

16.38 hrs.

RESOLUTION FELICITATING SOUTH AFRICAN PEOPLE AND THEIR NEWLY ELECTED PRESIDENT, NELSON ROHLIHLALA MANDELA FOR THE FORMATION OF A MULTI-RACIAL ELECTED GOVERNMENT.

[English]

MR. SPEAKER: It has been suggested that this House should pass a Resolution on this occasion. I put the Resolution before the hon. Members for their approval:

"This House

- Notes that today May 10, 1994 is a specially auspicious day for South Africa, the continent of Africa, the people of India, and the whole world.
- Welcomes the fact that a new Government elected on the basis of the first-ever multi-racial elections has assumed office.
- Rejoices that Mr. Nelson Rohlhlala Mandela has been elected as South Africa's first democratic President.
- Recalls that Mahatma Gandhi, Father of the Indian Nation, declared his love for South Africa and his concern for her problems.
- Recognises that about 10 lakh people of Indian origin who are now citizens in South Africa, have struggled with their South African brothers and sisters against apartheid, and toiled and contributed to the prosperity of that country.

—Recognises further that India was always in the forefront of the anti-apartheid struggle, the first nation to raise this issue of racialism in the United Nations, and has rendered consistent moral and material support to the South African people struggling for the liberty against colonial domination and White minority rule.

On behalf of the people of India Declares that:

(a) The people of India join with the people of South Africa to celebrate with joy, happiness and pride their achievement of freedom and what their freedom signifies for the whole world.

(b) That the South African struggle has shown that the strength of the human spirit and moral conviction are irresistible forces for positive change.

(c) India extends its warmest congratulations to President, Nelson Rohlhlala Mandela as he takes up his responsibilities today as Head of State of South Africa. We pay a tribute to all the people of South Africa in wishing them success in outing a future of peace, democracy and prosperity.

We take it that this Resolution is passed unanimously.

The Resolution was passed unanimously.

This Resolution and the record of the speeches made by the hon. Prime Minister, hon. Leader of the Opposition and hon. Leaders of different Parties, will be sent in a proper form to the President of South Africa Mr. Nelson Rohlhlala Mandela and thorough him to the people of South Africa to convey greetings, good wishes and feelings

of joy of all of us and the people of India.

16.41 hrs.

PAYMENT OF GRATUITY
(AMENDMENT) BILL—*CONTD.*

As passed by Rajya Sabha

[*English*]

MR. SPEAKER: Now we go to next item, Shri Dhananjaya Kumar to speak.

SHRI V. DHANANJAYA KUMAR (Mangalore): Sir, I rise to support the provisions of the Bill to amend the Payment of Gratuity Act.

I am happy that immediately after this august House passing a unanimous Resolution expressing good wishes for the welfare of our brethren in South Africa, I have got this opportunity to support this measure which is being brought before this House for the welfare of the toiling masses.

1642 hrs.

(SHRIMATI GEETA MUKHERJEE *In
The Chair*)

This has been a long standing demand of the workers. Way back in 1983 in the meeting of the Labour Ministers presided over by the Labour Minister of the Government of India, a decision was taken to make suitable amendments in ceiling on entitlement of gratuity. But at the same time the limit for receiving the total amount of gratuity is retained at the maximum of Rs. 1 lakh. Though an upward revision is made in this limit, it is totally inadequate. With the present hike in prices and the poor living standards of the working class, a minimum increase to the tune of Rs. 5 lakhs would

have been more appropriate. Rather I would suggest that there should not be any limit on the grant of gratuity to be received by a workman on rendering service for a long period of more than 20 years or 30 years or, in some cases, may be even beyond 30 years.

There should not be any limit for receiving such a payment. After all, for rendering such a long service, we are not giving them any other retirement benefit except in the form of gratuity. Of course, there is the payment of Provident Fund. But Provident Fund is being partially contributed by the employee or the workman himself and only a portion is contributed by the employer. So, in reality, gratuity is the only payment which is being paid to a workman as a terminal benefit or a retirement benefit. Though it appears that the scope of the entitlement for gratuity is enlarged and the upper limit is revised yet there are certain inbuilt restrictions in the Act. For example, an employee even today could be denied of the benefit of receiving gratuity in case if a penalty of dismissal is imposed on the employee for certain reasons. I am sure, in many cases, some ruthless employers very often resort to this kind of a method whereby the employee is denied of his due earnings in the form of gratuity. So, I request the hon. Minister to give thought to this also so that the employee is able to get the payment of gratuity in all the cases; we must ensure that he gets it.

The provision contained in the Act says that the gratuity is payable on retirement, in the case of death or in the case of superannuation and also in the case of resignation after rendering a fixed number of years, that is, a minimum period of five years of service. So, this is a hard-earned right of a workman and employee and therefore it should not be denied in any case.