

12.39 Hrs.

PAYMENT OF WAGES (AMENDMENT) BILL—Contd.

Mr. Deputy Speaker : We now take up the Legislative Business, further consideration of the Payment of wages (Amendment) Bill Shri K. Ramamurthy.

The time available for this Bill is 42 minutes. We must complete it. There is another important Bill also, the Chit Funds Bill and then only we can go to the item Discussion under rule 193, on the Mandal Commission's Report. So, we have to go fast.

Shri Ram Vilas Paswan (Hajipur) : It is not subject to any condition. It is to be taken up at 2 P.M.

Mr. Deputy Speaker : It is not a question of any condition it is a question of cooperation. Shri K. Ramamurthy.

Shri K. Ramamurthy (Krishnagiri) : Mr. Deputy Speaker, Sir the present Bill, under consideration, has a very limited scope. The amendments suggested by the hon. Labour Minister in the Payment of Wages (Amendment) Bill, 1982 are very limited in their scope. Even though the parent Act was passed as early as in 1936 now after a very long time some of the vital amendments have been brought forward by this Ministry to alleviate workers' sufferings.

The important amendment in this regard is that the workers are allowed to give in writing to the management that their trade union subscription is being deducted from salary. Now, this has become one of the authorised deductions under this Payment of the Wages Act. This is a very welcome feature. I commend that suggestion also.

Some of my friends on the other side, when they were discussing were also opposing this. I do not understand why they are opposing this particular Section which is very much wanted and also demanded by all the national centres for a long time. Probably, if they go in for this check-off system, their original strength would be

revealed through this check-off system. They may not be able to go on orally saying that their membership has increased and that "we are 1,000 membership or 1,200 membership." So, in this matter, we all should welcome this provision.

Another thing is the raising of the salary limit from Rs. 1,000/- to Rs. 1,600/-. Now days in almost all the public undertakings, the workers' wages have increased, to such an extent that they crossed even Rs. 1,000. Some of the Undertakings are due for negotiation in the course of this year. In this respect also, this provision is very much helpful to the working class.

Apart from these two Amendments, some of the other Amendments are also very technical in nature. There is one point. If a worker wants to claim the unpaid wages under this Act or some of the welfare measures which are agreed upon by the management have not been paid and if the worker wants to give this Authority under this Payment of Wages Act, the worker has to pay some stamp duty. As a trade union man I think that it is unnecessary for a worker to pay stamp duty to get his dues or wages or some other welfare measures or some of the benefits from the employer. The Government should atleast direct the State Government who are under the law empowered to frame the rules in this Act to do away with the charging of the stamp duty etc.

With these words I support this bill.

Shri Satyendra Narayan Sinha (Aurangabad) : Mr. Deputy Speaker, Sir; I rise to welcome this Amending Bill. The Amendments suggested in the Bill are intended to benefit a larger section of workers and to ensure effective implementation of the Act by making the penalties a little more stringent. It is also clear from this Bill that the definition of 'industrial establishment' has been enlarged and they have also increased the existing wage limit for coverage of workers from less than Rs. 1,000/- to Rs. 1,600/-.

Then, there is one salutary provision also that hence forward the deductions from the salary of an employee shall not be made except with the written authorisation of the employees concerned for contributions to any fund which may be constituted either by the employee or by a registered union for the welfare of the employees with the approval of appropriate Government and also for payment of their usual fees to a registered trade union. I consider it an improvement upon the existing situation. As I have said, while I welcome the provisions, I am feeling that the Government is approaching this question on an *ad hoc* basis. You will find that only piecemeal legislations are being brought forward, and it appears to me that the Government's working is based on *ad hocism*, otherwise, Government would have brought forward a comprehensive Bill for fixation of wages and for payment of wages instead of having several Acts such as the Minimum Wages Act, the Payment of Wages Act, the Bonus Act, etc. Why I say that they are functioning on an *ad hoc* basis as they are not coming forward with comprehensive measures. You will please recall that yesterday, when the Motor Vehicles Amendment Bill was before the House, the Minister ultimately gave an assurance to the House that a comprehensive measure would be brought before the House. The other day when the Estate Duty (Amendment) Bill was discussed, the Finance Minister gave assurance that a comprehensive legislation would be brought before the House. Like that, we are only being promised comprehensive measures. At the moment they are only dealing on a piecemeal basis, with the result that they are only suggesting piecemeal solutions to the problems. Therefore, the problems continue to plague the country.

In the present context what is more important is to help those who are unorganized, who are being exploited. This Bill deals with only the organized sector. The hon. Minister should have told us, by extending the coverage, how many more

workers are being brought within the ambit of this law. Even assuming that the coverage is substantial, still there would be more than 85 per cent of the work force which remains untouched, and that 85 per cent in the unorganized sector. As you know, the total work force is about 260 million and out of that, 85 per cent belong to the unorganized sector. There also, the agricultural labour preponderates. Even though this question is not germane to the present Bill, I venture to bring to the notice of the Minister that this requires tackling on a priority basis. I know that the Minimum Wages Act governs the agricultural sector, and it is also a State subject. The Gajendragadkar Commission has suggested that the wages should be revised periodically, say, at the end of every third year. I understand that, in 1980 the Government have already increased the wages by 25 per cent. Yet, I feel that there is need for a provision in the Act for automatic adjustment of wages with the rising cost of living. Prices rise but wages stagnate at a particular level. You are aware that a large part of the agricultural sector continues to feel neglected because of tardy implementation of land reforms measures and non-effective enforcement of the Minimum Wages Act. Moreover, a large mass of people feel that they are not getting the fruits of development and they are being deprived of that. They are still suffering from depreviation and are still wallowing in poverty and destitution. They are feeling that they are being denied the fruits of development and this produces discontent in them as also frustration and I think the hon. Members present here would bear with me that in the rural areas there is a great ferment which is manifesting in mass movements. Somewhere it is manifesting in violent acts because the socio-economic set up has not undergone any fundamental change and people see that the disparities in the society are increasing and these large percentages of the landless labour or the agricultural labour in the unorganised sector feel that they are not being given the due attention which is needed. Therefore, I thought even though it was not

germane to the Bill before us, I should bring it to the notice of the Minister because the situation is so explosive that it demands urgent attention and we cannot tinker with this problem.

Now, with regard to the implementation of the Payment of Wages Act, even in the urban areas what is happening? The Supreme Court appointed a commission to go into the question whether the wages fixed under the Minimum Wages Act are being paid to the quarry workers or the brick kiln workers or not and the Commission has given a finding that the workers who are only within 100 km of this Parliament are not being paid the minimum wages. There is a breach of those provisions and no action has so far been taken against the concerned people.]

Then what is happening with regard to a national daily? that national daily happens to belong to the ruling Party and the Workers have not been paid their wages for the last 2 to 3 months and the provisions of this law have not been brought into operation, no action has so far been taken to enforce the provisions of this Act and to bring to book the defaulters and those who are responsible for making payment of wages to the workers. This is a very serious situation and I would invite the attention of the Minister to this aspect that the provisions of the Bill are there but you are not able to enforce them. The workers are not in a position to take advantage of the provisions because the provisions are cumbersome and they are unable to go to the court and follow the various procedures which are very cumbersome.

They cannot get the advantage of this Bill and, therefore, apprehensions were expressed yesterday by a number of speakers who participated in the debate on this side of the House that these provisions are only intended to help the capitalists or the employers and they do not help the employees. This charge which is made is based on facts because you have not enforced the law with seriousness that is needed and with the stiffness that is needed. The employers are getting away without having had

to pay for it. Therefore, Sir, my submission is that the Government should pay attention to the entire problems of fixation of wages how the payment can be made to workers easily, and how the provisions of the Act can be made more effective by bringing in a comprehensive Bill before the House as soon as possible.

Even though the amendments that they have placed before the House are limited to some problems, as I have said, I welcome this measure and I think the Minister

MR. DEPUTY-SPEAKER : Shri Rajan, Hon. Members will cooperate by not taking more than five minutes each.

SHRI K. A. RAJAN (Trichur) : Sir, this is an amendment to the parent Act, of 1936. This act was brought earlier by the British during the British period. The purpose of this Act was to ensure payment of wages to the workers.

Sir, there are workers working in established industries. Normally, a worker has to be paid for the work he has done. But, here, we have to ensure the payment of wages by compulsion. I do not know whether there is any such statute existing in any other advanced country. Even after forty-six years of our Independence, this is not put on the statute book. Of course, some amendments have been brought forward and there are some improvements made. I am mentioning this with my observations. Even after forty-six years, we find that there are umpteen number of instances where normal wages are being denied to the workers by various industrial managements. In the year 1978, you will remember we had a big strike and agitation in the Swadeshi Cotton Mills, in Kanpur. At last that ended in a big firing with loss of lives. Because of the public opinion, the Government was forced to take that Mill. Shri Jaipuria who was managing this denied wages to the workers. As a result there was trouble there. Recently, in Travancore-Rayons in our State there was a cry for higher wages to the workers. They had to go on a strike. Still, the issue is unsettled.

I am just mentioning this to show that with all the statutes that we have, in some industries, there is a loss suffered by them. The problem arises because of non-payment of wages to the workers. This is my general observation that I want to make.

Now, coming to the Bill proper, I would like to mention one particular clause—I think it is clause 3 (p)—3 (p) wherein you have put in the figure Rs. 1,600. In place of Rs. 1,000 it is now Rs. 1,600. Of course, it is an improvement and I have no hesitation to say so. I would like to know from the hon. Minister what is the sanctity behind this figure of Rs. 1,600. You yourself admit that the wage level has gone high in certain industries. There are workers who are getting more than Rs. 1,600. That is a fact. The Minister may kindly explain as to why he has put in the figure of Rs. 1,600/- in this Bill?

Is it that all those getting Rs. 1,600 are to be covered by this particular amendment? My submission is that all the workers should be covered by this Bill. You can claim that there is some improvement made by putting in Rs. 1,600 from the earlier Rs. 1,000. What is the rationale behind fixing Rs. 1,600/- here? That is not understandable to me. I think it is linked up with the ceiling of Rs. 1,600 for the entitlement of bonus. Has this any bearing with it? Is there any other reasonable proposition?

MR. DEPUTY-SPEAKER: You do not give the reply. He will reply.

SHRI K.A. RAJAN: This is what I want to know from the hon. Minister.

Then Sir, there is another Clause to which I have moved an amendment. That is regarding Clause 13. The proposed amendment provides for payment to the legal heir in case nomination has been made. My amendment is just for the payment to the legal heirs.

By Insertion of a new Section 25-0(1), the principal Act is sought to be amended.

13.00 hrs.

because as it is Clause 13 reads:

“(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the prescribed authority who shall deal with the amounts so deposited in such manner as may be prescribed.”

My proposal is that payment to legal heirs be made in case nomination has been made. Here there is no provision like this. I say if no nomination is made then it should be paid to the legal heirs:

“after so nominated” insert—
“or to his legal heirs”

Sir, the other point which I would like to bring to your notice is regarding Clause 7 about deductions. I found Mr. Ramamurthy was vociferous on this particular Clause and attributed certain things to trade unions when he said that if this Clause is implemented then certain unions will get exposed or their strength may be assessed. That is not the question. Sir, Clause 7 (kk) reads like this:

“(kk) deductions made, with the written authorisation of the employed person, for the payment of his contribution to any fund constituted by the employer or a trade union registered under the Trade Unions Act, 1926 for the welfare of the employed persons or the members of their families, or both, and approved by the State Government or any officer specified by it in this behalf, during the continuance of such approval”

Sir, really the question is why the employer is allowed to make deductions. What is the purpose. Certain welfare measures which are just to be instituted in certain establishments the expenditure on that should be borne by the employer. My anxiety regarding this Clause is that there is every chance of its being misused by

the employer particularly in such a sector where there is no organised trade union. All expenditure on welfare measures like housing etc. has to be borne by the employer himself. So, there is every possibility of this particular provision in this Clause being misused. The other thing is (kkk). I am totally opposed to it because this cuts at the root of healthy trade unionism. The worker joins any trade union on his own will and on his own conviction. Every trade union provides certain provisions in its constitution for subscriptions etc. If he is a conscious worker he will himself contribute to the Union according to its constitution. Then why this particular provision is incorporated. Thereby you are going to bring unfair practices in this institution. For instance, what is going on in Bombay?

MR. DEPUTY SPEAKER : Will not they collect subscription from the so-called un-recognised unions also?

SHRI K.A. RAJAN : There is no law in the country for the recognition of unions. There is ambiguity in all this. Government has to clarify. So, what is going on in Bombay under the BIR Act. I do not know whether there is any provision for deductions. The so-called recognised union of Bombay has collected regularly subscription from two and a half lakh workers for the last so many years under the check-off system. Now the workers have rejected that Union. There is not a single worker in that Union.

There are such instances. We know how 'check-off' system is working contrary to the interest of the healthy trade union movement, the instincts and consciousness and also the rights of the workers. This 'check-off' system is an unfair practice and it cannot be tolerated. It gives room for all sort of manipulations. The Employers can prop up their own union. I strongly oppose this Clause. I am moving certain amendments on these lines. It is a dangerous Clause.

Sir, even though there are certain modifications and certain improvements and other benefits and large number of industries are brought in and more number of workers are covered, and also in regard to penalty there is some improvement, yet, in other respects the Bill needs much more improvement. I strongly oppose Clause (kkk) dealing with deductions. With these words, I conclude.

श्री गिरधारी लाल व्यास (भीलवाड़ा) : उपाध्यक्ष महोदय, मैं इस पेमेंट आफ वेजज बिल का समर्थन करता हूँ। मैं माननीय मंत्री जी को मुबारकवाद देना चाहता हूँ कि उन्होंने मजदूरों की भलाई के लिये एक बहुत अच्छा कानून यहाँ पेश किया है, इसके जरिए जितनी भी इंडस्ट्रीज आज तक इसके नीचे नहीं आई थी, उन सबको इसके नीचे लाकर मजदूरों की भलाई का उन्होंने बहुत बड़ा काम किया है इसलिए यह सरकार और खासतौर से हमारे श्रम मंत्री इसके लिए बधाई के पात्र हैं।

मैं इस बात की ओर आपका ध्यान आकर्षित करना चाहता हूँ कि आप इंडस्ट्रीज को इसमें लाय हैं, कंस्ट्रक्शन के लेबरर्स, बिल्डिंग, कैनाल, रोड्स वगैरह सब को इस पेमेंट आफ वेजज में लाए हैं, मगर एक बात आप छोड़ गये। इंडस्ट्रीज के अन्दर जो कांट्रैक्ट लेबर रहती है, उसके लिए लिय इस बिल में कोई व्यवस्था नहीं है। उन पर पेमेंट आफ वेजज लागू नहीं होता है। इसलिए जो कांट्रैक्ट लेबर किसी भी इंडस्ट्री में काम करती है, जहाँ कि पेमेंट आफ वेजज ऐक्ट लागू होता है, वहाँ पर इन मजदूरों के लिए भी यह व्यवस्था होनी चाहिये। जो ठकेदार होते हैं, वह इनका शोषण करते हैं, मिनिमम वेजज इनको नहीं देते अगर ऐसा आप कर देंगे तो इनकी व्यवस्था ठीक हो सकेगी। आशा है मंत्री महोदय इस पर तबज्जह देंगे।

जो डिडक्शन वेलफयर के संबंध में मजदूरों के कटे जाते हैं, चाहे वह प्रावीडेंट फंड हो, ई०एस०आई० हो या अन्य व्यवस्था के संबंध में हो, उनका आधराइजेशन लेते हैं, उसके बाद उनका पैसा डिडक्ट कर देते हैं। प्रावीडेंट फंड की एक नजीर में आपके सामने रखता हूँ।

मेवाड़ टैक्सटाइल मिल, भीलवाड़ा में है। उसमें 30 लाख रुपया मजदूरों का प्रावीडेंट फंड काटा गया, लेकिन सरकार में आज तक वह 30 लाख रुपया जमा नहीं कराया गया है। उनके खिलाफ आज तक सरकार ने कोई कार्यवाही नहीं की। ऐसे लोगों के खिलाफ प्रासीक्यूशन कार्यवाही होनी चाहिये। मगर आपके विभाग के लोग उनसे मिले हुए हैं, इसलिए उनके खिलाफ अब तक कोई कार्यवाही नहीं हुई है। इस तरह से सात, आठ साल इसका हो चुके हैं।

मेरा निवेदन है कि ऐसे कानून का सख्ती से पालन किया जाना चाहिये और ऐसे पूंजीपतियों को जेल के शिफ्ट में बन्द कर देना चाहिए जो मजदूरों के 30 लाख रुपये खाकर बरसों से उसका उपयोग कर रहे हैं। उनके खिलाफ आप कार्यवाही क्यों नहीं कर रहे हैं?

इसी तरीके से मेवाड़ टैक्सटाइल मिल में ई० एस० आई० के साढ़े 3 लाख रुपये मजदूरों के काट लिये गये और वह आज तक जमा नहीं कराये गये। इस तरह से बरसों से यह रकम उनके पास है। आपके क्लैकटर के यहां उसकी डिग्री का प्रोफार्मा भी भेजा है, मगर आप का डिपार्टमेंट सुस्ती दिखाता है। सब लोग जानते हैं कि वहां के अधिकारी लोग पूंजीपतियों से मिले रहते हैं इसलिये उनके खिलाफ कोई कार्यवाही नहीं करते। उनके खिलाफ सख्त कार्यवाही होनी चाहिये। जो पैसा उनके पास बकाया है, उसके लिये उनको सख्त सजा मिलनी चाहिये ताकि यह व्यवस्था ठीक प्रकार से चल सके।

इसके लिये प्रावीडेंट फंड और ई०एस०आई० के डिपार्टमेंट को आपको रिआर्गेनाईज करना चाहिये। हमने देखा है, हमारे जिले में माइका के कम-से-कम 10, 15 हजार मजदूर हैं, सोप स्टोन के 6 हजार हैं, खड़िया मिट्टी के 4, 5 हजार हैं और इसी तरह से एसर्विस्ट्ज के अन्दर बहुत से मजदूर हैं, खान के काम में लगभग कम-से-कम 20, 30 हजार मजदूर हैं। इन सब को प्रावीडेंट फंड मिलता है, 10-10 लाख साल हो गये, लेकिन उनके प्रावीडेंट फंड की रसीदें उन्हें नहीं मिली हैं। इस महकमे को भी आप रिकॉन्स्ट्रिक्ट या रिआर्गेनाईज करें, जिससे गरीबों और मजदूरों का पैसा सही जगह जमा हो सके और

बीच के बिचालिये, पूंजीपति उसको न खा सकें और मजदूर को समय पर वापस पैसा मिले जिससे उसे फायदा हो। ई० एस० आई० का पैसा जमा न होने से मजदूरों और उनके परिवार के लोगों को इवा मिलनी बन्द हो जाती है। मजदूर का पैसा खा जाना गबन से भी बड़ा अपराध है, जिसके लिये फांसी की सजा मिलनी चाहिये, लेकिन इन लोगों को एक मिनट की जेल भी नहीं हुई है। हमारे कानून तो बहुत अच्छे हैं, लेकिन उनका इम्प्लीमेंटेशन न होने की वजह से मजदूरों को लाभ नहीं हो पाता है।

अभी सी पी आई के माननीय सदस्य, श्री राजन ने कहा कि वह संकशन 7(2) में (के के के) को जोड़ने का बहुत विरोध करते हैं। मैं ममझता हूँ कि मंत्री महोदय अगर सब से बढ़िया क्लाज लाये हैं, तो वह (2) (के के के) है। आज सी पी आई और सी पी एम के लोग लाठी, छुरेबाजी और ताकत के जरिये से यूनियन चलाते हैं। वे मजदूर का दिल तो जीतते नहीं हैं, उल्टे जॉर-जबरदस्ती के बल पर उन्हें अपने साथ रखना चाहते हैं। इस संशोधन से उनकी दुकानदारी खत्म हो जायेगी और थोड़े दिनों में यह साफ जाहिर हो जायेगा कि सी पी आई और सी पी एम की ट्रेड यूनियनों, ए आई टी यू सी और सी टू में कितनी ताकत है। इस नई व्यवस्था के अनुसार मजदूर अपने एम्प्लायर को लिख कर दे देगा कि वह अमुक यूनियन में पैसा देना चाहता है और उसका पैसा सीधे कट जायेगा। ए आई टी यू सी और सी टू डंडे के जरिये मजदूरों को मार मार कर हकीम बनाते हैं। इस नई व्यवस्था से उनकी पोल खुल जायेगी।

खादी एंड विलेज इंडस्ट्रीज में 30 लाख आदमों काम करते हैं। उनको न तो मिनिमम वेज मिलती है और न पेमेंट आफ वेजेज के काफ़ूत का लाभ मिलता है। जो लोग मठाधीश बन कर बैठे हैं उनमें से कोई किसी का चेला बना हुआ है और कोई किसी का, कोई अमरीका से चन्दा लेता है और कोई जर्मनी से—वे इन संस्थाओं को बदनाम तो करते ही हैं, मात्र ही मजदूरों का भी भयंकर शोषण करते हैं। ऐसे लोगों पर खास तौर से नजर रखने की जरूरत है। मंत्री महोदय को ऐसी व्यवस्था करना चाहिये कि मजदूरों को पूरा पैसा मिले और कानून के अनुसार मिले।

में राजस्थान स्पिनिंग एंड वीविंग मिल के क्लोजर के बारे में बराबर ध्यान आकर्षित करता रहा हूँ। आपने मुझे इंडस्ट्रियल डिस्पूट्स ऐक्ट पर बोलने नहीं दिया। आपने मेरा गला बन्द कर दिया।

MR. DEPUTY SPEAKER: I allow you to speak only once in a day, not three or four times.

श्री विरवारो लाल व्यास : आपने मुझे चार दिन से बोलने नहीं दिया।

उस मिल के एम्प्लायर ने इंडस्ट्रियल डिस्पूट्स ऐक्ट की खिलाफवर्जी की। जब कानसिलिएशन की कार्यवाही चल रही थी, तो उसने क्लोजर कर दिया। राजस्थान सरकार ने सेक्शन 10 (के) के तहत आर्डर निकाला। उस आर्डर में दो बातें थीं। एक तो यह कि मजदूरों को क्लोजर के समय का वेतन दिया जाये और दूसरे, जिन घसमियों को क्रिमिनल एसाल्ट के आरोप में डिस्मिस कर दिया गया है, उनके बारे में एकवाचरी की जाये। मिल के आबेदन पर राजस्थान सरकार ने इस आर्डर को रिवाइज कर दिया और इन दोनों मामलों को ट्रिब्यूनल के सुपुर्द कर दिया, जबकि मिल का क्लोजर और मजदूरों का डिस्मिसल इंडस्ट्रियल डिस्पूट्स ऐक्ट के खिलाफ थे। इस बात को ध्यान में रख कर मंत्री महोदय को राजस्थान सरकार को एडवाइज करना चाहिये कि इस मामले में मजदूरों का शोषण हुआ है और यलत क्लोजर हुआ है, जिसके लिये एम्प्लायर का प्रासोन्यूशन किया जाये और सज्ज दिलाई जाये, मजदूरों को क्लोजर के टाईम का पैसा दिया जाये और जिन 11 आदमियों को निकाला गया है, उन्हें वापस लिया जाये।

इन शर्तों के साथ मैं यह बिल लाने के लिये अम मंत्री को बहुत बहुत मुबारकबाद देता हूँ।

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker, Sir, I am sorry that would not be possible for me to extend whole-hearted support to this measure. At the outset, I want to make it clear to the House that this Bill reveals at least two minds of the Government. One, the Government has not finally taken any

decision regarding a vital issue, or if they have taken, that move is a sinister move. This, I refer, in relation to Section 11 of this Bill, particularly part (kkk). Some of the hon. Members from this side have already mentioned about the implication of insertion of this particular clause in an apparently innocent Bill.

Sir, you are a trade unionist, and you have rightly pointed out about this important question. It is the Government, who has to respect. The question is that according to this clause, an employer can deduct the trade union fees from union or unions; whether it is from one union or from unions. It is an important point that you have raised, whether this Bill, if passed, would enable the employer to deduct trade union fees from union or unions. There is no answer in this Bill to this question.

As you know, recognition of the trade union is a vital aspect of trade union relations. The Bill says that there should be deduction of trade union fees by the employer. With it is linked the question of recognition of union. There are two positions in this regard; either you may rely on the check system, or you may rely on the secret ballot system. There are only two ways for according recognition to the trade unions. So far as the Government view is concerned, I do not know, what position they will take, but the position of the Central Trade Unions is very clear. On the one hand, all the Central Trade Unions are united on this issue, that recognition should be given on the basis of secret ballot; there is no different of opinion; but INTUC has all along been insisting that recognition should be accorded on the basis of check system. This issue has not been finally settled by the Government. If the Government agrees, they can pronounce that this matter can be settled by way of concensus or mutual understanding and in a process of consultation with the Central Trade Unions, and particularly the matter would be discussed or thrashed out in the tripartite conference to be held

soon. Mr. Azad will be honest; you have not taken a decision regarding this, so far as the methodology of recognition either by check system or secret ballot is concerned. The Central Trade Unions have given their opinion. While on the one hand, INTUC insists on check system, the non-INTUC Central Trade Unions are insisting for a secret ballot system. We have not yet come to a decision, but the very insertion of (kkk) eloquently proves as if the Government has taken a decision and that decision is contrary to demands made by all the Central Trade Unions.

Sir, this cannot escape our notice. Once we accept this position in this Bill, the Central Trade Union will be in a detrimental position; and it will be said that your representatives in the Lok Sabha have accepted this position of acceptance of check-up system with regard to the recognition of the trade unions, then how can you oppose it here. This is a very ambiguous position in which the Government is putting the Central Trade Unions. Therefore, for us there is no alternative other than to oppose this tooth and nail.

I think the Home Minister is aware of the recommendations of the National Labour Commission regarding this. They recommended about the identification of statutory bargaining agent for collective bargaining. I would not explain the concept of collective bargaining here, because I think everybody knows it. And for a successful conclusion of the collective bargaining, it is equally necessary to have a statutory agent of bargaining. That is a very vital issue and the National Labour Commission says that in respect of the statutorily recognised bargainer or agent, this facility of detecting the trade union fees for the recognised trade unions should go. While the question of recognition had been kept aside, the right of collecting the trade union fee through the employer that you are giving will serve the motive of the INTUC. It is very clear. Mr. Ramamurthy, who is [a very senior and serious trade unionist has understood

the implication. Therefore in his speech he said (kkk) is very much acceptable to him.

So far as Shri Vyas is concerned, everybody knows what he speaks. But again he reiterated on that very concept that whatever is the best in the deal is (kkk). Therefore the cat has come out of the bag. You have decided for check-up system, you have up the idea of bipartite or tripartite discussion with the trade unions and you want to get this passed apparently through this Bill. Therefore it is not such an innocent proposition. It is a sinister move when the Government wants to push its idea of having that recognition policy accepted in a simple way. Since you would not allow me to speak for longer time, I would only say that this move is to be taken in the context of the consistently persistent anti-working class policy that has been pursued recently by the Government.

You have seen the Industrial Disputes (Amendment) Bill and its character. There is another Bill introduced here—the Trade Union (Amendment) Bill. All these things are calculated with the idea of masculating a militant trade unions, all the attempt is to strengthen the hands of the employer and the idea is to boost up the INTUC or any other union which is being supported can be or supported by either the INTUC or the employer.

MR. DEPUTY SPEAKER : Mr. Chitta Basu, why can't you say that this Government has brought this Bill because of the struggle of the working class. They have been forced to bring in such a Bill. Why can't you say that ?

SHRI CHITTA BASU : I appreciate your point. There are good measures in it. I don't object to them. But why that poisonous or sinister measures through this apparently innocent Bill. As I understand you (kkk) is linked up with the identification of agent of collective bargaining. It is a very important issue of the trade unions and the industrial relations.

That, the Government says, is subject to discussion. It is subject to discussion in a tripartite conference, and before coming to a conclusion the Government introduces this concept in this Bill. Therefore, either the Government is not honest—I do not say dishonest—or the Government has not taken up a final position in this regard. I would only implore upon the hon. Labour Minister, would he be kind enough to really explain his mind ?

Mr. DEPUTY SPEAKER : He is going to do that.

SHRI CHITTA BASU : That is the first point, regarding this clause (kkk). The other issue is very simple. I will take only one minute.

I see that 'salary' is covered. But I think the definition of 'wage' is out of date. It has to be re-defined in the sense that you will understand me—and I think he will understand—today wage is composed of many components. So far as the payment of wages is concerned, part of wages can be recovered by the exercise of this Act. But wages also include somewhere sometimes travelling allowances also; and any other remuneration is also considered as wage and thus wage is composed of many emoluments. If we do not re-define the wages, the workers will not get the maximum benefit out of this Act, therefore, my honest submission to the hon. Minister is,—though it is not possible here—would he really bear in mind that wage is to be re-defined.

Secondly, about coverage, why does not the Government define 'workman' in terms of the definition given either in the Trade Union Act or in the Factory Act. Both of them have wider coverage. Would they kindly consider to define 'workman' in terms either of the Factory Act or in terms of the Trade Union Act that whoever comes under the Trade Union Act is eligible or entitled to form a union, and such 'workman' can be covered under this

Act. Therefore, that will have a wider and that question can be solved to a certain extent. With these words I oppose this Bill, particularly in view of this Clause (kkk) is there. If they agree to withdraw clause (kkk), I think I will have no objection to support this Bill.

MR. DEPUTY SPEAKER : Now the Minister will reply.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD) : Mr. Deputy Speaker, it is unfortunate that some of the Members could not see through the good intentions which are very clearly laid down in the different clauses of this amending Bill. I say, 'some', because I am grateful to the large number of Members who have participated in this debate including those from the Opposition. Some Members like Professor B.D. Singh have supported this Bill and its provisions.

After all, what have we done to attract such criticism from Shri Chitta Babu or from the CPI Members on this Bill I know what their grievances are and what their differences are with us on the general industrial relations policy of the country. That we know. We will never be able to satisfy them on that ground till they topple us and get the Government which they could never do. But the question is, if we bring some Bill—some amending Bill—where there are provisions for the amelioration of the conditions of workers, then to call it a black Bill—yesterday an hon. Member said that it is a black bill, I thought it was a hangover of the previous day when they could not succeed to cow down the Chair and we got through a very good measure for industrial relations, which I was piloting in the House. But to say so even today is surprising.

What have we done in that clause 7(kkk)? You have also very rightly commented. Let us go straight to that point. What are the deduction we are making by Clause 7 (kkk) ? We are saying,

'deductions made, with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union, registered under the Trade Unions Act, 1926.

So, the worker in writing agrees that out of his salary the contribution may be deducted for such and such a thing. I am not forcing him. None of them are being forced. The actual point will be that some of the unions, termed as militant unions are trying to grab the fee for the membership, and are trying to get it out of the workers. Now those unions will not be able to do that.

I give him the commitment—I am an honest and straight forward man—that I will discuss this in the National Tripartite Conference. The important question of bargaining agent, the important question of secret ballot, all that am taking to the National Tripartite Conference for discussion. But to say that all central trade unions are agreed on the secret ballot, is not true. The largest Central Trade Union in this country, INTUC—even if they wish its death and their wishing will not help them—is against it.

SHRI CHITTA BASU : I said that all the central trade unions except INTUC.

SHRI BHAGWAT JHA AZAD : I am taking advantage of what he said. You please see the records.

All right, I take this correction from you. But my point is that if the largest trade union in this country among the central trade unions, that is the INTUC with the largest majority of membership to its credit does not agree, the Government cannot disregard the largest trade union in this country and go by the opinion of others. In order to find out as to which is the central trade union, we asked for the membership figures to be sent to us. INTUC did it, HMS did it, BMS did it, UTUC did it. But I was surprised to find that AITUC and CITU did not do it. Now, it is for me to decide whether they are central trade unions. If they want, they must given the membership. How would I decide now? Whether by

verification if it is possible or by secret ballot, which will be done subsequently I have not played anything foul nor I am hiding anything in the Bill. I am openly saying that I have brought this Bill for the benefit of the wor'ers.

The same Party which is calling it a black Bill—Mr. Lawrence's Party CPI(M)—has supported it in the other House. I do not know how frequently they change their mind and policy. If you consult the record of the other House you will find that they have welcomed this Bill. Mr. B.D. Singh has said very nicely yesterday that he supports this important provision in the Bill, but as far as other points are concerned, he does not agree. I know that it is not possible for the hon. Members of the opposition to agree on many policies of overs. But the points on which they agree they should support those. Everything should not be called black. It only means that either their spectacles are black or something in their mind is black. On what imagination can this be called a black Bill? I want to know this from Mr. Lawrence and his Party. I have given a larger definition in this 'Industrial establishment' has been defined.

It will include many more establishments today in the country than what have so far been provided in the Payment of Wages Act. I myself have said that to bring a Bill for the payment of wages after 35 years of independence, is not good. But there are employers in the country who do not pay the earned wage. I had to bring the Bill to tell them that they must pay.

As I have said in both the Houses, so long as such things remain in the country I have to protect the labour. And for protecting the labour I have to widen the definition of this Act. Do they call this particular provision a black provision

SHRI CHITTA BASU : No.

SHRI BHAGWAT JHA AZAD : If that is so, then at least on this aspect, you should have said that the Government has done a good thing, as Mr. B.D. Singh has said.

MR. DEPUTY SPEAKER : When you prepare or draft the Bill, you are writing it with a black pen. When the Bill is drafted and printed, it is done with black pen & black ink. Therefore, it is called a Black Bill. Why can't you take it like that?

SHRI BHAGWAT JHA AZAD : I will be happy to do that. I will take note of it according to your suggestion.

The hon. Members can have legitimate objection on some score. For example they can ask why I have not raised the limit of coverage beyond Rs. 1,600. They are within their right to ask that question. Here my answer is that I have not reduced it. I am happy that these provisions are appreciated. I am grateful to the members of the opposition, particularly, Shri B. D. Singh and Shri Satyendra Narain Sinha, who is not here, for supporting the Bill and welcoming some of the provisions.

Making a reference to section 7, Shri Chitta Basu called it a black Bill. Shri Lawrence said that it will become a permanent fund and it cannot be withdrawn. It was also said that a union will not be able to get it. What have I done I have only provided that a worker by his own volition, by his own choice can say in writing "I want to contribute" or "I do not want to contribute" to a welfare fund. Who sets up the welfare fund?

It is set up either by the employer of a registered trade union, approved by the appropriate Government. When a welfare fund is set up, with the approval of the Government, either by the employer or the registered trade union, the labour has got the choice to join it or not to join it. There is no compulsion from any quarter. He can say in writing that he wants to contribute one rupee or Rs. 10, 50 or 100 per month to the welfare fund set up either by the employer or the trade union. It is left to his choice. What wrong have I done by making this provision? When the Government is not able to cover the welfare of the workers, let this fund be set up by

either the employer or the registered trade union, with the approval of the Government, and it has to function under certain rules. If the workers like to become members of this fund by their own volition, by their voluntary action, they contribute to it. I have done nothing wrong. I have said that a trade union worker will have the right to give in writing to the management that a portion of his salary may be deducted and given to such and such union or welfare fund. Who is compelling them? Nobody. There is no compulsion.

As was mentioned by some hon. Members even now, the moment the workers get their salary, a large number of trade union officials gherao them and say "give contribution to this union" or "that welfare fund". They are doing it already. What they were doing earlier, they may continue to do. I have not brought in any compulsion. I have not done any wrong. It is left to the sweet will of the workers, either to give contribution or to withdraw it, whenever they want it.

To say that the workers will be forced by the management cannot convince people because we know how strong our trade unions are. We also know how strong are the employers, whom we have to curb. So, I have brought forward this Bill for the welfare of labour, not for the benefit of the employers. Therefore it is not correct to say that we have done anything wrong on this score.

Similarly, so far as the punishment is concerned, there can be difference of opinion. One can say that the punishment is not adequate. But I have not reduced it; I have only increased it. You can say that it should be raised from Rs. 1,000 to Rs. 1,500. But you cannot say that I have reduced it from Rs. 1,000 to Rs. 500 and, therefore, I am a relation of the employer.

SHRI CHITTA BASU : Nobody has said so.

SHRI BHAGWAT JHA AZAD : It was mentioned yesterday, and I have noted it.

In this Bill I have made one more provision. Up till now very small fines were being imposed. Sir, I have said, there should be a minimum amount of fine which must be imposed. I am also thinking, and I will have the House with me, that in such cases let fine and imprisonment both be there. I fully agree. The House has given me its approval. I will try to argue, whatever may be the obstacles, legal or otherwise, that.

SHRI SOMNATH CHATTERJEE (Jadavpur): Then I will move my amendment.

SHRI BHAGWAT JHA AZAD : You need not move the amendment. I myself am trying my best and you will very soon find how it comes into reality.

Interruptions

SHRI SOMNATH CHATTERJEE : You are in shackles. I am not in shackles I can move it.

SHRI BHAGWAT JHA AZAD : So, Sir, I would say that on all these points I had made it very clear in this Bill that the provisions are for the welfare of the workers. There was no cat in my bag which is out, the cats are on the other side and let those cats be driven away. Then we will be able to understand each other better.

With these words I move that the Bill be taken into consideration.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Payment of Wages Act, 1936 as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 6 were added to the Bill.

Clause 7—Amendment of Section 7

SHRI K. A. RAJAN : I move :
Page 2,—

omit lines 31 to 37. (3)

MR. DEPUTY-SPEAKER : I shall now put amendment No. 3 moved by Shri K.A. Rajan to the vote of the House.

Amendment No. 3 was put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 8—Amendment of Section 8

PROF. AJIT KUMAR MEHTA : I move : Page 2, line 44,—for "three per cent" Substitute "half per cent". (24)

MR. DEPUTY-SPEAKER : I shall now put amendment No. 24 moved by Prof. Ajit Kumar Mehta to the vote of the House.

Amendment No. 24 was put and negatived.

MR. DEPUTY-SPEAKER : I shall now put clause 8 to the vote of the House.

The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 and 10 were added to the Bill.

Clause 11—Amendment of Section 20.

PROF. AJIT KUMAR METHA :
Sir, I move:

Page 3, line 17,—

for "one thousand rupees" Substitute—
"twenty times the amount of deduction of wages withheld or paid after the due date." Page 3, line 22,— (25)

for "two hundred" Substitute "five hundred" (26)

Page 3, line 30,—

for "two hundred" substitute "two thousand" (27)

Page 3, lines 30 and 31,—

for "one thousand" substitute "ten thousand" (28)

page 3, line 34,—

for "one month" substitute "five months" (29)

Page 3 Line 35,—

for "six months" substitute "two years" (30)

Page 3, line 36,—

for "five hundred" substitute "six thousand" (31)

Page 3, lines 36 and 37,—

for "three thousand" substitute "twenty thousand" (32)

Page 3,—

after line 39, insert—

(g) after sub-section (6), the following sub-section shall be inserted, namely :—

"(7) The proceeds of all fines or penalties realised under the provisions of the Act shall be paid to the employee or employees, as the case may be, in proper proportion." (33)

MR. DEPUTY-SPEAKER : I shall now put all the amendments to clause moved by Prof. Ajit Kumar Mehta to the vote of the House.

(Amendments Nos. 25, 26, 27, 28, 29, 30, 31, 32, and 33 were put and negatived.)

MR. DEPUTY-SPEAKER : I shall now put clause 11 to vote
the Question is :

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—Insertion of new section 25-A.

SHRI K. A. RAJAN : I beg to move :

Page 4, lines 12 and 13,—

after "so nominated" insert--

"or to his legal heirs" (4)

SHRI R. L. P. VERMA : I beg to move :

Page 4, line 10,—

after "or" insert—

"to the heir of the deceased wage earner in accordance with the rules made under the Hindu Succession Act; or" (34)

MR. DEPUTY-SPEAKER: I shall now put Amendment Nos. 4 and 34 to the vote of the house.

Amendments Nos. 4 and 34 were put and negatived.

MR. DEPUTY-SPEAKER: The question is :

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the bill.

Clause 14—Amendment of section 26

SHRI R.L.P. VERMA: I beg to move:

Page 4, line 32,—

after "nomination" insert--

"after confirmation of his or her service" (35)

MR. DEPUTY-SPEAKER : I shall now put the Amendment No. 35 to the vote of the House.

Amendment No. 35 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"Clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clause 1. the Enacting Formula and the Title were added to the Bill.

SHRI BHAGWAT JHA AZAD : I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill be passed."

Shri R.L.P. VERMA : Please complete in two minutes.

श्री रीतलाल प्रसाद वर्मा : (कोडरमा) : माननीय उपाध्यक्ष, महोदय, मैं इस बिल का समर्थन तो करता हूँ, क्योंकि यह श्रमिकों के हित के लिये लाया गया है, लेकिन मंत्री जी ने आश्वासन दिया था मजदूरों की सभी समस्याओं को दूर करने के लिये बिल लाया जायेगा, लेकिन यह बिल पूरी बातों का समाधान नहीं करता। भूतपूर्व श्रम मंत्री जी ने भी आश्वासन दिया था कि श्रमिकों की जो भी मजदूरी संबंधी कठिनाइयाँ हैं और कमियाँ रह गई हैं, उन पर राष्ट्रीय स्तर पर जो सिफारिशें आई हैं, उन सब का बिल में शामिल किया जायेगा। 1980 में उन्होंने यह कहा था। स्वामीनाथन जी ने भी आश्वासन दिया था कि राष्ट्रीय मजदूर संगठनों के विचारों पर भी ध्यान दिया जायेगा, उसके बाद बिल लायेगे, लेकिन मंत्री जी ने दो-तीन बातों का ही समावेश हममें किया है।

यह तो सही है कि औद्योगिक स्थापना के लिये क्षेत्र इन्होंने विस्तृत कर दिया है और राज्य सरकारों का भी यह कहा है कि वे केन्द्र सरकार की पूर्वानुमति से कुछ औद्योगिक संस्थानों को इसके अन्दर ले सकती हैं। यह अच्छी बात है। इसके बावजूद देश में ऐसे बहुत से औद्योगिक प्रतिष्ठान हैं जिनके श्रमिकों के हितों को अनदेखा किया गया है। उनके बारे में कोई विचार नहीं किया गया है। भवन-निर्माण में जो श्रमिक काम करते हैं, कांटेक्ट पर चलते हैं और बोकारो तथा एस टी सी आदि में कांटेक्ट पर लेबर काम करते हैं, वहाँ पर किसी प्रकार का कटौती नहीं होती है। उनके हित के लिये कोई विचार नहीं किया गया है। वे वर्षों वहाँ काम करते हैं, लेकिन उनको कोई लाभ नहीं दिया जाता है।

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खाले ग्रामोद्योग में और खेतों पर जो मजदूर काम करते हैं, इनके अलावा और भी कई जगह ऐसी हैं जहाँ पर मजदूरों की ओर कोई ध्यान नहीं दिया गया है।

MR. DEPUTY-SPEAKER : Yes. Mr. Mehta.

SHRI R.L.P. VERMA : Rose.

MR. DEPUTY-SPEAKER : I wanted to oblige you. Would you not cooperate. Some other time, I will give you even one hour. There is now an important discussion under Rule 193. Yes, Mr. Mehta. Please complete in two minutes.

(Interruptions.)

MR. DEPUTY-SPEAKER : It is all right. You please sit down. You don't cooperate. We have to take up a very important item.

(Interruptions.)

MR. DEPUTY-SPEAKER : This is not the method. I can also disallow all the Members.

(Interruptions)*

MR. DEPUTY-SPEAKER : Don't record anything of whatever he has said.

(Interruptions)*

MR. DEPUTY-SPEAKER : You see, he has given his name this morning.

प्रो० अजित कुमार मेहता (समस्तीपुर) : आपने मुझे प्रमोंडमेंट पर बोलने नहीं दिया। अब मैं केवल दो बातें कहना चाहता हूँ। आठवें बलाज में आपने अब आधा आने के बदले तीन प्रतिशत रखा है। आधा आने का मतलब होता है दो पैसे। दो पैसे का परसेंट आप जोड़िए तो होता है 3.21 इस वास्ते इसको आपको साढ़े तीन परसेंट तो कर ही देना चाहिये।

*Not Recorded

बेज पेमेंट अगर डिले होता है तो आपने फाइन की कुछ मात्रा रखी है। अभी तक क्या होता था? मिनिमम जो फाइन की व्यवस्था होती थी व्यवहार में वही फाइन किया जाता था। सभी पर इतना ही फाइन होता था। अब आपने सी या दो सी फाइन की व्यवस्था की है। यहां भी व्यवहार में यही होगा कि हमेशा उन पर सी या दत्त सी ही फाइन हुआ करेगा। इसलिये मैंने सुझाव दिया है कि फाइन के साथ-साथ इम्प्रिजनमेंट की बात भी अगर आप रखें तो ज्यादा अच्छा होगा। तब इंडस्ट्रियलिस्ट कभी डिले नहीं करेंगे। चूंकि उनको लाभ होता है साल छः महीने वेज रोक रखने में, इस वास्ते पचास रुपया फाइन देकर वे छुटकारा पा लेते हैं। आपने स्वयं स्वीकार किया है कि आप चाहते हैं कि पैनेल्टी मजदूरों को मिले। उस संबंध में मैंने एक सुझाव रखा था, संशोधन रखा था। आप उसको मान क्यों नहीं लेते हैं।

SHRI SOMNATH CHATTERJEE (Jadavpur) : Mr. Deputy-Speaker, Sir, I am participating in the third reading of the Bill because of certain comments made by the hon. Minister about our stand on this Bill.

We have found that some good provisions of a Bill are brought to cover up certain sinister provisions. That is why we are objecting to it, like the Industrial Relations Bill in which there were some good provisions—I myself told the hon. Minister that some of the good provisions are there—but the overwhelming desire which appeared on a closer scrutiny of the Bill was that they take away the rights of the workers and create difficulties for the workers and the trade unions, not to their liking. That is why we call it a black Bill. Why should he be so sensitive about it? Can the hon. Minister say that we have opposed any really welfare measure anywhere at any point of time? Whenever we make any suggestion in regard to any move of the Government which, according to us, is not for the benefit of the workers, the hon. Minister imputes motives to us. He was trying to say that we are taking an inconsistent stand in the Lok Sabha and in the Rajya

Sabha. That is not so. When we called it a black Bill, we indicated the provisions we were objecting. And those provisions dilute whatever good things the hon. Minister wants to introduce.

We welcome some of the provisions like, extension of the scope of this Bill bringing up the limit to Rs. 1600 and things like that. About imposing fines, it is ridiculous that the penalty that is being provided is Rs. 1000. They do not bother; they just throw away. For the people in this country who can purchase bearer bonds of the value of Rs. 10,000 each crores of rupees worth bearer bonds are purchased by the people with their black money—what is Rs. 1000 penalty to them? It is just nothing. The hon. Member, Shri Ajit Kumar Mehta, rightly pointed out that always a minimum penalty is imposed on them. The workers are without wages and only a minimum penalty is provided. That is no relief.

That is why I wanted to make it clear. The hon. Minister should not be so sensitive. I do not know what he is sensitive to that. Because there are certain provisions which we are objecting, we call it a black Bill. Don't take it that we are against their welfare. Therefore, I would like to request the Hon. Minister to bring proper welfare measures and we support.

SHRI BHAGWAT JHA AZAD : I am not sensitive to that. I am only saying that even now while concluding Shri Somnath Chatterjee has said that "We are saying that it is black". When they say even one provision is black, when I say it is white, how can I not react to that? I am saying.....

(Interruptions)

Such a statement, you are trying to camouflage the bad thing in it by some good provisions. This is a statement which is horrible. Therefore, I have said that you

are not giving me any complement. On the one hand, you are saying that you are giving complement. Therefore, I say that we are inspired and that we are always bringing the provisions for the welfare of labour, every one, each one of them and we stand by them and we shall try for this in future because this is the Government for the welfare of workers. There are some friends, some trade unions, who are trying the other way. What can I do? I cannot agree with them. Nor can they agree with me. Therefore, I say this Bill be passed. What Prof. Mehta has said, I have already explained. What Mr. Verma has said has been explained by me beforehand.

I will now ask that all the Members should unanimously pass the resolution.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

13.57 hrs.

CHIT FUNDS BILL

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE SHRI JANARDHANA POOJARY : I bag to move :

"That the following amendments made by Rajya Sabha in the Bill to provide for the regulation of chit funds and for matters connected therewith, be taken into consideration:—

Clause 7

(1) That at page 6, after item (c) of the first proviso to sub-clause (2), the following item be inserted, namely :

"(d) that the foremen had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five has elapsed since his release."

Clause 16

(2) That at page, 9, for sub-clause (3), the following sub-clause be substituted, namely :—

"(3) Where any draw was not conducted on the ground that two subscribers required to be present at a draw under sub-section (2) were not present or on any other ground, the Registrar may, on his own motion or on an application made by the foreman or any of the subscribers, direct that the draw shall be conducted in his presence or in the presence of any person deputed by him."

MR. DEPUTY-SPEAKER : Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE : (Jadavpur): What is the procedure? The motion has to be passed first. Then the amendment can be taken up. You have to put the resolution.

MR. DEPUTY-SPEAKER : You have to move for consideration of the amendment.

"The following amendments made by Rajya Sabha in the Bill to provide for the regulation of chit funds and for matters connected therewith, be taken into consideration."

He has moved. You go through the Bill. That is the consideration motion. For consideration, there is no opposition. That is why I called you.

SHRI SOMNATH CHATTERJEE : So far as the Bill was discussed here, I have said that this is a Bill which should have been brought for total banning of the chits.

MR. DEPUTY SPEAKER : It is agreed to. We are completing this. Then we go to 193 discussion. It is agreed to.

SHRI SOMNATH CHATTERJEE : We said that these organisations are creating havoc, specially among the middle