

[Shri Moo Chand Daga]

Page 9,—

after line 3, insert—

“(1A) Every person who is and has been a workman within the meaning of the Industrial Dispute Act, 1947 before the appointed day (31-10-1972) in respect of Sick Textile Undertakings (Taking over of Management) Act, 1972 (72 of 1972) the Management of which could not be taken over by the Central Government by reason of any decree, order or injunction of any court shall become or and from the appointed day (31-10-1972) an employee of the National Textile Corporation and shall hold office or service in the National Textile Corporation, with the same rights and privilege as to pension, gratuity and other matters as would have been admissible to him though the services of such employee become terminated or dismissed by the Management after the appointed day (31-10-1972) of the Sick Textile Undertakings (Taking over of Management) Act, 1972, (72 of 1972) except on grounds of criminal conviction.”

श्रीर मैं ने इस में यह भी दिया कि यदि वे क्रिमिनली कन्विक्ट हुए हैं किसी अप्रॉक्स के लिए तो आप उन को वापस न लें। तो यह एक बड़ा अच्छा सजेशन है और मंत्री महोदय तो लेकर के हिमायती है। उन के रहते हुए अगर यह मजदूरों को न मिल सका तो फिर कब मिल सकता है? सैकड़ों मजदूर इस तरह के हैं जिन को 31 अक्टूबर के बाद निकाल दिया गया है। जब आप ने हुकम दिया कि मिलों को ले लिया जाय उस समय उन को निकाला गया है। तो इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के नीचे उनको आप ले लीजिए यही मेरा कहना है। मैं आपको इस के उदाहरण भी देता हूँ। एक त्रिपुटी काटन मिल है, सूर्य नारायण उस के ओनर हैं, उन्होंने 20 बर्सेस को निकाल दिया कोर्ट का इंजक्शन ला कर। उस के बाद वह

इंजक्शन खत्म हो गया। आप के पास मिल वापस आ गई।

कई जगह ऐसा हुआ है और खुद आप का ऐक्ट कहता है कि जो इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के अन्दर हमारे एम्प्लॉईज होंगे उन को लेंगे। मेरे ख्याल में राम सिंह भाई भी इस को सपोर्ट करेंगे।

SHRI S. M. BANERJEE: I have two amendments—215 and 174

MR. CHAIRMAN: Are you moving amendment No. 215 also?

SHRI S. M. BANERJEE: Yes, Sir.

I beg to move:

“That the Attorney-General of India be requested to address the House and clarify whether the words “and other matters” in clause No. 14(1) of the Sick Textile Undertakings (Nationalisation) Bill, 1974 include provident fund also.” (215)

This is consequential. My amendment No. 174 says:

“Page 8, line 38, after “gratuity” insert “provident fund”.

All of us have requested the Minister that provident fund should be included. Today the provident fund arrears from the employers runs to the tune of Rs. 22 crores. Textile mills are the largest in this. They have not paid the workers provident fund at all. I can quote several instances from my own constituency—Kanpur—where the Lakshmi Rattan Cotton Mill has not paid a copper. Many mills have not paid. So, I request the Minister to kindly accept this amendment.

17.20 hrs.

(Mr. Speaker in the Chair)

WELCOME TO PRIME MINISTER OF NEPAL

MR. SPEAKER: Hon. Members, it is a great pleasure and honour for

us that His Excellency, the Prime Minister of Nepal is visiting our Parliament today. On behalf of all of you and myself, I extend to him and his colleagues a very very hearty welcome.

The relations between our two countries go back to the distant past. They are very ancient. We have inherited a common culture and there are many things in which we cooperate and collaborate.

It is an honour to us that His Excellency is visiting Lok Sabha, though for a very short time, because the time at his disposal is limited. We are extremely grateful to him for coming to our House, though at the fag end of the session when most of the Members are gone, either for a cup of tea or something else. Still, there are quite a substantial number present. It must be conveyed to him that when he is amongst us, we try to treat him as one of us, as our own brother.

Personally, for me it is a very rare occasion that a member of my fraternity got promoted as Prime Minister. He was the Speaker of the Rashtriya Parishad. Thank you very much.

**SHRI S. M. BANERJEE (Kanpur):**  
Let us follow it here also.

**MR. SPEAKER:** No, no. Please do not mention it.

17.23 hrs.

#### SICK TEXTILE UNDERTAKINGS (NATIONALISATION) BILL—

Clause 14 (*Employment of certain employees to continue*)—contd.

**SHRI S. M. BANERJEE (Kanpur):**  
My amendment No 174 seeks to insert the words "provident fund" because at present clause 14(1) does not speak of provident fund. It only talks of gratuity, pension and "other matters". We are told by the hon. Minister that the legal opinion obtained

by him is that "other matters" include provident fund. In my opinion, when this Bill is passed and it becomes a law, it will be open to any employer, including an officer or manager of the National Textile Corporation, to deny provident fund and then it is left to the worker to approach a court of law to get a correct interpretation of "other matters". We cannot expect the workers to go from court to court, from the High Court to the Supreme Court. He is unable to do so with his meagre resources and deduction under the CDS. In that case, it will be left to the sweet will of the employer, even of the National Textile Corporation, to interpret it according to his whim or fancy. While one employer may say that "other matters" include provident fund, another employer may say that it does not include provident fund.

17.24 hrs.

(**SHRI ISHAQUE SAMHHALI** in the Chair)

The hon. Minister says that he is satisfied with the legal opinion obtained by him and that "other matters" include provident fund. If he says that, then I would request you to allow me to move this motion that the Attorney-General of India be requested to address the House and clarify whether the words 'and other matters' included in Clause 14(1) of the Sick Textile Undertakings (Nationalisation) Bill, 1974, include provident fund also. Unless he comes here and unless the House is satisfied, I am going to press my amendment to vote. Let the Minister reply whether he is prepared to get the opinion of the Attorney-General. I am told that the opinion obtained from the Solicitor-General is that the expression does include the provident fund also. My hon. friend, Mr. Ramsingh Bhai, I think read it out on that day. When there was a strike in the textile mills, Indore, my hon. friend, Mr. Ramsingh Bhai and my hon. friend, an ex-Member of this House, Shri Homi Daji, agi-