सरकार को उस के लिये रुपया देना जरूरी है। यदि जमीन पहले ली गई थी तो उस पर भी सरकार को रुपया देने को तैयार रहना चाहिये। इस लिये यह जरूरी था कि इस तरह का कानून लाया जाए क्योंकि हमारे पास कोई कानून नहीं था जिस के मुताबिक हम रुपया दे सकते। मैं इस का समर्थन करता हूँ। मैं समझता हूँ कि हमारे माननीय मित्रों ने जो ऐतराज चाहिए कि वे 5 क नहीं हैं, खास कर जो

उन्होंने यह कहा कि जो इंडिविजुअल लोग हैं, जिन के पास माइन्स हैं, वे शायद ज्यादा अच्छा काम कर सकते हैं। हो सकता है कि उन की निगाह में यह चीज हो, लेकिन मैं समझता हूँ कि अगर सरकार उस को अपने हाथ में ले रही है तो उस से प्राइवेट सेक्टर को भी ज्यादा फायदा होगा। कम से कम सरकार को इस काम का तजूका ही होगा।

धामी यह बात कही गई। मैं कहूँ कि कभी यदि सब भाई चाहें तो मिल कर सरकार को तग भी कर सकते हैं। बहुत सी चीजें ऐसी हैं जिन के जरिये से वह ऐसा कर सकते हैं। लेबर कानून ही को देखिये। लेबर में काम करने वाले जो मजदूर हैं, उन की समस्याएँ होती हैं। सरकार को बीच में पड़ना पड़ता है। इन सारी चीजों को देखते हुए यह जरूरी है कि ऐसे किस्म का कानून बनाया जाए। जब हम सेकेन्ड फाइव हयर प्लैन को कामयाब करना चाहते हैं तो जो काम पब्लिक सेक्टर में हो रहे हैं तथा प्राइवेट सेक्टर में उन के लाभ के लिये यह तरमीम पेश करना जरूरी है।

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

15 hrs.

पंडित ठाकुर दास भार्गव (हिसार) : जनाब चेंबरमैन साहब जो बिल हमारे सामने आया है, उस के बारे में शायद कोई दो रायें नहीं हो सकती कि यह बड़ा जरूरी बिल है। यहाँ पर जितने ऐतराजात किए गए हैं, उन में से एक भी ऐसे नहीं है जो कि इस बिल की ग्रहमियन के बारे में या इस की जरूरत के बारे में किए गये हो। जिन्होंने ऐतराजात किए हैं वे बिल्कुल मुक्तलिफ किस्म के हैं। अन्य महीने हुए जब यह बिल इस हाउस के सामने आया तो मैंने उस वक़्त एक इम्येंडमेंट सजेस्ट किया था, धीरे वह यह था कि अगर सरकार

को जरूरत पड़े, प्राइवेट सेक्टर के वास्ते भी किसी जमीन के किसी लीज की जरूरत पड़े जिस के अन्दर माइनिंग एफिशिएंटली हो सकती हो, तो सरकार को प्राइवेट सेक्टर के वास्ते भी उसे एक्वायर करना चाहिये। मगर यह प्रपोजेक्ट पास नहीं हो सका। मेरी गुजारिश वह है कि आज के दिन पब्लिक सेक्टर या प्राइवेट सेक्टर की बहस का जारी रखना बिल्कुल भ्रमस है। यह हमारे एसेन्शियल इंटरिस्ट के बाखिलाफ है। फाइव इयार प्लैन में पब्लिक सेक्टर के वास्ते कहा गयी है कि वह इतना कोल पैदा करे। आज मुझे इस हाउस में बतलाने की जरूरत नहीं है कि हमारी मौजूदा हालत में कोल से ज्यादा जरूरी चीज कोई दूसरी नहीं है। अगर पब्लिक सेक्टर में इतना कोल पैदा नहीं होता तो सारी की सारी प्लैन की जो लवाजमात हैं, जो जरूरी चीजें हैं, उन को उस हद तक नुकसान पहुंचता है। इस लिये प्राइवेट सेक्टर के वास्ते जो चीजें जरूरी हैं, हमारा फर्ज है कि हम उस के वास्ते उन का इन्तजाम करे।

इसी तरह से मैं प्रार्थना करता हूँ कि हम लोगो को प्राइवेट सेक्टर को स्टेप बदरली निगाह में नहीं देखना चाहिये क्योंकि आज-कल जितना भी प्रोडक्शन जरूरी हो, चाहे वह पब्लिक सेक्टर से हो या प्राइवेट सेक्टर से, उतना हमें करना चाहिए। आज यह कंट्री के इंटरिस्ट में है कि वह पूरा किया जाए। चुनावे गवर्नमेंट का इरादा हंगिज इस किस्म का नहीं है कि वह आज प्राइवेट सेक्टर को स्कटल कर दे या घाटल कर दे। मैं ने आज सुबह भ्रमखबार में देखा, जहां तक इस कोल के टार्गेट का ताल्लुक है, उस में लिखा था कि पब्लिक सेक्टर के अन्दर हम उम्मीद नहीं करते हैं कि जो टार्गेट कायम किया गया है कोल के बारे में, वह पूरा होगा। वह किसी हद तक पूरा नहीं होगा। उस में यह भी लिखा था कि जहां तक कोल के प्रोडक्शन का सवाल है पब्लिक सेक्टर के मुकाबले में प्राइवेट सेक्टर इसे ज्यादा सक्सेसफुली कर सकेगा। बाद में यह

लिखा था कि अगर प्राइवेट सेक्टर वाले भी कामयाब नहीं हुये और पब्लिक सेक्टर वाले भी कामयाब नहीं हुये तो इस से देश को बड़ा नुकसान होगा। इस नुक्ते खयाल से भ्रमखबार में यह लिखा था कि कोशिश यह की जानी चाहिये कि जहां तक प्राइवेट सेक्टर का सवाल है, उस को जितनी मदद दी जा सके, दी जाय। मैं प्रार्थना करता हूँ कि मेरे नुक्ते निगाह से चाहे प्राइवेट सेक्टर हो चाहे पब्लिक सेक्टर हो, कोल के प्रोडक्शन के वास्ते और दूसरी चीजों के प्रोडक्शन के वास्ते हम जो भी कर सकते हैं, हमें करना चाहिये। इस में एक दिक्कत भाती है। कभी कभी होल कम्युनिटी के इंटरिस्ट में और इंडिविजुअल के इंटरिस्ट में conflict होता है। मैं उन प्रादमियों में से हूँ जो समझते हैं कि जहा कम्युनिटी के इंटरिस्ट का सवाल हो, इंडिविजुअल के इंटरिस्ट की परवाह नहीं करनी चाहिये, इस लिये कि इंडिविजुअल कम्युनिटी का ही एक टुकड़ा है, और इस इंटरिस्ट से सब की मलाई का वास्ता है। इंडिविजुअल के इंटरिस्ट का दर्जा उस के बराबर नहीं है। यह नहीं हो सकता कि उस के लिये पब्लिक इंटरिस्ट को सैक्रिफाइस कर दिया जाये। इसी नुक्ते निगाह से हम ने दफा ३१ बनाई और उस के अन्दर हम ने गवर्नमेंट को अख्तियार दिया था कि अगर यह समझे कि वह कोई चीज पब्लिक इंटरिस्ट में रिक्वायर करती है, तो वह उसे हासिल कर ले।

जहा तक मुभावजे का सवाल है, कानून की राय उस के खिलाफ नहीं है। आज जो प्राविजन है, वह नहीं कहती कि हम किसी को कम मुभावजा दें। यह बात बिल्कुल साफ है, आप सुप्रीम कोर्ट के फैसले को देखें। उस ने भी किबड प्रो को का उसूल रक्खा था। कहा था कि फुल कम्पेन्सेशन हो। हम भी कम्पेन्सेशन की बात मानते थे। लेकिन हमने एक तरह से उसे हद तक नहीं माना। लेकिन ताहम इस हाउस

[पंडित ठाकुर दास भार्गव]

ने इस चीज को याद रक्खा। जब अमेडमेंट रक्खे गये थे तो साफ तौर पर हमारे बाजियाने, कानून ने, लीडरो ने और मिनिस्टर साहबान ने यह तसलीम किया था कि गवर्नमेंट की यह मशा नहीं है कम मुभावजा दिया जाये। वह चाहती है कि रीजनेबल कम्पेन्सेशन दिया जाये जिस के वह मुस्तहक हो। हमें इन दोनों चीजों को बैलेन्स करना है। मैं भर्ज करता हू कि दफा ४ के अल्फाज यह हैं

"If the Central Government is satisfied that it is necessary. . . etc, etc"

जनाब वाला अब यह अल्फाज "is satisfied that it is necessary to acquire" मामूली routine के बन, गये हैं यहा तक कि अब इनके अन्दर कोई सेस नहीं रहा। पहले गवर्नमेंट को यह सरटिफिकेट देना पडता था कि पब्लिक इटरेस्ट सबसर्व होगे अगर इसको एक्वायर किया जायेगा। मैं अदब से भर्ज करना चाहता हू कि गवर्नमेंट का यह सरटिफिकेट एबसोल्यूट होता है। बडी से बडी अदालत उसको क्वेस्चन नहीं कर सकती। लेकिन मैं अब देखता हू कि गवर्नमेंट प्राइवेट इटरेस्ट्स के वास्ते भी जमीन एक्वायर करती है जो कि बिल्कुल नाजायज है। मैं अदब से भर्ज करना चाहता हू कि जहा नेशनल इटरेस्ट्स का यह तकाजा हो कि हम किसी की जायदाद ले ले तो हमें उसको ले ही लेना चाहिये लेकिन इसके मानी यह हरगिज नहीं है कि हम उसको ठीक मुभावजा भी न दे। अभी परसो ही जब कि कामनवैलथ पार्लियामेंटरी कानफरेंस का उद्घाटन हुआ उस वक्त हमारे देश के नेताओं ने और दूसरे मुल्को के लीडरो ने कहा कि इडिविजुअल की हैसियत इतनी कम नहीं है कि जिसको नजरअन्दाज कर दिया जाये। मैं अदब से भर्ज करना चाहता हू कि श्री जैपाल सिंह की शिकायत में जान है। वह यह नहीं चाहते कि आप नेशनल इटरेस्ट में जमीन एक्वायर न करें। लेकिन उनकी शिकायत बजा है और

में उसकी ताईद करता हू। जहां तक इडिविजुअल का सवाल है, आप उसको घर से निकाल दें, बरबाद कर दें और उसकी जायदाद की प्राधी रकम भी न दें, यह कहां का इन्साफ है। जब मुभावजे के मसले पर बहस हो रही थी तो मैं ने कहा था कि मैं तो चाहता हू कि सारे मेम्बर अपनी जायदाद गवर्नमेंट को दे दे वेस्तर इसके कि वह कानून बनावे कि गवर्नमेंट जो जायदाद ले उसकी प्राधी कीमत दे। इसी तरह से मिलिटरी के लिये ली गयी जमीनो के बारे में हुआ है। मैं इस चीज की सबल मुखालिफत करता हू। अगर कम्युनिटी के लिये किसी इडिविजुअल की जायदाद लेना जरूरी है तो उसे जरूरत से ज्यादा बरबाद नहीं करगा चाहिये। उससे उतना ही सेत्रीफाइस कराना चाहिये जितना कि दूसरे भादमियो से। इसलिये जब आप किसी भादमी की जमीन नेशनल जरूरत के लिये एक्वायर करे तो आपका यह फर्ज है कि आप उसका भी इन्तिजाम कर दें। सब से बडी चीज एक गरीब भादमी के लिये यह है कि उसे जमीन की जगह जमीन ही दी जाये। अगर आप उसे जमीन के बदले कुछ और देगे तो वह उसके लिये पूरा मुभावजा न होगा। आप वैमी ही जमीन दे, या उससे अच्छी जमीन दे, अगर ऐसा न कर सके और उससे अच्छी जमीन या वैमी ही जमीन न दे सके तो उससे ज्यादा जमीन दे। इसके अन्दर बहुत कुछ करने की गुजाइश है।

मैं अदब से भर्ज करूंगा कि हमारे गाडगिल साहब ने हमारे सामने दी० बी० सी० का ऐसा नक्शा खींचा कि हम खुश हो गये लेकिन बाद में हमने बहा जाकर उन लोगो की हालत देखी जिनकी जमीनें ली गयी थी। हमारे यहा जिन लोगो की जमीनें भाखरा डैम के लिए ली गयी आज तक उनको कुछ को मुभावजा नहीं दिया गया। एक जगह क्या बीसो जगह यह हो रहा है। मिलिटरी के लिए जो जमीन ली गयी है उसका अभी तक

मुद्रावजा नहीं दिया गया। किसी की जमीन लेना और उनको मुद्रावजा न देना, मैं समझता हूँ कि यह प्योर राबरी है। यहां दिल्ली के अन्दर ही रिफ्यूजीज को रिहैबिलिटेड करने के लिए जमीनें ली गयी और लोगों के गांव के गांव बरबाद कर दिये गये। उस के बाद जब उसके मुताल्लिक बिल हमारे सामने आया तो हमने गवर्नमेंट से एक्थोरेंस लिया कि उनको मुद्रावजा दिया जायेगा लेकिन उनको आज तक पूरा मुद्रावजा नहीं दिया गया।

मैं अदब से भर्ज करना चाहता हूँ कि यह बिल निहायत माकूल है। अगर ऐसी इमरजेंसी हो कि जिसमें जमीन न लेने से प्रोडक्शन में फर्क पड़ता हो तो आपको वह जमीन एक्वायर करनी ही पड़ेगी। और आपको उसे ले लेना चाहिए। लेकिन यह बात मुनासिब नहीं है कि उसको मुद्रावजा न दें। मैं आनरेबिल मिनिस्टर साहब की तबीयत को जानता हूँ। मैं जानता हूँ कि वह अपने दिल में यह महसूस करते हैं कि जहां तक गरीब आदमी का सवाल है सरकार का फर्ज है कि उसके साथ पूरा इन्साफ होना चाहिए। मैं जैपाल सिंह साहब की शिकायत का इतना ही मतलब समझा हूँ कि यह चीज जरूरी है। मैं समझता हूँ कि मिनिस्टर साहब उनको इस बारे में एक्थोरेंस देंगे। यह कौनसा कायदा है कि आप जिसकी जमीन ले उसको मुद्रावजा न दें। अगर आप मुद्रावजा देने में देरी करेंगे तो उसकी तो बरबादी हो जायेगी। इसलिए मैं दो बातें भर्ज करना चाहता हूँ। गवर्नमेंट को किसी की जमीन एक्वायर नहीं करनी चाहिए जब तक कि इमरजेंसी न हो। सिर्फ यह लिख देना काफी नहीं होना चाहिए कि "वी आर सैटिसफाइड थाफ दी नैसेसिटी।" यह गलत होगा। गवर्नमेंट को इस तरह का सरटिफिकेट इमरजेंसी में ही देना चाहिए क्योंकि वह एक्सोल्यूट होता है।

मैं जैपाल सिंह साहब का मशकूर हूँ कि उन्होंने इस चीज को हाउस के सामने जोर से रखा कि उनकी जिसकी जमीन ली उसको

जहां तक हो सके जमीन ही में मुद्रावजा दो। इससे अच्छी कोई बात नहीं हो सकती। अगर वह न हो सके तो आप उसको अच्छा मुद्रावजा दें ताकि वह रिहैबिलिटेड हो सके। अच्छा तो यह हो कि आप उसकी जमीन एक्वायर करने से पहले इस बात का बन्दोबस्त कर लें कि उसको कहां रिहैबिलिटेड किया जायेगा। ताकि उसको तकनीक न हो। और जहां तक एक्वीजीशन का सवाल है वह नेशनल इंटरैस्ट में ही होना चाहिए।

आज सरकार दूसरे आदमियों को जमीन देने के लिए थर्ड पार्टी की जमीन रिक्वीजीशन करती है और उसको मुद्रावजा भी नहीं देती। आपको ऐसा करने का न्याय हक है। यह तो रोबिग पीटर ट पे पाल वाली बात हुई। आज चार पांच साल हुए प्राइवेट लोगों को देने के लिए जमीन एक्वायर की गयी उस को आज तक एक्वायर नहीं किया गया और न उसको इम्प्रूव करने की इजाजत दी गयी। इस तरह से रिक्वीजीशन कर के उनको त्रिशकू बना दिया गया मैं नहीं समझता कि क्यों गवर्नमेंट इस ला को जो फायदे के लिए बनाया गया था इस तरह से जाया कर रही है।

और भी जो छोटे छोटे भ्रमेंटमेंट हूँ मैं उनके हक में हूँ क्योंकि वे भी इस बिल को ज्यादा अच्छा बनायेंगे। जहां तक इंटरैस्ट का सवाल है मुझे इसके बारे में ज्यादा पता नहीं। इसलिए मैं इस में ज्यादा दखल नहीं देना चाहता। लेकिन यह सोचना गलत है कि गवर्नमेंट ने यह प्रावीजन कैपिटलिस्ट लोगों को फायदा पहुंचाने के लिए किया है। मैं इसको मानने के लिए तैयार नहीं कि गवर्नमेंट किसी को ज्यादा पैसा दे देगी। हमारे यहां पंजाब में कहावत है कि जो खतरानी से गोरी है वह कोढ़ी है। हमारे सरकार स्वर्ण सिंह साहब अगर मुद्रावजा ही दे दें तो हम उनको झुककर सलाम कर लेंगे। ज्यादा देने की बात तो मैं नहीं मान सकता। गवर्नमेंट का कोई मिनिस्टर सरकारी रुपये को बाया

[पं० ठाकुर दास भार्गव]

नहीं करेगा। मैं यह मानने को तैयार नहीं हूँ कि यह चीज कैपिटलिस्ट के फायदे के लिए रखी गयी है। गवर्नमेंट इस बिल को सफल बनाना चाहती है। देश के प्रोडक्शन को बढ़ाने के लिए उसे प्राइवेट सेक्टर को भी जमीन देनी चाहिये जहाँ जरूरी हो। जैसा कि घाज भी ऐक्ट १ सन् १८६४ में है कि कम्पनियों के लिए, रजिस्टर्ड सोसाइटीज के लिए गवर्नमेंट जमीन एक्वायर करके देती है। लेकिन हम को गवर्नमेंट से ऐसी उम्मीद नहीं है कि वह इस कानून के मातहत कोई बेजा या गलत कार्रवाई करेगी।

मैं इस बिल को सपोर्ट करता हूँ।

Mr. Chairman: I think it has been sufficiently discussed. It is not a controversial Bill. I now ask the hon. Minister to reply.

Sardar Swaran Singh: The two important provisions of the amending Bill have been very thoroughly discussed and I am very grateful to the hon. Members who have given so much thought to the provisions of the amending Bill.

With regard to the exercise of the emergency powers, there has been vehement criticism from my hon. friend, Shri Jaipal Singh, who comes from that area where coal and many of the other important minerals are found.

15.15 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Even after giving all possible allowance to the feeling that he naturally has, and should have, for the people inhabiting that area, particularly the Scheduled Tribes, I must confess that I was unable to appreciate fully the attitude of complaint that he generally had about the presence of coal and other important minerals in that area. If anything, that should be a matter of happiness and pleasure to him that

those areas should be so fortunate as to have not only coal but other important minerals.

If I may say so, the future industrialisation of this great country of ours depends to a very large extent upon the successful exploitation and utilisation of the mineral resources that are in abundance in that area. To imagine or to complain that by exploiting the mineral resources of that area, any misfortune should fall on the residents of that area is, I think, taking too pessimistic a picture.

He has some unfortunate experience of the non-payment of compensation or of unsatisfactory arrangement for the resettlement of oustees by the D.V.C. authorities. I am sorry, I do not have full facts of the D.V.C. before me and I am, therefore, unable to give any cogent factual reply to what my hon. friend has complained. If there are any complaints, they should be rectified because it has been the endeavour of the Government that the oustees from land which is sought to be acquired should be suitably compensated, and not only compensated but all possible effort should be made to afford all reasonable facilities for their rehabilitation.

It is correct that Government has not been able to give a very categorical assurance that in all and every case, inch by inch, land will be made available whenever land is taken away. That is not always possible.

Shri Jaipal Singh: On a point of order. On the floor of the House, the Leader of the House has himself made a statement that when it came to the question of Scheduled Tribes, it would be land for land, house for house. It is in Government record. It is in the documents. It is in the booklets.

Sardar Swaran Singh: I may inform the House that if any such assurance is said to have been made, when it comes up for discussion, all those relevant factors will be taken into considera-

tion. But generally efforts have always been made, not only to give adequate compensation but, as I said a moment ago, some reasonable facilities have also been provided for resettlement of the oustees. That has been the general practice.

In the implementation of this also, the Government or the local administration may have failed. It is not for me to defend the case of resettlement in each and every area. I myself have some personal experience in which arrears of compensation are due and have remained unpaid over several years. I myself had to take up some cases of that nature when I was formerly in the Government of Punjab, and even after coming over here I had taken up a number of cases where arrears of compensation or arrears of lease money or the like was due to be paid to a number of persons.

These administrative failures may take place from time to time and in a few areas. But I do want to assure the House that it is not in the interest of the Government to keep these cases pending. It is not in our interest. Certainly, it is not our intention that there should be even a moment's delay in clearing these cases of payment of compensation. That is the general practice relating to compensation for acquisition also.

But I want to bring the House back to the provisions of the present Act, and I do not want really to dwell at any great length on the provisions of the Land Acquisition Act. The provisions of the Land Acquisition Act are there, and even for some of the operations that the National Coal Development Corporation may have to undertake recourse will have to be had to the provisions of the Land Acquisition Act for acquiring certain areas of land which may be necessary, for instance, for putting up housing colonies or where land is required for ancillary purposes. And all these considerations which have been enunciated by way of principle from time to time by Government spokesmen will be taken into consideration. There primarily it is the State Government

that comes very much into the picture, because land acquisition is primarily the responsibility of the State Government. They have adequate machinery to undertake acquisition of land, even though it is for Central purposes. I know of some murmuring which sometimes goes on amongst the people connected with the Central Ministries that State Governments, if anything, have generally been very liberal in the matter of assessing compensation, particularly when it was being acquired for Central Government purposes. It may be that, or it may be that they may be taking perhaps too restrictive a view. But the fact remains that so far as acquisition of land for these general purposes is concerned, it is principally the machinery of the State that is utilised for acquiring that land and for paying suitable compensation. Disputes do arise, and sometimes on account of those disputes payment of compensation is delayed. Money is sometimes actually deposited with the Collector which is not drawn because there are a number of objections which are pending. I do not want to go into that general question any more.

15-23 hrs.

[SHRI BARMAN in the Chair]

So far as the present Act is concerned, along with these amendments, the principal objective is to get possession of the land for the purpose of mineral exploitation. Therefore, that distinction is there between acquisition of land under the Land Acquisition Act and acquisition of land for the purpose of mineral exploitation. The principal objective in this is not so much the surface rights, although it is not always easy to dissociate the one from the other. Even when mineral exploitation is going on, some of the surface rights may be affected, and therefore the expression 'land' has been used at a number of places in the parent Act. But it is of importance to note that the principal objective in this case is the acquisition of the right to exploit the mineral resources—coal so far as the present Act is concerned. It is for that reason that there is men-

[Sardar Swaran Singh]

tion at a number of places of prospecting licence, mining lease and the like. It may be that there are certain areas which may be called virgin areas, where for instance no prospecting licence or mining lease has been acquired or is held by any party. Those areas also come within the purview of the parent Act. But by and large, the type of cases which are worrying my hon. friend, Shri Jaipal Singh, will not be many, because a considerable amount of work has already been done by the Geological Survey of India, by the Indian Bureau of Mines and by private parties also for locating coal.

It is more or less known as to which are the areas where coal is likely to be found. Formerly, when the degree of scrutiny was not very great, large areas were covered by prospecting leases by resourceful parties, by parties who had considerable pull in a number of directions, and therefore the prospecting licenses had covered large areas there. It will principally be the cases of such persons holding prospecting licenses or mining leases over considerable areas that would be covered by cases of this nature. The type of small holder, the type of person that was mentioned by Shri Jaipal Singh—and while recalling his troubles he was so eloquent—those cases, if any, will be very few; because most of these areas, at least the areas which require to be acquired immediately, would come within the purview of new section 9A. They would in all probability be covered by some prospecting licence or a mining lease. Because in an area where no work has yet been done, where for instance not even drilling has been done, which probably is under cultivation with some cultivator, there will not be a case in which the Central Government has suddenly to say “we immediately intend to take up this area for exploitation of coal”. That will certainly not be the type of case which would be covered or which is sought to be covered by the provisions of the amending Bill.

Therefore, if any assurance is necessary, that assurance is inherent and implicit in the very framework of the statute. And it is very clear from the provisions of the amending Bill that it will obviously be those cases where it is known by the result of preliminary investigations, by the result of drilling or otherwise that has been carried on either by some governmental authority or by a private authority, that coal is there; not only that coal is there, but that it can be easily exploited. And if these two conditions are satisfied already long before, they would be covered by either a prospecting licence or most probably by a mining lease also. So it will be in taking away the rights which might be vesting in some biggish party that section 9A will come in, and the individual cases of small holders are not likely to be touched by section 9A.

Now, Sir, with regard to cases where action will have to be taken under section 9A all that is necessary is this. Those preliminary objections to its acquisition may not be gone into in any great detail. But still the right to ask for compensation and the liability of the Government to pay compensation is very clearly the e, and Government has taken upon itself that responsibility squarely.

Therefore, I submit that this provision is not at all hard, and, as has been pointed out by a number of speakers, this power is not very much different from the power under the Land Acquisition Act which has been in existence for over sixty years, and it cannot be said that that power has been greatly abused.

There has been support with regard to this emergency power from Members representing both the Opposition and the Treasury Benches and I am grateful to the hon. Members who have realised the importance of the Government having such emergency powers which will be utilised only in

the public interest. The Central Government has to be satisfied that it is necessary to acquire immediately the whole or any part of the land to attract the provisions of section 9A. I submit that this is enough safeguard. To provide a further rider that there should be a notification or a certificate that it is in the public interest will be a mere superfluity. I do not see any justification why this further provision should be imposed upon what is already provided for in section 9A as sought to be introduced by clause 4 of the amending Bill.

Coming to the provisions relating to the payment of interest on certain expenditure that has been incurred, there has been a mixed reception. Some hon. Members have opposed it: Shri Naushir Bharucha and Shri T. B. Vittal Rao. Pandit Thakur Das Bhargava did not oppose. These are the only two hon. Members who were opposed to the payment of interest by way of compensation. I think that this relatively minor provision has not been interpreted either in the spirit or in the perspective in which it has been framed. Prospecting and search for minerals is a fairly risky venture and a somewhat tedious and lengthy procedure. Anybody, in the hope of locating coal, may incur considerable expenditure and his efforts may not bear any fruit for years to come. One way of looking at it is that whatever he has already spent, if that amount is paid when you intend to get hold of that area, should be regarded as enough compensation.

While it is one way of looking at it, it has, however, to be remembered that, at the time when a particular area is sought to be acquired for exploitation in the public sector, an eye will naturally, and if I may add, rightly, go to areas where coal has been located. While dealing with the case of compensation with regard to those areas where the efforts of the private party have actually yielded some fruit, it is not unfair if we take into consideration, in a broad way, the amount by which he has been actually out of pocket, as to whether

deprivation of the natural return of money is also not an element which should be added to compensation. I do not see what reasonable objection could be urged against a proposition of that nature. That money must have either been borrowed, as was pointed out by my hon. friend Shri C. R. Pattabhi Raman from Madras. The man may have borrowed the money. Or even if the money had not been borrowed, it always has some earning capacity even if it is invested in Government loans, in any deposit and the like. It always yields some income. It has to be remembered that the rate of interest that is postulated has been fixed at a figure which cannot be said to be excessive. Therefore, to add that element with a further provision that there is a ceiling at 50 per cent of the total expenses involved is something which cannot be said to be too liberal; nor can it be said to be too niggardly. It is an effort to hold the balance even between two opposing view points. It is for this reason that this amendment with regard to the payment of interest with the two limitations submitted by me above, has been sought to be introduced under the provisions of the amending Bill.

About the other verbal amendments, there has not been any very great criticism, except that my hon. friend Shri Jaganatha Rao has said that some of them appear to be superfluous. A great deal of thought has been given and we have come to the conclusion that the adoption of these verbal amendments will make the clauses more tidy and it can be said that we are undertaking this by way of abundant caution. It may be that I would not have troubled this hon. House by coming specially for amendments of this character. But, because two major amendments are sought to be introduced by this amending Bill, this opportunity has been taken to make these verbal amendments by way of abundant caution, to make the reading tidy and interpretation above any dispute.

[Sardar Swaran Singh]

My hon. friend opposite, Shri T. B. Vittal Rao, in his usual strain, took this opportunity of saying something against the public sector. I have considerable sympathy with him.

Raja Mahendra Pratap (Mathura): May I point out, Sir, that there is no quorum in the House?

Mr. Chairman: The bell is being rung.—Now there is quorum. The hon. Minister may continue.

Sardar Swaran Singh: I was saying that I have considerable sympathy with my hon. friend Shri T. B. Vittal Rao. He cannot oppose the coming of coal industry in the public sector. But being in the opposition, he must have something to say against the implementation of that policy. It is a very difficult task which he usually performs with great competence. But, that criticism was hardly relevant so far as the provisions of the present Bill are concerned.

While comparing additional production in the public sector and in the private sector, he chose to give the additional tonnage in the one case and percentage in the other. It is quite obvious that the public sector, today, is in this coal industry in a small way. The total production in the public sector is of the order of about 3 million tons or so whereas in the private sector, it is more than ten times that quantity. Additional production in the public sector may perhaps be of the same order, expressed in percentage, as the additional production in the private sector, but he will utilise even that calculation to have a fling at the public sector although he is very much otherwise devoted to the public sector and wants that everything should be in the public sector. Anyhow, that criticism was not relevant so far as the provisions of the present Bill are concerned. If anything, the scheme of the Bill, and more so the provisions of the amending Bill, are very much in line with and take us towards the direction to which he wants the country to be taken, namely the strengthening of the public sector. I

submit that that is enough so far as the present discussion is concerned.

I want, however, to add that if the public sector increases production and succeeds in realising its target I would be happy, and the House would join me in that expression of pleasure because in the country we are very much interested in increased production, and as my hon. friend Pandit Thakur Das Bhargava pointed out, every effort has to be directed towards attaining our targets of production, whether in coal or any other commodity, and we should not always utilise opportunities of having a dig either at the private sector or to criticise the public sector.

I have endeavoured to cover all the important points that have been raised in the course of the debate and I submit that there has not been any serious opposition to the provisions of the amending Bill, and that the motion that I have already commended for consideration by the House may be accepted.

Mr. Chairman: The question is:

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

The motion was adopted.

Mr. Chairman: There are no amendments. So, I put all the clauses. The question is:

"That clauses 1 to 7, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 1 to 7, the Enacting Formula and the Title were added to the Bill.

Sardar Swaran Singh: I beg to move:

"That the Bill be passed".

Mr. Chairman: The question is:

"That the Bill be passed".

The motion was adopted.