

the prices of jute goods will be less. But they are not cheaper. There is a crisis in the jute market; but the prices of finished goods are where they were. They are also slightly costlier, in some respects. In such a situation, the production-policy of the private sector is not helping the cause of the industry itself, much less to talk of that of the producers or of consumers. And the same thing applies to sugar mills and to cotton mills in private hands. One would feel that the time has come when the Government should take up courage to nationalize at least jute, cotton and sugar mills, in order to be in a stronger position and to have a strong hand over production and to have a steady increase in production, in order to have proper distribution and reasonable prices.

Then comes the question of distribution. With regard to this, our government feels very helpless. I am quoting from "Business Standard". I am quoting the Minister, Mr. George himself. The Minister has indicated at Bombay:

"that the traders were reconciled to the Emergency and were waiting on their wings to exploit the situation when the opportunity arose. The opportunity was the delay in onset of the monsoon, by three weeks which led them to hoarding and black-marketing . . ."

He is saying, in a helpless manner, that some delay in the onset of the monsoon allowed them to resort to hoarding and black marketing.

18.00 hrs.

So, they are committing these crimes at a time when there is a national emergency, when the Government has more than adequate powers to control them. Yet, the Minister is groaning and complaining about it.

MR. CHAIRMAN: He may continue his speech the next day. We will now take up the Half-an-Hour Discussion.

18.01 hrs.

HALF-AN-HOUR DISCUSSION

PAYMENT OF FIRST INSTALMENT OF IM- FOUNDED D. A.

SHRI INDRAJIT GUPTA (Aizpore): Mr. Chairman, this Half-an-Hour Discussion raised by me concerns a matter which is of vital importance to many millions of salary earners and wage earners in this country. The Compulsory Deposit Scheme was introduced by the Government in the name of fighting inflation. Now it is regrettable to find at the end of two years, or rather we are being told, that large amounts, so far unspecified—I do not know whether we will be able to get more precise information today—large amounts of these moneys, which were to be deducted by the employers from the emoluments of the employees and to be deposited with certain authorities, we are told that these people have defaulted in many cases, and sums of money running into crores of rupees are not available for repayment, rather refund. Sir, I think you will agree that it is an extremely serious matter.

The hon. Minister is reported to have said in the other House only yesterday in reply to a question that not only the private sector employers—they are, of course, as usual the worst offenders—but there are cases of even public sector undertakings, who are involved in this kind of default. He has specifically referred to the fact that an amount of Rs. 4.1 crores is yet to be remitted by the Coal India Limited and its subsidiaries, particularly the Bharat Coking Coal, towards the additional dearness allowance deposit account.

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): I suppose you have seen the latter part of my speech. A part of it has already been deposited.

SHRI INDRAJIT GUPTA: You have said that instructions have been given.

SHRI C. SUBRAMANIAM: It has been deposited. Go through the full speech.

SHRI INDRAJIT GUPTA: The first thing I wish to say is that it is not as though the Government can plead that certain people have defaulted without the knowledge of the Government, without the Government being able to anticipate such sort of activity on their part and, therefore, they are now taken by surprise. Sufficient experience was at our disposal with what has happened with the Workers' Provident Fund Accounts and the Employees State Insurance Scheme and so on. The Government themselves admitted times without number here how moneys have been deducted from the workers' wages and not deposited according to law. On account of provident fund arrears and ESI arrears, crores of rupees have not been accounted for. But, regrettably, the defaulting employers have not been subjected to any penalties or punishment up to this day. They knew very well that these employers, or many of these employers, have this tendency to do this. Of course, the employers are encouraged by the fact that no punitive action was ever taken against them.

I will briefly refer to the fact that on the 2nd May 1975 I had put a question in this House which reads:

"Whether the Minister is aware that no statements of deposits have been made available by either the employers or the banks concerned to the wage earners, whose increased wages and/or dearness allowances are being impounded;

(b) whether, in view of this, lakhs of individual accounts cannot be checked up by the individual depositors and the moneys involved may go by default as in the case of the employees' provident funds."

This was my specific question No. 8369 asked in this House on the 2nd May, 1975, and in his reply—I cannot quote the whole of it because there is no time—Shri Pranab Mukherjee said:

"The compulsory deposit schemes do not provide for the issue of pass books to the employees making the deposits. These deposits are compulsorily deducted at the time of disbursement of emoluments by the employers, and at the close of every succeeding year every employer shall supply to every employee a statement of accounts in the form prescribed in the relevant scheme. Thus, the first statement of account has to be furnished to the employees only after 6th July, 1975."

Now we have passed 6th July, 1976 also.

Then the Minister concluded by saying:

"In view of these safeguards, there are no grounds for any apprehension that any individual depositor would not be able to check his account or that the moneys involved might go by default in any manner whatsoever."

In spite of their attention being drawn to this risk which was involved, this was the kind of complacent reply given by the Minister, that since the employers are obliged to make compulsory deductions and thereafter the employers are obliged to supply annual statements of accounts to each individual employee, what more do you want? Beautiful, fool-proof system.

And what has the Government got to do with it? It is the Government's scheme, it is the Government which got Parliament to pass this Additional Emoluments (Compulsory Deposit) Act and framed the scheme under it. What is the role of the Government, I want to know. In the name of fighting inflation, workers' wages and dear-

ness allowance have been impounded but now it is discovered that the employers may have deducted these amounts—they surely did—but they have not deposited them. So, what does it mean? It means that this scheme has itself become a device whereby money is transferred from the workers' pockets to the employers' pockets

So much for fighting inflation. Take away the money from the workers and don't bother whether the employers are misappropriating that money and using it for God knows what purpose, because there is no check whatever on it.

So, what kind of an anti-inflationary measure is this? It only puts more money at the disposal of these employers who are behaving in this criminal fashion.

MR. CHAIRMAN: The employers do not go to the market to buy the essential commodities with this money. Therefore, there is no inflation.

SHRI INDRAJIT GUPTA: Yes, but you need not suggest to him what sort of reply he should give. He is quite capable of giving his own reply.

SHRI C. SUBRAMANIAM: I am not going to adopt that stand.

SHRI INDRAJIT GUPTA: You better not I think.

Again, on 26th March this year, I had put a question about the total amount which had been collected on account of compulsory deposit and whether Government had given any statement of accounts of these deposits to the workers in July 1975. And to that, Shri Subramaniam's reply is given here, in which he makes it clear again that the authorities who have been nominated by the Government are responsible only for maintaining employer-wise accounts, they do not maintain employee-wise accounts. Employee-wise accounts are to be maintained only by the employers. Of

course, that includes private and public sector, both. Therefore, he says this detailed information cannot be given because it is not separately classified and so on.

Again, it is repeated in this reply that under the provisions of the Act and the schemes the yearly statement of account has to be furnished to every employee indicating the amount credited to the deposit account in relation to the employee by the respective employer, and not by the Government.

So, Sir, the Government got a legislation passed; the Government prepared a Scheme and, thereafter, the Government washed its hands of the whole thing and left everything to the employers to do. This is the result.

I am just asking the Minister to consider objectively what kind of effect it is going to have on the moral of salary earners and wage earners in this country. Is this the way to build up an atmosphere of confidence and trust in the country? It is suddenly discovered that their money has been stolen, robbed, by employers.

The Government has now come forward to say, when this question was raised the other day, that they are going to start or they have started, in some cases, criminal proceedings against defaulting employers and that they will see that the money is recovered from them. I do not know how long it will take and all that. But when it was asked, pending that, what will happen to the due repayments to the workers, it was said that there will be no delay. I want to know how they can say that there will be no delay. Since the statements of accounts have not been provided in the overwhelming majority of cases to the individual employees, if this matter has to be rectified, then the accounts of every single employee have got to be checked and re-checked to

[Shri Indrajit Gupta]

see that they are getting back the correct amounts that were deducted from the salary. Who is going to do that? If the Government has to do it, because the employers have not done it, can it be done in a few days' time? It is a huge task. Therefore, I want to know, first of all, whether he is prepared to give us today or to lay on the Table by tomorrow the full list of defaulting concerns in private and public sector, just as they always give for provident fund and so on. We must know the names of guilty parties. Who are they? We must know how much money was due to be deducted and deposited by them, how much money was actually deposited and how much has actually been repaid upto now, since July.

Then, I want to know, over the two years period, when the moneys were not being deposited, what were these nominated authorities doing. They are called nominated authorities under the Scheme. There are regional provident fund commissioners; there are local-self-government authorities and so on. Were they sleeping? Were they not aware of the fact that over the two years period the moneys were not being deposited, that they were not receiving the deposits? Could they not bring it to the notice of the Government that the moneys were not coming? Did the Government not bother to find out from the nominated authorities, from time to time, whether the Scheme was working all right and the amounts were being deposited or being received or not?

The whole attitude to the working class is an attitude of utter callousness and indifference—it does not matter what happens. You have passed a law; you have promulgated a Scheme under the law and now you go on merrily. I think, this is something which is really revolting. I find it impossible to tolerate a thing like this.

MR. CHAIRMAN: Too much of generalisation.

SHRI INDRAJIT GUPTA: What I want to suggest is this. A balancing scheme, to show at that time that various other parties, companies, were being asked to sacrifice for the sake of fighting inflation, was the scheme for a compulsory restriction on distribution of dividends by companies. That scheme has now been withdrawn. First, it was modified. The scale of dividend which they could distribute was first increased. Now, the scheme has been totally withdrawn, leaving the companies free to distribute as much dividend as they can. So, apparently, as far as they are concerned, the Government does not worry very much as to what effect it will have on the inflationary position. Therefore, my demand today is that this scheme of compulsory deposit must be withdrawn now. It was initially introduced only for two years. Two years are over. The whole scandal has been exposed. They have now withdrawn restriction on dividends. But here, they have said that they are extending the compulsory deposit for one year more. At the end of the third year they are told that they will not be repaid in future in cash and that the repayment will be credited only to the Provident Fund accounts—that is to the same account from which I don't know how many crores of rupees have been defalcated by the employers. So, my humble submission is that, before things get into a worse mess and before Government gets more dis-credited (as it deserves to be, the way it is handling this thing) just as you have withdrawn the restriction on the Dividend scheme, for God's sake withdraw this scheme also. You have to pay them for two years. Your main object was that the workers should not have the money in cash in their pockets and you have achieved that—and you don't bother whether the money has gone into the pockets of the employers by misappropriation—and so, now with-

draw this scheme and don't keep it on for another year. That is not going to make any difference to your wonderful theories about inflation.

Secondly, in regard to the other dues which are to be repaid, except in the case of those people who voluntarily respond to Mr. Subramaniam's appeal and are willing to keep them in deposits for a further period (it is their look-out), in the case of those people who want repayment, the responsibility must be taken by the Government. They cannot say that they will recover the money from the employers by criminal proceedings and then repay it. It is Government which is responsible for the whole mess and therefore the Government has got to pay the money and, in the meantime, they can go on with the proceedings for recovering the money from the employers. The workers have got into a frame of mind that their bonus has gone; let it be gone but now, in the festival season, if at least an instalment of the Compulsory Deposit is returned to us, we can use it for festival expenses etc. like buying cloths and sweets for our children. Now a whole lot of festivals are approaching and people are waiting to see if they can get at least Rs. 200 or Rs. 300 on this account. But now they are being told that they will not have it till you have recovered the money from the employers. As I have said, this mess was created by Government and therefore I demand that the Government should take full responsibility for paying the workers; and they can recover the money as they please from the employers. If you want to avoid any further complications, please scrap the scheme and withdraw it just as you have withdrawn the scheme for the employers.

SHRI C. SUBRAMANIAM: I fully share the concern expressed by the Hon. Member and, to a great extent, share his feelings also with regard to this matter. But obviously he is under the impression that a large amount

has been mis-appropriated by the employers and, on that basis, he has expressed his view that this scheme is a complete failure and that we have not kept the accounts and other things properly. But, to put the matter straight, I would like to give the figures with regard to what has really happened. There are two things here. As far as the extra wages were concerned, that scheme was only for one year and, after that, we did not extend it. As far as 50 per cent of the Dearness Allowance is concerned, it was originally for two years and we have extended it for another year; so it is for a period of three years.

As far as the repayment of additional wages is concerned, it started last year and Rs. 7.5 crores which was payable has been paid. There is absolutely no complaint that this amount has not been refunded. As far as the repayment of Dearness Allowance is concerned, the first instalment became repayable on the 6th July.

Regarding the point made by the Hon. Member as to whether we were not aware that some of the people had not been depositing it, we were aware of it and, during the course of the year, we instituted proceedings against 58 or 59 people. Now, we find that the total number of defaulters is 388 out of 76,500, and the total sum involved was Rs. 7.34 crores, out of which Rs. 41 crores were payable by Coal India Limited; on the 23rd of this month, they had deposited Rs. 4 crores; therefore, the balance which has to be recovered is Rs. 3 crores and odd. This is the amount involved. But I am in complete agreement with the hon. Member that not depositing the money after deducting it from the workers is a breach of trust or mis-appropriation—any word could be used for characterising this act of the employer. That is why we have provided in the Act—Parliament has passed that Act—for a minimum punishment of three months' imprison-

(Shri C Subramaniam)
ment to whosoever misappropriates
the money without depositing it

SHRI INDRAJIT GUPTA Are these
figures inclusive of interest or do
they represent only the principal?

SHRI C SUBRAMANIAM This is
the principal amount. It is not the
employer who pays the interest. It
is the Government which pays interest.
Therefore, the actual amount of default
would be with reference to the
principal amount. The interest, as I
said, is payable by the Government.
Therefore that does not arise here.

SHRI INDRAJIT GUPTA How
much has been repaid on account of
first instalment of DA?

SHRI C SUBRAMANIAM I will
give the figure.

The question is therefore about
Rs. 3 crores, whose responsibility it is
I want to state this categorically.
Perhaps I would have put it in a
different manner if I were asked to
put it from the other side. After all
we ask the employers to function as
our agents and the principal cannot
plead the negligence or the misfeasance
of the agent to get away from
his responsibility or liability. Therefore,
not merely from the moral
background but from the legal back-
ground also, it is the Government's
responsibility to pay this amount.
If they have misappropriated or if
they have done something it is
between the Government and those
persons. As far as the workers are
concerned, it is the responsibility of
the Government, and I fully recognise
that responsibility. Therefore whether
we collect it from them or not
whether there is delay or not, as far
as Government is concerned, they
are bound to pay the amount to the
workers according to the terms of
the Statute and we would do it.

Now, the question is how soon it
would be paid. Naturally people are
interested. This depends upon the
accounts being available in respect of
each employee. That is expected to
be kept by the employer. It is not
as if once the money is available it
can be paid. It is a question of
computing the accounts. This is not
a matter which cannot be verified,
because they have got the muster
roll, and an amount corresponding to
the amount that has been paid as
dearness allowance, will have to be
paid to him—50 per cent will corre-
spond to that. Therefore, it is a
question of computing the accounts
where the accounts have not been
submitted. Perhaps, it might take a
little time. But as far as the
money is concerned it is there, and—
I have made this statement in the
other House also—the interest till the
payment is made will be paid by the
Government so that there will be no
question of losing interest because
there is delay in the payment on the
ground that the accounts are not
ready with regard to each employee.
Therefore that is properly safeguarded
as far as money is concerned. Apart
from the default by 388 employers in
depositing the amount which amounts
to breach of trust, misappropriation and
several other criminal offences there
are quite a number of undertakings
which have not provided individual
accounts to the workers. This is a
matter which we are expeditiously pro-
ceeding to sort out so that each worker
would know what the actual amount
due to him is.

I am not giving the figures with
regard to the Government employees,
I am giving the figures with regard
to the workers only. Till now, as on
13th August an amount of 16.68 crores
of rupees had been paid towards
principal along with the interest.

SHRI INDRAJIT GUPTA. This is
dearness allowance.

SHRI C SUBRAMANIAM Yes,
After all it takes a little time for

the momentum to pick up and now that the matter has been raised in the Parliament also I am sure, all those who are concerned in the matter will further quicken the process. I have also indicated that in any event, this process of payment should be completed by 31st October.

MR. CHAIRMAN: What is the total amount out of which this amount has been paid?

SHRI C. SUBRAMANIAM: As far as the workers are concerned a total amount of Rs. 93.64 crores has to be paid and out of that Rs. 16.66 crores have been paid upto 13th August. And this is with reference to the workers, and not with regard to the Government servants.

MR. CHAIRMAN: And this all relates to 388 employers.

SHRI C SUBRAMANIAM: This is the total amount to be paid. The amount in respect of the 388 employers is about seven crores, out of which four crores have already been remitted.

MR. CHAIRMAN: And they have given the accounts to the workers.

SHRI C SUBRAMANIAM: A large number of people have not given the individual account. The money has been deposited with the Government. There is no question of any default. The money is available with the nominated authority.

This is how the matter stands and as far as the payment is concerned. I have already stated that we take the full responsibility for the payment whatever might be default or the offence.

With regard to the question, as to how we are going to collect the amount from the defaulter, we have provided in this Act that this could

be collected as land revenue through summary proceedings and also there is a provision of penal interest at the rate of 25 per cent on the monies held by them. The drive has been launched and the recoveries, apart from the prosecution, would be made in an expeditious manner. As I said, prosecution has been launched against 59 employers. Earlier, the procedure was that in each case they used to write to us and get sanction for prosecution. We have now given a general sanction that whosoever has defaulted, even without coming to us, they could launch the prosecution. They need not come to us for each case. With regard to the 388 employers, general power has been given to the Provident Fund Commissioner to launch the prosecution.

MR CHAIRMAN. Do they report to you, what they have done?

SHRI C SUBRAMANIAM: They do. For recovering the amount, the proceedings will have to be taken through the collectors for recovering this amount as land revenue.

So, this is the position. Therefore, please do not try to create an impression that the whole thing is a big fraud. If you take the total amount which has been collected under the DA, it is Rs. 1047 crores, out of which Rs. 3 crores are found to be missing. So, let us not exaggerate this thing. But I do not, as the same time, minimise the gravity of the offence as far as the individuals are concerned. But, if you take the totally, out of Rs. 1050 crores, only Rs. 3 crores are missing.

SHRI INDRAJIT GUPTA: If it is Rs. 1000 crores then one-fifth of it comes to Rs. 200 crores. The figures do not tally.

SHRI C. SUBRAMANIAM: I am talking about both inclusive of workers and Government employees. I gave the figures with reference to

[Shri C. Subramaniam]

workers alone in public sector and private sectors. The total of Rs. 1050 crores relates to Government employees also. As far as that is concerned, there is no difficulty because we keep accounts there. That is why I was giving the total amount involved.

Therefore, this is the situation and I want to give the assurance to the hon. Member that no labour would be allowed to suffer because of the default of anybody—employer or even our own officers. Everybody would be granted and if the Government cannot pay, certainly then it is a serious matter. I hope the solvency of the Government is not doubted by even the hon. Members. Therefore, nobody need be under any apprehension. We take the full responsibility for that and we would also see that it is paid as expeditiously as possible.

In addition, the hon. Member has made a reference about the appeal I have made—'Do not go and withdraw this money and consume it immediately. We have given very attractive terms. If you again re-deposit it with the Government, we will give you 2.5 per cent over and above the bank rate which is presently 10 per cent. We will give 12.5 per cent if you deposit it for five years more. It is with the full backing of the Government guarantee and not the employer's guarantee. If they re-deposit, then the money is available with the Government for investment, etc. To that extent, consumption need not increase within the country which, otherwise, is likely to increase the inflationary trend. Of course, the hon. Member's point of view is that it has nothing to do with inflation. There we beg to differ. I suppose we need not argue that point here because in my view it is simply a law of demand and supply. If the demand is more and the supply is less, automatically inflation goes

up and the demand is represented by the money supply within the system as such. So, to that extent, the money supply is curtailed. That is our view. The hon. Member may not agree with that because he is always thinking of a different system altogether where this does not play any role at all, but, unfortunately, in our system this does play a role.

SHRI INDRAJIT GUPTA: But what about the money supply with employers? You do not seem to be bothered about it.

SHRI C. SUBRAMANIAM: The hon. Member mentioned that while the workers have been called upon to sacrifice for another year, nothing has been done with regard to others. .

SHRI INDRAJIT GUPTA: I did not say that.

SHRI C. SUBRAMANIAM: With regard to other income-tax payees which include the employers also, the hon. Member is aware that there is a compulsory deposit and that compulsory deposit has been in existence for the last two years. But now we have increased the percentage to be deposited and the corporate sector also has been called upon to deposit 5 per cent of the profits into a compulsory deposit for five years. Therefore, it is not as if the corporate sector has been left out or the individuals who are income-tax assesses have been left out. They have also been called upon. So, as far as we are able to conceive, we are trying to hold the balance even and there is no question of being partial towards it or discriminating against the labour.

The hon. Member seems to think that he is the only person or this is the only Party interested in the welfare of the workers and that as far as this government is concerned, it is an exploiter of the workers. I want to disabuse him of this; kindly grant us our bona fides also. We are

as much interested in the welfare of workers, if not more, as far as the workers are concerned and that will always be our attitude and we will give priority to the welfare of the workers and also to the welfare of others who are even below the workers' standard with regard to the availability of consumption money and the availability of essential commodities. From that point of view, I would respectfully submit that while I do agree that perhaps all the figures could have been given when the question was put, I am sorry I was not present at that time and perhaps my colleague also did not anticipate that such details would be asked for. We gave all the figures in the other House and now I have given all the figures in this House. I want to give an assurance that the workers interests will be fully protected and the Government stands guarantee for it.

SHRI INDRAJIT GUPTA: What about the list of 388?

SHRI C. SUBRAMANIAM: I shall certainly place it on the Table of both the Houses. I have agreed. I am told it will be a very interesting list.

MR. CHAIRMAN: Shri Chandrappan may please put a question. No speech.

SHRI DINESH JOARDER (Jorhat): Can I put a question?

MR. CHAIRMAN. No.

SHRI C. K. CHANDRAPPAN (Telli-cherry): The Half-an-hour discussion has been useful, in that an assurance has been given by the Minister, which assurance was not coming from the hon. Deputy Minister, that day, that the Government will take responsibility for payment. You have said that out of Rs. 7.34 crores...

SHRI C. SUBRAMANIAM: You need not repeat the figure. You put the question

SHRI C. K. CHANDRAPPAN: Payment to the extent of Rs. 4 crores was defaulted by the Public Sector undertakings. Out of 388 employers who have defaulted, you have proceeded against 58 only. Against the others you have now given a sanction to proceed. I would like to know what action the Government will take against those who are in-charge of those public sector undertakings who did default, whether any action has already been taken against the people who are in-charge of those undertakings or whether the Government intends to do something about it soon. Out of Rs 93 crores which had to be refunded you yourself admitted that about Rs. 16 crores. That means nearly Rs 77 crores have to be refunded. You yourself admitted that the accounts are almost in a mess. How will you ensure that the accounts will be properly made within the stipulated time, i.e. by 31st October, 1976? What steps will the Government be taking for ensuring that this large amount of accounts will be set right within the stipulated periods?

SHRI S. M. BANERJEE (Kampur): The hon. Minister knows that there is a Joint Consultative machinery. We were assured that all the Central Government employees will be given a receipt so that they may know what amount has been deposited. In some of the Departments receipts have not been given. I would like to get an assurance from the hon. Minister that these receipts will be distributed in all the Departmental undertakings and Central Government offices so that they may have confidence and there may not be any suspicion that the money will not be paid to them.

An assurance was there to the effect that every depositor or every Government employee whose money has been impounded—D. A. or wages—will be given a further receipt.

MR. CHAIRMAN: Intimation .

SHRI S. M BANERJEE: We call it a receipt.

SHRI C. SUBRAMANIAM: He means an account of it.

SHRI B. V. NAIK (Kanara): The total amount that has been deposited according to the figures given here exceeds a thousand crores of rupees I hope you will kindly permit me to ask or to suggest about the workers' sector about which we had a discussion *in camera* the other day in the Consultative Committee. There was this discussion in the consultative committee and the hon Minister was good enough to say that we will be given the outlines of this Workers' Sector in course of time May I know from the Minister that in order to ensure that the workers have a stake in the workers' sector whether there will be certain advantages for them in belonging to the workers' sector in as much as when a government employee retires or when a worker in a public sector retires then this particular workers' sector will give preference in regard to employment to his progeny or heir?

MR. CHAIRMAN: Where does the 'Workers Sector' come in this discussion?

SHRI B. V. NAIK: We had a discussion

MR. CHAIRMAN: Don't enlarge the scope of the discussion You can raise it on another occasion, not now. This does not arise now Don't confuse the issues; already there is enough confusion!

SHRI B. V. NAIK: Kindly bear with me. Since the hon. Minister has already stated about it, may I know whether my first suggestion at least is acceptable?

MR. CHAIRMAN: Even that does not arise.

SHRI B. V. NAIK: This is regarding the utilisation of the money which is belonging to the workers. What better constructive use can be there? This will have a futuristic value and it will have some relevance.

MR. CHAIRMAN: You are a great futurist, I agree. But please choose some other occasion, not this one. Now, Dr Ranen Sen.

DR. RANEN SEN (Barasat): Yesterday the hon. Minister made a statement in the Rajya Sabha. That statement does not tally with the statement which he made here today. He said there:

'As on 13th August, 1976, an amount of Rs 20.66 crores has been repaid towards the principal.'

Today he says, Rs. 16.66 crores of DA has been repaid. The Minister will try to tally these figures but I have not been able to tally them I am surprised about it and that is why I am bringing it to his notice. My main question is this In the list that was supplied yesterday in the Rajya Sabha, names of some very big employers are mentioned The Sahu-Jain group is there There are names of Jaipur Minerals Development Syndicate, Jaipur Udyog Kanpur Jute Udyog, Alok Jain group and so on In the jute mills category there are Bajorias, R. N Goenka, Bird Group of Jute mills, in default of Rs. 1.56 crores and they have gone in appeal to the High Court. This must be known to the hon. Minister. So, this thing is happening. My question is this I can understand this in smaller units, though it is not permitted Here you find big employers like Sahu-Jain, Bajorias, Goenka and Bird and Company. My question is whether the Government while prosecuting these companies have ever thought of arresting any of them under MISA.

So many workers are being arrested under MISA. Why not apply a

little bit of MISA to some of these big tycoons so that it becomes an object lesson to the rest of the employers who are defaulting.

SHRI B. V. NAIK: Why not COFEPOSA? It is also very relevant.

DR. RANEN SEN: Some deterrent punishment is now called for. This is my suggestion. Have Government thought of it? Because they are going to the High Court. After defaulting the money, they are going to the High Court and the High Court is giving them certain relief in the form of stay order. Why not then taken the bull by the horns and arrest them under MISA?

MR. CHAIRMAN: Is it his information that they have got stay in some cases?

DR. RANEN SEN: This is my information. I came recently from Calcutta. I was astonished to find that the Calcutta High Court can do anything. So behind the back of the High Court, some of these fellows can be arrested under MISA so that it becomes an object lesson. This is my suggestion and also question, whether Government have thought of it.

MR. CHAIRMAN: It is a suggestion for action

SHRI S. M. BANERJEE: His suggestion is that both should be arrested—the High Court judges and the employers!

DR. RANEN SEN: No, no I am making this suggestion very seriously, not in the spirit in which Shri Banerjee has suggested.

SHRI C. SUBRAMANIAM: The first question put was about the defaulters in the public sector. We shall certainly examine it and try to find out whether there has been any mala fides in that. If that is so, even if it be the public sector, we would not hesitate to take action. We will

have to look into in what circumstances the officers made the default. That is quite a different thing.

As far as compilation of accounts is concerned, the number of accounts is round about 76,500—so many employers are concerned in this. Out of these, apart from 388 who have not deposited the amount, about 10,000 employers have not given the account as such. So we will have to pursue them and get the accounts from them. As I have already said, it is only a question of compilation because it is bound to be in the account, muster roll, when money is paid. So we will try to deploy teams to each State and compile the accounts. That is why I am taking two months period so that by 31 October at least, it should be completed. Therefore, as far as that is concerned, that compilation will be done and we shall try to complete it as quickly as possible.

As far as giving receipt is concerned, it is not the receipt that is given. It is a kind of statement of account, so much of money having been given. Except for the 10,000 odd, the others have given statements to each individual employee.

MR. CHAIRMAN: He says that some government departments have not done it

SHRI C. SUBRAMANIAM: In government departments, I do not think there is any difficulty because nobody can take away the money.

SHRI S. M. BANERJEE: It has been done in some departments.

MR. CHAIRMAN: If it has not been done in some departments, it may be done.

SHRI C. SUBRAMANIAM: If it is brought to my notice, I will see that it is given.

[Shri C. Subramaniam]

I am glad you yourself said that the workers' sector does not arise now; it will be too wide a subject to be dealt with in a half hour discussion.

I am glad Dr. Sen made the point that some of these fellows have gone to the High Court. The High Court belonging to his own State has got its own standard. I do not want to say anything about it. They have given stay, in regard to prosecution and perhaps even with regard to the recovery of the amount I do not want to say in what cases stay has been given in the Calcutta High Court. But this is not the only instance. I am sure hon. members are aware of so many investigations having been held up by just giving stay. And once a stay is given, the petition for stay also does not come up for orders for years together. That is the real difficulty

DR. RANEN SEN: That is why I am suggesting MISA.

SHRI C. SUBRAMANIAM: Unfortunately, there are those who believe in the judiciary, the wisdom of the judiciary. But these are the facts of

life. So we have to take that into account. I do agree some people have obtained stay in this matter, and it is rather a strange thing. What to do in those cases certainly we shall take into consideration. We should not get into contempt for those very offences in regard to which the High Court has given stay, if I take action under MISA. It should be for some other reason; the same reason can not be used.

SHRI INDRAJIT GUPTA: You do not have to give reasons under MISA nowadays.

SHRI S M BANERJEE: Ask any police officer and he will tell you (Interruptions).

SHRI C. SUBRAMANIAM: In appropriate cases, perhaps for the purpose of teaching a lesson, something might be done. But I am not giving you any assurance with regard to that. Certainly it is a worthy suggestion to be examined.

12.50 hrs.

The Lok Sabha then adjourned at Eleven of the Clock on Thursday August 26, 1976/Bhadra 4, 1898 (Sakt)