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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th February 1976 : —

BILL No. 33 of 1976

A Bill to provide for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States:

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification, and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State with effect from such date as may be specified in the notification published in the Official Gazette.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “agent” and “owner” have the meanings respectively assigned to them in clauses (c) and (l) of sub-section (1) of section 2 of the Mines Act, 1952;

35 of 1952.

(b) “contractor” has the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970;

37 of 1970.

(c) “factory” and “occupier” have the meanings respectively assigned to them in clauses (m) and (n) of section 2 of the Factories Act, 1948;

63 of 1948.

(d) “Fund” means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund formed under section 3;

(e) “manager” means the manager referred to in section 17 of the Mines Act, 1952;

35 of 1952.

(f) “manganese ore” includes ferrogenous manganese ore or ferro-manganese ore;

(g) “metallurgical factory” means—

(i) a factory in which iron or steel or manganese is being processed or manufactured;

(ii) any other factory, being a factory in which iron ore or manganese ore is used for any purpose which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act;

(h) a person is said to be employed in an iron ore mine or manganese ore mine,—

(1) if he is employed within the premises or in the vicinity of such mine by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in any one or more of the following, namely:—

(i) any iron ore or manganese ore mining operation;

(ii) the operation, servicing, maintenance or repair of any machinery or any part thereof used in or about such mine;

(iii) the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;

(iv) any work in any office, canteen or creche situated within the precincts of such mine;

(v) any welfare, health, sanitary or conservancy services or any watch and ward duties at any place situated within such premises or vicinity, not being a place occupied by any residential building; or

(2) if, in any such area as may be notified by the Central Government in the Official Gazette in this behalf, he is employed

by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;

(i) "prescribed" means prescribed by rules made under this Act.

3. There shall be formed a Fund, to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund, and there shall be credited thereto—

Iron Ore
Mines and
Manganese
Ore Mines
Labour
Welfare
Fund.

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of duty of customs and duty of excise credited under section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976, after deducting therefrom, the cost of collection as determined by the Central Government under this Act,

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons employed in the iron ore mines and manganese ore mines, and in particular—

Appli-
cation
of Fund.

(a) to defray the cost of measures for the benefit of persons employed in the iron ore mines or manganese ore mines directed towards—

(i) the provision and improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities;

(ii) the provision and improvement of water supplies and facilities for washing;

(iii) the provision and improvement of educational facilities;

(iv) the provision and improvement of housing and recreational facilities including standards of living, nutrition and amelioration of social conditions;

(v) the provision of transport to and from the place of work;

(b) to grant loan or subsidy to a State Government, a local authority or the owner of an iron ore mine or of a manganese ore mine, in aid of any scheme approved by the Central Government for any purpose connected with the welfare of persons employed in iron ore mines or manganese ore mines;

(c) to pay annually grants-in-aid to such of the owners of iron ore mines or manganese ore mines who provide to the satisfaction of the Central Government welfare measures of the prescribed standard for the benefit of persons employed in their mines, so, however, that

the amount payable as grants-in-aid to such owners shall not exceed—

(i) the amount spent by them in the provision of welfare measures as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed,

whichever is less:

Provided that no grant-in-aid shall be payable in respect of any welfare measures provided by the owner of an iron ore mine or of a manganese ore mine where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf;

(d) to meet the allowances, if any, of the members of the Advisory Committees and the Central Advisory Committee constituted under section 5 and section 6 respectively and the salaries and allowances, if any, of persons appointed under section 8;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

Advisory
Commit-
tees.

5. (1) The Central Government may,—

(a) constitute for each State which produces iron ore or manganese ore an Advisory Committee, or

(b) where both iron ore and manganese ore produced in a State, constitute, for such State, an Advisory Committee in respect of iron ore only or manganese ore only, or in respect of both,

to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

Central
Advisory
Com-
mittee.

6. (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

7. (1) The Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

Power to co-opt, etc.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. (1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

Appointment of Welfare Commissioners, etc., and their powers.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(3) Every person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

9. Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of persons employed in the iron ore mines or manganese ore

Power of Central Government to exempt.

mines, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not apply or shall apply to such State or part thereof subject to such exceptions and modifications as may be specified in the notification.

Annual report of activities financed under the Act.

10. The Central Government shall, as soon as may be after the end of each financial year, cause to be published in the Official Gazette a report giving an account of its activities financed under this Act during the previous financial year, together with a statement of accounts.

Power to call for information.

11. The Central Government may require an occupier of a metallurgical factory or the owner, agent or manager of an iron ore mine or of a manganese ore mine to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to make rules.

12. (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the Fund may be applied for the measures specified in section 4;

(b) the conditions governing the grant of loan or subsidy under clause (b) of section 4;

(c) the standard of welfare measures to be provided by owners of iron ore mines or manganese ore mines for the purposes of clause (c) of section 4;

(d) the determination of the amount referred to in sub-clause (ii) of clause (c) of section 4 and in the proviso to that clause;

(e) the composition of the Advisory Committees and the Central Advisory Committee constituted under section 5 and section 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them including co-opted members and invitees, and the manner in which the said Advisory Committees and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(g) the powers that may be exercised by a Welfare Commissioner, Welfare Administrator or an Inspector under section 8;

(h) the furnishing to the Central Government by the occupiers of metallurgical factories and the owners, agents or managers of iron ore mines or of manganese ore mines, of such statistical and other information as may be required to be furnished, from time to time, by that Government under section 11;

(i) the form in which and the period within which statistical and other information are to be furnished under clause (h);

(j) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (h) or clause (i) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of workers in manganese ore mines is substantial and their living condition needs amelioration. Welfare facilities which are at present being enjoyed by workers in mica, coal, iron ore and limestone and dolomite mines industries are proposed to be made available to workers in manganese ore mines also. The Iron Ore Mines Labour Welfare Fund is administered by a well-knit organisation in the States of Bihar, Orissa, Andhra Pradesh, Madhya Pradesh, Karnataka, Maharashtra and the Union territory of Goa, Daman and Diu. Manganese ore which is mostly used in the manufacture of iron and steel, chiefly occurs near the iron ore mines except in the Bhandara district of Maharashtra, the Balaghat district of Madhya Pradesh and Srikakulam district of Andhra Pradesh. Since the iron ore occurs in all these three States, it is felt that the existing iron ore mines welfare organisation could, also be entrusted with the task of looking after the welfare of workers in manganese ore mines. In the Barbil-Barajamda sectors of the States of Orissa and Bihar which contribute over thirty-three per cent. of the total manganese ore produced in the country, almost every centre of manganese ore adjoins the iron ore mining area and both the manganese ore miners and the iron ore miners live side by side. A common fund for the welfare of workers in iron ore mines and manganese ore mines will thus considerably reduce the administrative expenditure. It is, therefore, proposed to establish a joint Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund for providing uniform welfare facilities to the workers employed in the iron ore mines and manganese ore mines. The cess levied on the iron ore and manganese ore under the provisions of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Bill, 1976, after deducting therefrom the cost of collection, would be credited to the proposed Fund.

2. The Fund is intended to supplement and not to supplant the efforts of the employers or the State Governments to ameliorating the living conditions of labour engaged in iron ore mines and manganese ore mines. The purposes for which monies from the Fund can be spent have been mentioned in clause 4 of the Bill.

3. It is proposed to administer the Fund in consultation with an Advisory Committee which will be set up in each of the States which produces iron ore or manganese ore. Power is being taken by the Central Government to set up a Central Advisory Committee to co-ordinate the activities of the State Advisory Committees and to ensure their effective functioning.

4. The Bill is mainly designed to achieve the above objective.

NEW DELHI;
The 21st January, 1976.

K. V. RAGHUNATHA REDDY.

FINANCIAL MEMORANDUM

Under clause 3 of the Bill an amount equivalent to the proceeds of the duty of customs and duty of excise collected under the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Bill, 1976 (reduced by the cost of collection) together with income from the investment of the said amount and any other monies received by the Central Government for purposes of this Bill shall, after due appropriation made by Parliament by law, be credited to a Fund to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund.

2. Clause 4 of the Bill specifies the purposes for which the money from the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund can be spent. Clause 5 provides for the constitution of Advisory Committees for each State which produces iron ore or manganese ore or both, clause 6 provides for the constitution of a Central Advisory Committee to co-ordinate the work of the Advisory Committees and clause 8 provides for the appointment of Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff for the purposes of this Bill and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Bill, 1976. Allowances have to be paid to the members of the Advisory Committees and the Central Advisory Committee including co-opted members and other invitees and salaries and allowances have to be paid to the Welfare Commissioners, Welfare Administrators, Inspectors and other officers and staff appointed under clause 8. It is estimated that the aggregate of the allowances to be paid to the members of the Advisory Committees and the Central Advisory Committee and salaries and allowances to be paid to the Welfare Commissioners and other officers and staff will be of the order of rupees ten lakhs per annum being about ten per cent. of the total anticipated cess which has been estimated to be of the order of rupees one hundred and seven lakhs. It will be seen from the foregoing that there will be no direct outgo from the Consolidated Fund of India.

3. The Bill does not involve any other expenditure, whether of recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government, by notification in the Official Gazette, to direct that all or any of the provisions of the legislation shall not apply or shall apply to any State or part thereof, subject to such exceptions and modifications, as may be specified in the notification, if that Government is satisfied that there is in force in such State or part thereof a law making any adequate provision for the financing of activities to promote the welfare of persons employed in the iron ore mines or manganese ore mines. As the clause specifies clear guidelines for issuing a notification, the delegation of legislative power is of a normal character.

2. Clause 12 of the Bill empowers the Central Government to make rules for the following matters:—

- (a) the manner in which the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund may be applied;
- (b) the conditions governing the grant of loan or subsidy;
- (c) the standard of welfare measures and facilities to be provided;
- (d) the composition of the Advisory Committees and the Central Advisory Committee, the manner in which the members thereof shall be chosen, the term of office of such members, the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business;
- (e) the recruitment, conditions of service and duties of Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff;
- (f) the powers that may be exercised by the Welfare Commissioners, Welfare Administrators or the Inspectors;
- (g) the furnishing of statistical and other information;
- (h) the forms in which and the period within which such statistical and other information are to be furnished.

3. The above matters with respect to which rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 32 OF 1976

A Bill to provide for the levy and collection of a cess on iron ore and manganese ore for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States:

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification, and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State with effect from such date as may be specified in the notification published in the Official Gazette.

Def.
nitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "export" means taking out of India to a place outside India;

(b) "Fund" means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund formed under section 3 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976;

(c) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions used but not defined in this Act and defined in the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976, shall have the meanings respectively assigned to them in that Act.

Levy and
collection
of cess
on iron
ore and
manganese
ore.

3. With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected as a cess for the purposes of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976—

(i) on all iron ore produced in any mine,—

(a) a duty of customs, where such iron ore is exported; or

(b) a duty of excise, where such iron ore is sold or otherwise disposed of to the occupier of any metallurgical factory, or to any person who in turn sells it to a metallurgical factory, or is used by the owner of the mine in any metallurgical factory,

at such rate not exceeding one rupee per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette;

(ii) on all manganese ore produced in any mine,—

(a) a duty of customs, where such manganese ore is exported; or

(b) a duty of excise, where such manganese ore is sold or otherwise disposed of to the occupier of any metallurgical factory, or to any person who in turn sells it to a metallurgical factory, or is used by the owner of the mine in any metallurgical factory,

at such rate not exceeding six rupees per metric tonne of manganese ore as the Central Government may, from time to time, fix by notification in the Official Gazette.

Explanation.—Where the owner of any iron ore mine or manganese ore mine is also the occupier of a metallurgical factory, then, for the purposes of sub-clause (b) of clause (i) or sub-clause (b) of clause (ii), all the iron ore or manganese ore, as the case may be, produced in the mine and not sold or otherwise disposed of to the occupier of any other metallurgical factory or to any other person shall be deemed, unless the contrary is proved, to have been used by such owner for his own metallurgical factory.

4. (1) Every duty of customs leviable under this Act on any iron ore or manganese ore shall be payable to the Central Government by the person by whom the iron ore or, as the case may be, manganese ore is exported.

Payment of duty of customs and duty of excise.

(2) Every duty of excise leviable under this Act on any iron ore or manganese ore shall be payable—

(a) to the occupier of the metallurgical factory by the person by whom such iron ore or manganese ore is sold or otherwise disposed of to such occupier,

(b) to the Central Government, by the owner of the iron ore mine or manganese ore mine where the iron ore or manganese ore is used by such owner in any metallurgical factory,

within such period as may be prescribed.

(3) All amounts referred to in clause (a) of sub-section (2) shall be collected by the occupier of the metallurgical factory in such manner, and paid by him to the Central Government within such period, as may be prescribed.

5. The proceeds of duty of customs and duty of excise levied under section 3 shall be credited to the Consolidated Fund of India.

Crediting proceeds of duty to Consolidated Fund of India.

6. Notwithstanding anything contained in this Act, if the Central Government is of opinion that in respect of any metallurgical factory or class of metallurgical factories the levy of the duty of customs or duty of excise on iron ore or manganese ore under this Act is disproportionate to the cost of collection of such duty of customs or duty of excise from such metallurgical factory or class of metallurgical factories, it may, by notification in the Official Gazette and subject to such exceptions and modifications as may be specified in the said notification, exempt such metallurgical factory or class of metallurgical factories from all or any of the provisions of this Act.

Power of Central Government to exempt.

7. If any occupier of a factory or any owner of an iron ore mine or a manganese ore mine fails to pay any amount payable by him to the Central Government under section 4 within the period prescribed thereunder, such occupier or owner, as the case may be, shall be liable to pay simple interest at twelve per cent. per annum on the amount to be paid, from the date on which such payment is due till such amount is actually paid.

Interest payable by occupiers of factories and owners of mines.

8. If any duty of excise payable by the occupier of the metallurgical factory or the owner of the iron ore mine or manganese ore mine to the Central Government under section 4 is not paid to that Government within the period prescribed thereunder, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on the occupier of the metallurgical factory or, as the case may be, on the owner of the iron ore mine or manganese ore mine a penalty not exceeding the amount of duty of excise in arrears:

Penalty for non-payment of duty of excise within the prescribed period.

Provided that before imposing any such penalty such occupier or such owner, as the case may be, shall be given a reasonable opportunity of being heard and, if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

Recovery of amounts due under the Act.

9. Any amount due under this Act (including the interest or penalty, if any, payable under section 7 or section 8, as the case may be) from any occupier of a metallurgical factory or any owner of an iron ore mine or a manganese ore mine may be recovered by the Central Government in the same manner as an arrear of land revenue.

Penalty for evasion of duty of excise.

10. (1) Whoever wilfully or intentionally evades or attempts to evade the payment of duty of excise payable by him to the Central Government under this Act, shall, on conviction, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section, save on a complaint made by, or under the authority of, the Central Government.

Offences by companies.

11. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Protection of action taken in good faith.

12. No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of the Central Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

58 of 1961.

13. (1) As from the commencement of this Act, the Iron Ore Mines Labour Welfare Cess Act, 1961, shall stand repealed.

Repeal and
saving.

(2) (a) The amount collected as cess, under the Act repealed by sub-section (1), shall be credited to the Consolidated Fund of India.

(b) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit to the Fund an amount not exceeding the proceeds of cess credited under clause (a), after deducting the cost of collection as determined by that Government.

14. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

Power to
make

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the assessment and collection of the duty of customs or duty of excise levied under section 3;

(b) the making of refunds, remissions and recoveries of the duty of customs or duty of excise levied under section 3;

(c) the period within which the person selling or otherwise disposing of the iron ore or manganese ore to the occupier of the metallurgical factory shall pay the duty of excise to such occupier under sub-section (2) of section 4;

(d) the period within which the owner of the iron ore mine or manganese ore mine shall pay the duty of excise to the Central Government under sub-section (2) of section 4;

(e) the manner in which the occupier of the metallurgical factory shall collect the duty of excise under sub-section (3) of section 4;

(f) the period within which the occupier of the metallurgical factory shall pay to the Central Government the duty of excise collected by him under sub-section (3) of section 4;

(g) the authority which may impose any penalty under section 8;

(h) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (c) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of workers in manganese ore mines in substantial and their living condition needs amelioration. Welfare facilities which are at present being enjoyed by workers in mica, coal, iron ore and limestone and dolomite mines industries are proposed to be made available to workers in manganese mines also. The iron ore mines labour welfare fund is administered by a well-knit organisation in the States of Bihar, Orissa, Andhra Pradesh, Madhya Pradesh, Karnataka, Maharashtra and the Union territory of Goa, Daman and Diu. Manganese ore which is mostly used in the manufacture of iron and steel chiefly occurs near the iron ore mines except in the Bhandara district of Maharashtra, the Balaghat district of Madhya Pradesh and Srikakulam district of Andhra Pradesh. Since the iron ore occurs in all these three States, it is felt that the existing iron ore mines welfare organisation could also be entrusted with the task of looking after the welfare of workers in manganese ore mines. In the Barbil-Barajamda sectors of the States of Orissa and Bihar which contribute over thirty-three per cent. of the total manganese ore produced in the country, almost every centre of manganese ore adjoins the iron ore mining area and both the manganese ore miners and the iron ore miners live side by side. A common fund for the welfare of workers in iron ore mines and manganese ore mines will thus considerably reduce the administrative expenditure. It is, therefore, proposed to establish a joint Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund for providing uniform welfare facilities to the workers employed in the iron ore mines and manganese ore mines. For this purpose it is proposed to levy as a cess a duty of customs and a duty of excise on the same basis as is done for the benefit of iron ore mine workers. The rate of cess will be at such rate not exceeding one rupee per metric ton of iron ore and not exceeding six rupees per metric ton of manganese ore, as the Central Government may from time to time, fix. The existing Iron Ore Mines Labour Welfare Cess Act, 1961, will be repealed.

2. The Bill is mainly designed to achieve the above objective.

NEW DELHI;

The 21st January, 1976.

K. V. RAGHUNATHA REDDY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the levy and collection of a welfare cess as a duty of customs or as a duty of excise at the rate not exceeding one rupee per metric ton and at a rate not exceeding six rupees per metric ton of iron ore and manganese ore, respectively. This is an enabling provision and it leaves discretion to the Government to impose the duty at a rate it deems fit within that ceiling limit. The actual levy for the present is envisaged at twenty-five paise per metric ton of iron ore and one rupee per metric ton of manganese ore. This will yield about rupees ninety lakhs in the case of iron ore and about rupees seventeen lakhs in the case of manganese ore. The proceeds thus collected will be paid into the Consolidated Fund of India.

2. There is no provision in the Bill which directly involves any expenditure from the Consolidated Fund of India. But under the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Bill, 1976, an amount equivalent to the proceeds of the duty of customs and the duty of excise (reduced by the cost of collection) together with an income from the investment of the said amount and any other monies received by the Central Government for the purposes shall, after due appropriation made by Parliament by law, be paid to the credit of a Fund to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund.

3. The customs department will be responsible for the collection of cess as duty of customs on all exports. They will be paid half per cent. charges for the services rendered by them. The metallurgical factories consuming iron ore and manganese ore will collect the duty of excise.

4. The Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Bill, 1976 provides for the constitution of Advisory Committees for each State which produces iron ore or manganese ore or both, the constitution of Central Advisory Committee to co-ordinate the work of the Advisory Committees and appointment of Welfare Commissioner, Welfare Administrators, Inspectors and such other officers and staff for the purposes of the said Bill and this Bill. Allowances have to be paid to the members of the Advisory Committees and Central Advisory Committee including co-opted members and other invitees and salaries and allowances have to be paid to the Welfare Commissioners, Welfare Administrators, Inspectors and other officers and staff. It is estimated that the aggregate of the allowances to be paid to the members of the Advisory Committees and the Central Advisory Committee and the salaries and allowances to be paid to the Welfare Commissioners and other officers and staff will be of the order of rupees ten lakhs per annum being about ten per cent. of the total anticipated cess which has been estimated to be of the order of rupees one hundred and seven lakhs.

5. The Bill does not involve any other expenditure, whether of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government, by notification in the Official Gazette, to exempt any metallurgical factory or class of metallurgical factories from all or any of the provisions of the legislation subject to such exceptions and modifications, as may be specified in the notification, if the Central Government is of opinion that in respect of such metallurgical factory or class of metallurgical factories the levy of the duty of customs or the duty of excise on iron ore or manganese ore is disproportionate to the cost of collection of such duty of customs or duty of excise from such metallurgical factory or class of metallurgical factories. As the clause specifies clear guidelines for issuing a notification, the delegation of legislative power is of a normal character.

2. Clause 14 of the Bill empowers the Central Government to make rules for the following matters:—

(a) the assessment and collection of the duty of customs or duty of excise on iron ore and manganese ore;

(b) the making of refunds, remissions and recoveries of duty of customs or duty of excise;

(c) the period within which the person selling or otherwise disposing of the iron ore or manganese ore to the occupier of the metallurgical factory shall pay the duty of excise to such occupier;

(d) the period within which the owner of the iron ore mine or manganese ore mine shall pay the duty of excise to the Central Government;

(e) the manner in which the occupier of the metallurgical factory shall collect the duty of excise;

(f) the period within which the occupier of the metallurgical factory shall pay to the Central Government the duty of excise collected by him;

(g) the authority which may impose any penalty.

3. The above matters with respect to which rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary-General.