

SHRI P. G. MAVALANKAR (Ahmedabad): During the last week, or so, not once but three times, the Gujarat administration had been declaring one after another hundreds of villages as scarcity and drought affected. I have been demanding again and again that the Central Government must give adequate financial assistance to the drought affected State. No statement is coming. The Minister of Parliamentary Affairs is sitting. I should request him through you to make a statement that the Government of India would assure the State Government of Gujarat adequate financial assistance so that the scarcity hit areas would be adequately looked after.

*SHRI S. A. MURUGANANTHAM: (Tirunelveli): Mr. Deputy Speaker, Sir, in Tamil Nadu, Ramanathapuram District, Pudukkottai District, Tirunelveli District, Madurai District, parts of Tiruchinapally District which have not got Cauvery waters for irrigation, and Coimbatore District are facing acute drought conditions. In fact, starvation deaths have also taken place in Ramanathapuram District. I suggest that these areas should be declared as famine-afflicted areas if the Government of India want to avoid further starvation deaths in these parts of Tamil Nadu. The Tamil Nadu Government have requested the Central Government to sanction Rs. 5 crores immediately for the purpose of undertaking drought-relief programme in these areas. I appeal to the Central Government through you that this sum of Rs. 5 crores should be sanctioned immediately to Tamil Nadu Government so that famine relief works can be undertaken forthwith. If the Government of India commit any further delay in sanctioning this sum as requested by the Government of Tamil Nadu, I am afraid that starvation deaths will not only continue unabated but will also increase in future.

14.44 hrs.

SICK TEXTILE UNDERTAKINGS (NATIONALISATION) BILL-Contd.

MR. DEPUTY-SPEAKER: Now we shall resume our discussion on the Bill... (*Interruptions*). These points were not there in the agenda. Even so you have mentioned them and they have gone on record. It is for the Government to take note of them since I have allowed these things. Let us get on to the business now. We resume discussion on the points of order raised yesterday, relating to clause 5. You remember what we did yesterday and it will be a good thing to start with what the hon. Minister has got to say.

CLAUSE 5 (*Central Govt. or National Textile Corporation not to be liable for prior liabilities*)

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI B. P. MAURYA): Sir, during the consideration of clause 5 of the Bill, the hon. member, Shri C. M. Stephen, had raised a point of order to the effect that clause (a) of sub-clause (3) of clause 5, as proposed to be re-numbered, is contradictory to clause 3 of sub-clause (2) of clause 5 and as such the Bill cannot be proceeded with. I am quoting from Mr. Stephen's yesterday's speech:

"My submission is that 'Save as otherwise provided elsewhere in the Act' must be exclusive of this clause. We are passing a clause. When you say, 'elsewhere in this Act' it cannot mean in the same clause... it can only be elsewhere in the Act exclusive of this clause, in some other clause; not the same clause. There are two mutually contradictory positions. It is a stultification; it is a statutory fraud and should not be permitted."

The point of order was upheld by your honour....

MR. DEPUTY-SPEAKER: I did not. I did not give my ruling. I was only formulating and summarising what the other members said.

SHRI B. P. MAURYA: I withdraw it.

I have already submitted to this House that there is no contradiction between clause (a) of sub-clause (3) and clause (c) of sub-clause (2) of clause 5. The contradiction was expressly avoided by the deliberate use of the words "Save as otherwise provided elsewhere in this Act." It was, however, contended by the hon. member that sub-clause (3) being part of clause 5, the expression 'elsewhere' will refer to the other clauses of the Bill but will not refer to any of the sub-clauses of clause 5. I most humbly draw the attention of the hon. member to the observation of the Privy Council with regard to the construction of exceptions in statutes. I am quoting from AIR 1947 page 205. Privy Council:

"It is familiar principle of statutory construction that where you find in the same section express exceptions from the operative part of the section, it may be assumed, unless it otherwise appears from the languages employed, that these exceptions were necessary, as otherwise the subject-matter of the exceptions would have come within the operative provisions of the section."

It will be seen from the amendment which has been made to clause 4 (1) of the Bill that not only the assets specified therein have been acquired but also the liabilities specified in sub-clause (2) of clause 5 had been acquired by the Central Government. In the circumstances, the rule of harmonious construction has to be followed in respect of clause (c) of sub-clause (2) of and clause (a) of sub-clause (3) of clause 5. If this is followed the

construction will be that the liabilities specified in clause (c) of sub-clause (2) have been accepted by the express words "save as otherwise expressly provided elsewhere in this Act". That being so, no amendment of the clause appears to be necessary. However, in view of the doubt which has been expressed and in order to make it patently more clear. I may be allowed to move an amendment to clause 5, which will read:

"Page 5,-

for lines 9 to 13 substitute—

"(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability, other than the liability specified in sub-section (2), in relation to a sick textile undertaking in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the National Textile Corporation."

MR. DEPUTY-SPEAKER: Yesterday we had a gentlemen's agreement that we must do our best to get this Bill passed today. Therefore, let us proceed in a definite manner so that we do not waste more time. I will give you some information which I think the Minister also has referred to a little while ago. He has sent notice of another amendment to this clause with a view to removing certain reasonable doubts. Although he says that in his opinion this should have been enough, even so, in order to remove reasonable doubts, he has sent a further amendment. It has been circulated. It says:

"save as otherwise expressly provided in this section or in any other section of this Act, no liability, other than the liability specified in sub-section (2) in relation to a sick textile undertaking in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the National Textile Corporation."

[Mr. Deputy Speaker].

Of course, he will move it at the time of moving the amendments. In view of this, one of the objections has been overcome. I think that objection is basically met. Now we can proceed with the clause.

The amendment will come when the stage of moving the amendments comes. Now it is only relating to this point of order whether we can proceed with the discussion of this Clause and I have said that, in view of this, we can now proceed.

SHRI S. M. BANERJEE (Kanpur): I would like to know from the hon. Minister about this particular amendment which he has moved...

MR. DEPUTY-SPEAKER: He has not yet moved. You can raise that when we discuss the amendments.

I think, we can now proceed. Certain amendments were moved yesterday. Those amendments which have moved yesterday are treated as moved. There are two new amendments. One is amendment No. 232 given notice of by Shri S. M. Banerjee...

SHRI S. M. BANERJEE: I withdraw that. I do not want to move that.

MR. DEPUTY-SPEAKER: The Minister may move his amendment.

SHRI B. P. MAURYA: I beg to move:

Page 5,-

for lines 9 to 13 substitute—

“(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability, other than the liability specified in sub-section (2), in relating to a sick textile undertaking in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the National Textile Corporation.” (233)

MR. DEPUTY-SPEAKER Now we

have a discussion on all the amendments moved to Clause 5.

DR. LAXMINARAIN PANDEYA: ...He is not here. Mr. S. M. Banerjee.

SHRI S. M. BANERJEE: My first amendment is amendment No. 77. I have explained it yesterday. May I invite your kind attention to page 5 of the Bill:

“(c) wages, salaries and other dues of employees of the sick Textile undertaking, in respect of any period after the management of such undertaking had been taken over by the Central Government.”

This does not give protection of those wages and other dues which were due to the employees, to the textile workers, in the period prior to take-over. Some mills were taken over before the appointed day. For example, I will give the instance of two mills taken over by the Central Government and the State Government in Kanpur, Muir Mills and the New Victoria Mills.

15.00 hrs.

Now, the workers were not retrenched. Some of the workers may be retrenched. But later on, I got a letter from the hon. Minister, Shri Pai, that in those cases where the services of the workers are transferred to the nationalised sector, the interests of the workers will be properly safeguarded. That is why I have moved an amendment in order to translate that assurance into action. The amendment is for omission of “ in respect of any period prior to and after the management of such an undertaking has been taken over by the Central Government.” But this does not mean any protection to the period which is prior to taking over that establishment or the undertaking. So, I will request the hon. Minister to accept this amendment which stands in my name and in the name of my hon. friend, Shri Indrajit Gupta. If this amendment is

accepted, that will safeguard the entire period whether he was employed in Singhania or Baglas or Thapars. This entire period will be covered when the mill is taken over and nationalised. Otherwise, it will go against the spirit of nationalisation and the vested interests and reactionary forces led by many political parties to scandalise nationalisation will try to sabotage this bit of nationalisation and our demand of nationalisation of the entire textile industry. That is point No. 1.

My another amendment to the same clause is No. 99. He has already accepted that amendment and has moved his own amendment. Then there is another amendment of mine No. 100. What happens is that industrial disputes take place and the courts give a decision or award, whether it is arbitration or adjudication, in favour of the employee. That means, supposing this arose in 1900 and it goes on till 1922 or 1971, then, in such cases, the Labour Courts might have taken decisions. Now, what will happen? Will those decisions or awards in favour of the employees be honoured? They should be honoured and the amounts due to the workers should be granted even if they related to the period prior to the taking over of these mills. I hope the hon. Minister will take a note of this and this amendment of mine.

MR. DEPUTY-SPEAKER: You accept his amendment?

SHRI PILOO MODY (Godhra): But not nationalise them.

MR. DEPUTY SPEAKER: At least we must nationalise you.

AN HON MEMBER: Rationalise him, not nationalise.

SHRI ERASMO DE SEQUEIRA (Marmagao): He is large enough to be shared by everybody.

SHRI S. M. BANERJEE: I hope these amendments will be accepted by him as he has already accepted the spirit behind them. I am prepared to accept similar amendments if brought by anybody. He has actually discus-

sed these with us and I am thankful to him. If these amendments come later on, I am prepared to accept them.

This Amendment No. 77 is the substance which goes into the various aspects, larger interests of the employees, protecting the rights of the employees, the dues of the employees, pensionary liability and other things. So this is very essential, and so I am moving this. I request him to accept this amendment.

श्री राम सिंह भाई (इंदर) : श्रीमन, क्लाज 5 में रूँरे 83 से 87 तक संशोधन है। पहला संशोधन क्लाज 5 के पहले ग्राइटम में जो यह कहा गया है "नियत दिन से पूर्व की अवधि की बकाया जो राशि है वह दायित्व कॉरपोरेशन और केन्द्रीय सरकार पर नहीं आता है, पहले के मालिक हैं उनसे वसूल किया जाय।" मेरा संशोधन यह है कि जो यह श्रमिकों की बकाया राशि पर लागू नहीं होता। पहले के मालिकों से वसूल करने का काम, जो श्रमिकों की रकम निकलती है वह उन पर लागू नहीं होता बल्कि केन्द्रीय सरकार और कॉरपोरेशन पर लागू होता है। उस का कारण यह है कि अगर पहले के मालिकों से वसूल करना होता तो मजदूर पहले ही वसूल कर लेते। लेकिन सरकार ने नहीं करने दिया क्योंकि सरकार ने कहा कि जो कानून है प्रोवीडेंट फंड आदि की बकाया रकम जो मिल मालिक जमा नहीं कर रहे हैं उस को वसूल करने की सरकार की जिम्मेदारी है, मजदूरों की नहीं। क्यों कि वह ट्रस्ट है सरकार का बनाया हुआ, उस के अन्दर वह रकम जमा रहती है। अगर कोई मालिक जमा नहीं करता है तो उसे सरकार वसूल करेगी। मजदूरों ने हड़ताल की केन्द्र के श्रम मंत्री आदि से मिले हैं, स्टैंट गवर्नमेंट के मिनिस्टर्स से मिले हैं और कैंस भी दायर किये हैं, एक मालिक को कटघरे में खड़ा कर दिया, उस की जमानत नहीं हो रही था और कोर्ट का निर्णय आने वाला था। उस वकत सरकार ने केस विदङ्गा किया। तो मजदूरों

[श्री राम सिंह भाई]

की जो प्रीवीडेंट फंड आदि की लेनदारी है उस के लिये मजदूर मालिक के पास नहीं जायेंगे, बल्कि जिन्होंने वायदा किया है उन से वह लेने को है। इसलिये श्रमिकों की बकाया लेनदारी के लिये सरकार और कोरपोरेशन जवाबदेह है। और किसी का बकाया निलकता हो बनिये आदि का वह पुराने मिल मालिकों से न, हमें कोई एतराज नहीं।

दूसरा संशोधन यह है "केन्द्रीय सरकार द्वारा ऐसे उपक्रम का प्रबन्ध ग्रहण करने के 'पश्चात्' किसी भी अवधि के सम्बन्ध में, मेरा यह संशोधन है कि "पूर्व" रखा जाय 'पश्चात्' क्यों। जो राशि निकलती है वह तो प्रबन्ध ग्रहण के पूर्व की ही निकलती है। नहीं तो सरकार को टेक ओवर करने की आवश्यकता क्यों पड़ी? मजदूर कह रहे हैं कि हमारी राशि जमा नहीं करा रहे हैं, वेतन नहीं दे रहे हैं, मिसमैनेजमेंट हो रहा है। और यह सारी जवाबदेही सरकार की है। मैंने पहले भी कहा था टेक ओवर करने के पहले मजदूरों की राशि, केवल एक मिल की बात कर रहा हूँ। 1 करोड़ 12 लाख रु० के ऊपर होती है जो प्रीवीडेंट फंड और ई० एस० आई० की होती है।

एक साल का नहीं है लगातार बरसों से चला आ रहा है। मजदूर कह रहे हैं वसूल करो लेकिन किया नहीं जाता है। मजदूर कोर्ट में नहीं जा सकता है। वसूल करने की जवाबदारी गवर्नमेंट की है। 1 करोड़ 12 लाख रुपये मजदूरों का प्राविडेंट फंड का हो गया है लेकिन आप वसूल नहीं कर रहे हैं। फिर कहते हैं कि जवाबदारी हमारी नहीं है। क्यों नहीं है? आप अगर यह जवाबदारी नहीं लेते हैं तो आपका राष्ट्रीयकरण सफल नहीं हो सकता है। अगर आप मजदूरों की रकम को देना नहीं चाहते हैं तो यह राष्ट्रीयकरण आपको बहुत महंगा पड़ेगा। मजदूर कभी भी राष्ट्रीयकरण का समर्थन नहीं करेगा। उनकी रकम के ऊपर आप

पानी फेर रहे हैं। जिन से वसूल आपको करना चाहिये था उन से आपने किया नहीं। इस वास्ते मेरा संशोधन यह है कि "नियत दिन से ही" को लोप कर दिया जाए इसको ही खत्म कर दिया जाए। नियत दिन कोई नहीं है। यह मैं खत्म कर देना चाहता हूँ। जब टेक ओवर किया गया तो मजदूरों को कहा गया कि आप सहयोग करें। मजदूरों ने कहा कि हम रेस्ट इंटरवल में भी काम करेंगे। हम उत्पादन बढ़ायेंगे। उन्होंने कहा कि वेतन का यह हिस्सा जो हम ज्यादा काम करके कमाएंगे जब मिल प्राफिट में जाए तो हमें दे देना। इस तरह से थोड़ा उन्होंने वेतन में से ही कंसेशन दिया। मजदूरों ने रोजाना दो रुपये कम लेकर काम किया और अब जब मिल ने 1972 और 1973 में प्राफिट करना शुरू किया तो आप कहते हैं कि आप पैसा देगे ही नहीं तो यह ठीक नहीं है। आप इस कानून के द्वारा बंदिश लगा रहे हैं कि नियत दिन के पूर्व का कोई नहीं। यह उचित नहीं है। यह गलत होगा। इससे अनर्थ हो जाएगा। मैं गवर्नमेंट से कहना चाहता हूँ कि एक मिल को आपने 1-4-1946 को टेक ओवर किया। टेक ओवर करने के बाद 1969 में 23 लाख 78 हजार 863 रुपये मजदूरों के प्राविडेंट फंड के गवर्नमेंट ने जमा नहीं कराया। 1970 में 33 लाख 59 हजार 905 रुपये, 1971 में 42 लाख 32 हजार 650 रुपये, 1972 में 40 लाख 84 हजार 968 रुपये और 1973 में 37 लाख 89 हजार 912 रुपये जमा नहीं कराए। ई०एस०आई०के 15 लाख 36 हजार चार सौ रुपये और बोस के 30 लाख रुपये। इस तरह से यह कुल राशि 83 लाख की हो जाती है जबकि 1946 में जब टेक ओवर नहीं किया गया था तब प्राविडेंट फंड की तथा ई०एस०आई० की राशि 11 लाख की ही थी। अब आप बंदिश लगा रहे हैं कि नियत दिन के पूर्व के लिए क्या आप जिम्मेदार नहीं है यानी 1-4-1974 के पहले का मजदूरों का कोई बलेम नहीं होगा। 83

लाख रुपये एक मिल के ज़िम्मे हो गए, आपके टेक ओवर करने के बाद के हो गए और आप कहते हैं कि आप इसकी जिम्मेदारी लेने को तैयार नहीं हैं। जो शैड्यूल आप ला रहे हैं उसमें आप कहते हैं कि एक हजार रुपया मिल का मुआवजा देंगे। तो मजदूरों के बकाया 83 लाख रुपये के क्लेम का क्या होगा 83 लाख रुपया जब से आपने टेक ओवर किया है तब के बाद का है। आपने अपने कर्जे में एसेट सारे रिड्यूस कर दिए हैं। अब एक हजार रुपये को शैड्यूल में आपने सब से पहली प्रायोरिटी दे भी दी तो मजदूरों को आठ आना भी नहीं मिलता है। इस तरह से मजदूरों के हितों पर कुठाराघात नहीं होना चाहिये। मजदूरों की रकम उनको मिलनी चाहिये। प्राइम मिनिस्टर की भी यही भंशा है। मैं उनको मुबारकबाद देता हूँ। उन्होंने आपको डायरेक्शन दिया होगा। मैं मोदी साहब से कहता हूँ कि प्राइम मिनिस्टर का जबर्दस्त हाथ है . . .

श्री पीलू मोदी: सरकार दोनों को नहीं मानती हैं।

श्री राम सिंह भाई: आप मान जाएं तो सब मान गए। आपके किए हुए को ही हम भोग रहे हैं। यह शरारत आप लोगों की है पूजापतियों ने ही की है . . .

श्री पीलू मोदी: मैं पूजापति कैसे बन गया ?

श्री राम सिंह भाई: आप अपना शरीर देखिये। आपके पेट में मेरे जैसे कितने ही पड़े शोके।

श्री पीलू मोदी: लेकिन मैं उगलने वाला नहीं हूँ।

श्री राम सिंह भाई: क्लाज 5 में मेरे दो सशोधन हैं। एक तो यह है कि "नियत

दिन से पूर्व ही" का लोप कर दिया जाए नियत दिन के पूर्व की जो पाबन्दी आपने लगा दी है और कह दिया है कि नियत दिन के पूर्व का जो भी मजदूरों का बकाया होगा नेशनल टैक्सटाइल कारपोरेशन और सरकार के विरुद्ध उसको लेने के लिए वे अदालत में नहीं जा सकते हैं तो मैं पूछना चाहता हूँ कि फिर बचा क्या ? आप हमारी टोपी मांगें, हम आपको अपनी टोपी दे देंगे, आप हमारा कुर्ता मांगें तो वह भी दे देंगे लेकिन आप कहें कि चड्डी भी दे दो उसे खोल कर फेंक दो तो यह नहीं होगा। यह अधिकार हमारा रहना चाहिये। दरअमल में अगर हमारी रकम मिकलती है उसको हम किसी भी समय वसूल करें यह फंडमेंटल राइट हमारा है और जो बना रहना चाहिये और इस पर पाबन्दी नहीं लगना चाहिए। आप कहते हैं कि मजदूर कोई दावा नहीं कर सकते हैं। क्यों नहीं कर सकते हैं, यह मैं जानना चाहता हूँ। इस बास्ते नियत दिन के पूर्व का जो पाबन्दी है इसको आपको निकाल देना चाहिये।

दूसरा मेरा सशोधन यह है कि "कोई" शब्द जो है इसको निकाल देना चाहिए और यह "नहीं" निकाल देना चाहिये यानी नहीं जा सकते हैं इसको निकाल देना चाहिए यानी दावा नहीं कर सकते हैं यह निकाल देना चाहिये। दावा कर सकते हैं यह रहना चाहिये।

मेरे ये दोनों ही सशोधन बहुत सीधे सादे हैं और मैं समझता हूँ कि मंत्री महोदय के गले उतर जायेंगे। इसे वह मानते भी हैं। इसलिए मैं निवेदन करता हूँ कि मेरे इन सशोधनों को वह स्वीकार कर लें।

SHRI S. R. DAMANI: (Sholapur):
I beg to move:

Page 5, lines 4 and 5.—after "Textile Corporation" insert—*or the State Textile Corporation, as the case may be,* (140)

SHRI C. M. STEPHEN (Muvattupuzha) Mr. Deputy-Speaker, Sir, after seeing the amendments moved by the hon. Minister I now feel that the purpose of most of the amendments moved by me has been more or less served.

Now, Sir, the reservation that most of us had was with respect to the provisions in the Bill as such. That is with respect to the liabilities prior to the takeover of the management. Somebody will be liable to take care of them. The amendments moved by the Minister, taking the totality of it, will now present the following picture with respect to the gratuity, pension and terminal benefits. The National Textile Corporation takes over the responsibility, not with respect to the period of subsequent to the takeover, for the entire period of service. Therefore, the terminal benefits should take care of this as far as I can see.

SHRI PILOO MODY: How do you come to this conclusion?

SHRI C. M. STEPHEN: You will please go through the amendments to Sections 14 and 15. Amendments to Sec. 15 definitely come to that. That is, the gratuity, pension and other benefits specially with respect to the provident fund, whatever fund is there, will have to be transferred. If no amount has been paid in time into the provident fund, then there is an amendment to Schedule which specifically states that the former arrears of provident fund would be collected from the amount payable to the owner. I am absolutely clear in my mind that once the management takes over the liability with respect to the provident fund, the management will not be able to, whatever is the provision in the Bill, keep that part payable, the employees' due, in vacuum. It will have to be filled up. The basic thing is, the management takes over the liability with respect to the provident fund. The entire provident fund will be transferred to the new management and the management will con-

tinue to be answerable to the workers for the provident fund. When they say that with respect to gratuity, they will be answerable, that with respect to pension, they will be answerable and that whatever provident fund is there, it will be transferred back and they will be answerable for the provident fund. It will certainly not stand to logic and administratively it will not be possible for the National Textile Corporation to continue to say that even if there are some arrears still due, that will not be paid in. The moment you accept the liability with respect to provident fund, it automatically follows that this will have to be paid in and I am absolutely sure that the Minister will come with some statement on this particular point which I am mentioning. Provident fund is taken care of. What then remains is only arrears with respect to wages and salaries. For the period prior to take-over, the position is very clear. With respect to pre-take-over period, management will not be responsible. With respect to the post-take-over period, management will be responsible. The post-take-over period in certain cases covers the period from the year 1959 and then it goes on to 1961, 1963 and so on. The last period relates to the year 1972—quite a large number of years. I do not believe, Sir, that the organised textile workers could have allowed this thing to remain in complete arrears, accumulated for such a long period. Wages could certainly not remain accumulated for a period of 13-14 years continuously. It can only be for a small period. Even if it is there, that is provided for in the Schedule. A great thing has been done by lifting up the priority to number one position in the pre-take-over category. So far, the position has been that wages due to the workers took number two positions in the pre-take-over category. Now, the Government have agreed to raise it to number one position in the pre-take-over category. There is a substantial amount payable to the employers. Of course, I do not forget that about four to five mills have to get

only Rs. 1,000 and all that. Checking up of these mills history would show that these are the mills which were taken over not yesterday and day before yesterday, but years back. With respect to those mills, accumulation of wages is just not a possibility at all and even if it is there, I am absolutely sure that that will be settled somehow. Specific provision has now been made. I do not press for a complete restructuring of the whole thing. The textile mills became sick, they were sinking and Government went into that question. I certainly do not want that Government should take-over the liability of a person who has brought it to the brim of drowning. I do not want that to be taken over by statutory powers. But, it does not mean that collective bargaining will not be possible. It does not mean that the organised working class will not demand that the payment be made. Whatever be the law, if the law for the workers is amended, they will be able to come to some settlement with the management. The only thing is that when they have a claim against the former owners and if it is conceded, then, of course, with respect to other liabilities also, it is possible that in law, the pressure can be mounted up against the Textile Corporation, and therefore, this bifurcation between these two periods, the pre-take-over period and the subsequent period is embodied in the whole scheme of things. Once that is conceded, wages and salaries is the only thing that has to be provided for and there is not much of a risk. Therefore, vital modifications have been effected. A series of amendments have been brought forward, amendments to Clause 4, amendments to Clause 5, amendments to Clause 14, amendments to Clause 15, amendments to the Schedule and so on. The totality of the whole thing is that, as Mr. Banerjee said yesterday, about 80-85 percent of the demands put forward by the Members of this House have been met. What remains to be met is something which cannot be met under the scheme of things. I am able to appreciate that, and therefore, I must congratulate the

Minister for the openness with which he reacted to these criticisms from this side and brought forward the amendments. I must say that here is an instance which shows that Parliament can assert and the assertion of Parliament will have to be accepted. I congratulate the Minister for having bowed to the will of Parliament to the extent possible, and for having brought forward the amendments. Now, the Minister has given notice of amendment of No. 52. There you have said, "in relation to any matter not referred to in the proviso to sub-section (1)". The proviso is gone. It is sub-section (2). I have not seen an amendment that way. Sub-section (2) must come in. I do not want that to be overlooked. Otherwise, dangerous consequences will follow. He may take note of it. Amendment 52 may have to be properly amended. There was a proviso.

SHRI SEZHIYAN (Kumbakonam): He has not moved amendment No. 52.

PROF. MADHU DANDAVATE (Rajapur): You are congratulating him on 52?

SHRI C. M. STEPHEN: Even without that, I congratulate him, because that is not very material. If that amendment is there, there is this lacuna. That is what I said. Even if there is not that amendment, nothing happens.

I am more or less satisfied with the amendments that have been moved. I certainly hope that other members along with me will now allow the Bill to get through the other stages so that it gets statutory sanction.

SHRIMATI ROZA DESHPANDE (Bombay Central): My amendments are Nos. 93 to 95. In this Bill, though Government have taken the responsibility of pre-take-over period for pension and gratuity, they have totally avoided taking responsibility for payment to the workers of wages, pending bonus and provident fund. In my

(Shrimati Roza Deshpande—contd.)

speech, I had said the workers had given this provident fund to the mill-owners who had run the mills with this as capital. The provident fund which has been taken away has been eaten up by the management of these mills. There have been frauds in so many mills. Government know very well that this money has been diverted by the managements to so many other industries. It was not that they were going into losses. There have been frauds and who are suffering? It is the workers. I know nationalisation is wanted by the workers. They welcome it. At the same time, the workers would resent Government not taking any responsibility of the payment of wages and bonus which has been taken away by the millowners.

Here there is another amendment to the effect that priority would be given in the Schedule, but this is not going to be sufficient. The banks which had given loans to the millowners at the time the mills had not been nationalised were a party to the frauds of the millowners. That is why the Government must take full responsibility for the payment of wages and bonus to the workers prior to the take-over. Do Government expect the workers to go to court and engage in litigation? It is your responsibility. You have taken over the management. In fact, you should go and attach the other commercial companies of these millowners where they have invested this money of the workers. Through fraud, they have taken away the money. It was not that they were going into losses. I again emphasize this—don't you bother about this payment to the nationalised banks because that money was given to the millowners by these private banks and they were party to the frauds.

I press my amendments. I want that Government take responsibility for payment of provident fund also. You can take responsibility for gratuity and pension. That money has to be provided for. Provident fund

money runs into lakhs and lakhs. Government had not taken any responsibility to pay them their provident fund and therefore I press my amendment.

SHRI SEZHIYAN: My amendment No. is 103. The amended sub-clause 2 protects the advances of the Central Government, the National Textile Corporation or the State Textile Corporation and the wages, salaries, etc. in respect of any period before the management was taken over. My amendment wants to give equal priority to the guarantees given by the State Government or by a State Textile Corporation to the banks and other financial institutions in respect of loans given to the sick textile undertakings and all loans advanced to such undertakings by banks and other financial institutions and any credit availed of for the purpose of trade or manufacturing operations in the period after take-over of the management. If this amendment is not put in there is the danger that many guarantees given by the Tamilnadu Government will be in jeopardy. As much as Rs. 732 lakhs had been given and the Government of Tamilnadu and the Tamilnadu Textile Corporation have issued guarantees. A sum of Rs. 230 lakhs had been given in the form of loans and a sum of Rs. Rs. 133 lakhs had been given by the State Government for sales tax, electricity dues, property taxes, payment to banks against earlier guarantees, etc. The Tamilnadu Industrial Investment Corporation have given loans. You are giving protection to unsecured loans. These are secured loans for which no protection has been given in the body of the Bill. I ask the Minister to take this into consideration when it finally comes up before the House and give it working or pragmatic shape, at least in the rules if not in the Bill. If that is not done and if the Bill is passed and implemented as such, the Tamilnadu Investment Corporation will suffer a loss to the tune of Rs. 1.6 crores. They have given the loan but with the way the compensation is being

worked out that will be simply wiped out because you have not protected it under clause 5.

Mr. Stephen is not here now. He was paying a compliment to the hon. Minister which is all right but he did so on a wrong amendment, amendment No. 52 which he thought was accepted and he eulogised the Minister. Being a gentleman, once having paid a compliment, he did not want to go back when he was told Amendment 52 was not moved by the hon. Minister. I feel that Amendment 52 in its present shape should be moved.

Sub-clause 2 is going to be sub-clause 3; you are going to amend it and by that amendment you say; no liability other than the liability specified in sub-section 2. Those have been protected; they are not going to be affected by the new sub-clause 3(a). When you come to 3 (b), you say: "no award, decree or order of any court, tribunal or other authority in relation to any sick textile undertaking passed after the appointed day in respect of any matter, claim or dispute etc.". Amendment 52 says "in relation to any matter not referred to in the proviso to sub-section (1)." It should be sub-section 2. You have not pressed that. What consideration you show to 3(a), you should show to 3 (b) also. There may be an award in respect of a bonus etc for the employees. Why not give protection?

SHRIMATI PARVATHI KRISHNAN (Coimbatore): There are four amendments in my name. First and foremost is the one about clause (c) of what will now become sub-clause (2) and clause (b) of what will become sub-clause (3). These are extremely important and I would appear to the Minister to accept them.

As regards the sick textile mills, Government has been acting like Kumbhakarna for years. The trouble started many years ago. We from the working class were pointing out

time and again the mismanagement and the super profits that were being made while the mills were neglected. One after another mills were closing down. Hundreds and thousands of workers offered satyagraha. In Kaleeswarar Mills in Coimbatore, way back in 1958 hundreds of workers went to jail offering satyagraha demanding take-over of the mill by Government. Government continued to sleep, snoring to glory. Workers in sheer desperation advanced money from their provident fund (by special sanction) to reopen the mills. At a time when Government was saying, "Please make the workers save" and the national savings become the "in-thing" for the Government and the footling janata insurance etc. was being emphasised, at that time, the hard-earned money of the workers was given as loan to the millowners to re-start the mills and run them, while we continued to say, "Please wake up and take over these mills." I am not going into that long history, but there is no safeguard in this Bill regarding those amounts. Kumbakharna is still only half or three-fourth awake. Since yesterday he is a little more awake.....

MR. DEPUTY-SPEAKER: He is too small to be Kumbakharna.

SHRIMATI PARVATHI KRISHNAN: But he represents the Government which is big, at least in numbers.

Even after the Bill was introduced in the Lok Sabha, gradually the awakening was going on. We got a first list of 37 amendments on 8th November. A few more were added in the name of Mr Maurya on the 11th. Then a little more black coffee was given and a further list of 15 amendments came. Then on 6th December and 7th December, after various discussions, some more amendments came. I agree with the minister that he has been very receptive. The amendments have been what we have been asking for, but still he has not completely woken up. I am not talking only about the provident fund which has been embezzled by the employers

(Shrimati Parvathi Krishnan—contd)

by not being paid into the P. F. account. I am referring to those amounts which were withdrawn by the workers with special sanction and given for running the mill at least for some period and then they closed down again.

This went on over a period of times, nearly 10 to 12 years. Now when you specify here that you are liable only for any period after the take-over of the management, what happens to their earlier savings? You talk all the time about the compulsory deposit scheme, no increase in wages, no increase in dearness allowance. For the Central Government servants three instalments of dearness allowance are due. They are clamouring for it and you are not prepared to pay it. You say that the workers should save, they should not spend too much. You have allowed money to be taken away from the hard-earned savings of the workers so that they can have employment and also get back that money when the production and productivity increases. Unless and until you ensure that whatever belongs to the worker goes to the worker, your lecture on production and productivity has no meaning. The worker gave his hard-earned money so that production may go on and now the mill-owners, the sharks, have run away with that money also. Therefore, the Government as the custodian and guardian should see that the return of the money to the workers is guaranteed.

Then I come to my amendment No. 135. There were some small industrialists who accepted small deposits of Rs 2,500 or Rs. 5,000 from people to start a mill. When they become big mill owners, they walked away with that money. What about safeguarding such money of the people? In Coimbatore and other districts of Tamil Nadu, such cases are there. I would appeal to the Minister that he should give some safeguards to those people who have advanced money so that industrial development takes

place, production goes on and the national economy develops. Many people who have made this type of investment are small people like retired government servants or petty shopkeepers and their savings should be protected.

My last amendment deals with the awards, decree or order of courts. Only this morning we had a statement from Shri K. R. Ganesh about the implementation of the agreement in IDPL. Here the Minister comes, like half-woken Kumbhakarna and says let us give the go by to all the labour laws, awards decrees and so on. There are labour legislations which government have brought forward after continued fight by the labour. Whenever the Government go to the ILO, they always champion the cause of labour. I am asking the Government only to honour those pledges and implement all those awards decrees and orders. We will help them to find the money for that. Once they take over the management of those mills, they have to take over the liability of decrees, orders etc. It is binding on them. Further, it is a fundamental right of the working class which they are not going to surrender. I would request the hon. Minister to accept this amendment. If he does not, we shall certainly press this amendment.

SHRI S. R. DAMANI: Sir, though I have moved twelve amendments, I will confine myself to amendment Nos. 146 and 147. When I spoke on the general discussion I said that I have never seen such an ambiguous Bill. There is no criteria on the basis of which the value of the undertaking has been calculated. As I gave the example the other day, in one city two mills have taken over, which are of the same capacity and size. Yet, the difference in compensation is about 100 per cent. While one mill got a compensation of Rs. 1 crore another got only about Rs. 50 lakhs. I hope the hon. Minister will clarify this be-

cause in the reply to the general debate he could not clarify what criteria they adopted for arriving at the compensation for these mills.

Many members have spoken about the workers' arrears or dues, specially the provident fund dues. I think, that is an important thing. When the Government has taken over an undertaking, the dues of the workers including the provident fund due should be paid to them. I want to draw attention to the fact that the condition of the industry is much better. Last year all the units made good profits. Therefore, why should there be any hesitation to pay off the liabilities of the workers, the dues of the workers which are due to them since long?

Now I come to my main points. The Maharashtra Government had taken over seven or eight mills on lease and licence basis. The purpose of the Government was to give employment to the workers who had been thrown out of employment consequent on closure. There were so many legal complications. They had to go to the courts and get the mills taken over on lease and licence basis and provide employment to more than 25,000 workers and for so many years. In that period the Maharashtra Government had lost Rs. 4.81 crores. The advances made by the State Corporation are included in the category of secured loans. But why have they not included the advances and others given by the State Government when the Maharashtra Government was running those mills on lease and licence basis? That period has not been taken into account. After all, these mills have come to the State Corporation. I do not know what is the criterion or the basis. They are not accepting the losses incurred during the period when the mills were taken over and employment was provided to so many workers. These should also be included in the category of secured loans.

Now they have given different categories. But nobody can say how
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much they are going to get, whether the first priority or category will get hundred per cent or less, how much will the second category get and so on. The members of this House should know which category is going to get full.

Some changes have been made in respect of wages and other dues of workers. I thank the Minister for that. I only hope that, after these changes, the workers will get all their dues and arrears.

As I said, we should know which category is going to get their full amount and which category is going to get less. The basis should be made known so that the House can understand the intention of the Government, the basis of calculations of the Government.

I want to make only three submissions. One is that, during the lease and licence period, whatever amount the Maharashtra Government or any State Government had invested or paid should be treated as secured loans.

Secondly, State Governments have given guarantee to the financial institutions for running mills or for getting advances. That also should be accepted and provided for.

Lastly, I want to say that there are many mills where the State Government has given guarantee to the workers to pay them only 50 per cent of the DA on the understanding that they will not to retrenched and the mills will be run as they were not in a position to pay additional DA. Now, the workers are agitated. This arrangement also should be fulfilled. It is also a liability because it is the result of an agreement between the State Government and the workers. But there is no mention about it—whether the National Textile Corporation or the Government will take them over and whether these agree-

Shri S. R. Damani—contd.

ments and the assurances given to the State Governments are going to be honoured or not. These are my three submissions and I hope the Minister will reply to these points.

श्री हुकम चन्द कछवाय (मुराना)

उपाध्यक्ष जी, मेरे संशोधन नम्बर, 8 5, 8 6, 8 7 क्लास 5 में हैं जो क्रमशः पृष्ठ 4 की पंक्ति 3 पृष्ठ 5, पंक्ति 7 और 8, पृष्ठ 5 पंक्ति 4 और 5 के पश्चात् हैं। यह संशोधन बहुत ही महत्व के हैं। इन में प्रोवीडेंट फंड, वेतन और प्रेयुटी की रकम का जो पैसा है उस को देने की जवाबदारी सरकार पर डालने की मैंने मांग की है, न कि पहले के मिल मालिकों पर छोड़े। आप इस ने बिल के अन्दर मजदूरों को अपना पैसा वसूल करने के लिये मुकदमा लड़ने का अधिकार नहीं दिया, वह न्यायालय में जा सके इस की गुंजायश नहीं रखी। मेरा कहना है कि कम से कम उन को इस बात की छूट होनी चाहिये कि अपना पैसा लेने के लिये वह कोर्ट में जा सकें। यदि आप ने स्वीकार की है तो धन्यवाद।

यह बिल बहुत जल्दबाजी में तैयार किया गया है जिस की वजह से स्वयं सरकार को काफ़ी संशोधन लाने पड़े। यदि आप सावधानी से सोच विचार कर इस बिल को लाते तो यह नौबत ही न आती। सरकार ने जो मिलें मालिकों से ली हैं उन की दशा क्या है इस को देखना चाहिये। उन पर भी काफ़ी पैसा बाकी है। मध्य प्रदेश के अन्दर जो मिलें सरकार चला रही है जैसे हीरा मिल पर 40 लाख पर रुपये, स्वदेशी मिल पर 30 लाख रुपये, कल्याण मिल पर 48 लाख रुपये, मालवा मिल पर 80 लाख रुपये मजदूरों के प्रोवीडेंट फंड प्रेयुटी और ई० एस० आई० का लेना है। इन के बारे में आप का क्या कहना है। मजदूरों ने कौन सा अपराध किया था? उन्होंने पैसा काट कर दिया, मालिक जमा नहीं करता है, तो कम से कम सरकार इस की जवाबदेही ले। इस समय

अनेक प्रकार की आशंकायें लोगों के मन में पैदा हो रही हैं। मैं चाहूंगा कि मंत्री जी अपने बयान में उन आशंकाओं को दूर करें और हमारे संशोधनों को स्वीकार करें।

मिलों के अन्दर जो बातें आप ने कही हैं यह ठीक है कि कुछ कदम उठा रहे हैं परन्तु कानून बनाया कि प्रोवीडेंट फंड की रकम जमा न करें तो कठोर कार्यवाही की जायगी। लेकिन आप का गज दो प्रकार का है जो कि नहीं होना चाहिये। जो मिलें आप के अधीन हैं उन के कंट्रोलर पर कोई मुकदमा नहीं चलेगा। लेकिन जिन मिलों को मालिक लोग चला रहे हैं उन के खिलाफ़ आप कार्यवाही करना चाहते हैं। तो ऐसा नहीं होना चाहिये। कानून सब के लिये एक सा होना चाहिये। कंट्रोलर को भी मालिकों की तरह कटघरे में लाने का अधिकार होना चाहिये। लेकिन आज जिन मिलों में कंट्रोलर्स बैठे हुए हैं वह क्या कर रहे हैं यह भी आप ने कभी देखा? आज वह राज बने हुए हैं और शोषा कर रहे हैं। काफ़ी ठाठ बाट से रहते हैं उन का हर चीज में कमीशन बंधा हुआ है। काफ़ी गड़बड़ वह कर रहे हैं। जो मिलें आप के हाथ में हैं उन में तरह तरह की घपलेबाजी चल रही है। इस को भी आप को रोकना चाहिए।

आज बहुत सी ऐसी मिलें हैं जिन्होंने राज्य वित्त निगम या अन्य वित्तीय निगमों से मिल के विकास के लिये, मिल को ठीक ढंग से चलाने के लिये, पैसा लिया था। अब उस की जवाब देही आप उन पर डाल रहे हैं। यह जो पैसा लिया गया है यह मिल के विकास के लिये लिया था। आप को देखना चाहिये कि उस पैसे का सदुपयोग हुआ है कि नहीं। यदि हुआ तो उस की जवाबदेही आप को लेनी चाहिये। यदि नहीं तो आप वह रकम मालिकों के मुआवजे में से काट सकते हैं, हमें कोई एतराज नहीं है।

लेकिन जो पैसा वित्त निगम और उद्योग विभाग से लिया है उस की जवाबदेही आप स्वयं लें। मैं आप को बरहानपुर-ताप्ती मिल का उदाहरण देता हूँ। जब वह मिल खराब हो गई तो मिल मालिकों ने उस को ठीक से चलाने के लिये मजदूरों के वेतन से पैसा लिया। लेकिन उस पैसे का क्या हुआ? यह पैसा मजदूरों का है, उस पैसे को मालिकों ने वापस नहीं किया है। उस को वापस करने की जवाबदेही आप लें, और भविष्य में कोई उतेजना न फँसे इस का आप ध्यान रखेंगे। यही मुझे कहना है।

SHRI RAJA KULKARNI (Bombay—North-East): I have five amendments—two for Clause 5, one for Clause 14 and two for Second Schedule.

MR. DEPUTY SPEAKER: Clause 5 only we are discussing just now.

SHRI RAJA KULKARNI: Yes, Sir, I am confining myself only to clause 5. My two amendments are Nos. 172 and 173. There is a printing mistake in No. 172. I would like that that should be corrected. This is the printing mistake. In line 3 instead of the word 'lease' it should be 'leave'. I request that necessary correction should be made. The amendment No. 172 takes care of the liability which I consider to be there on the part of the Central Government. This amendment is to the proviso A of Clause 5(1) wherein Government says that "after such undertakings have been taken over by the Central Government."

16.00 hrs.

Now, the Central Government has completely forgotten the historical process of various actions that were being taken in the interest of the country, national economy and continued employment. In 1972, the Sick

Textiles undertakings take-over management Bill was passed then the management was taken as a uniform measure for all the sick mills. Prior to that, various types of actions were taken under Section 15 or 18 (a) of the Industrial Development and Regulation Act and the liabilities arising out of the actions taken by the Central Government and the State Governments, in particular, have been completely forgotten. The Central Government was not prepared to take any risk for a long time and from 1959 onwards the State Governments were asked to take the risk. Whether it is in Tamil Nadu, Maharashtra or Gujarat, the State Governments took the risks and took various actions under Industrial Development and Regulation Act. Now, every action was not management take-over. Here the words used in sub-clause to proviso (a) are that only when the Central Government takes over the management thereafter it accepts the liability of the amounts advanced. This may be true for those mills which have been taken over under 1972 legislation but what about a large number of mills which the State Governments had taken under leave and licence. The management was not taken over under this statute. It was under leave and licence system.

As Mr. Damani pointed out it was Maharashtra which took the lead and made all the sick mills into healthy mills. All of them today—except one or two out of twenty-two—are profit-making mills. The Maharashtra Government invested about Rs. 22 crores. In 1972, when the management of the ten mills was taken-over by Central Government, seven mills prior to 1972 were run by the State Textile Corporation under leave and licence basis and Maharashtra Government has invested Rs. 4 crore under leave and licence system in these seven mills. That is State Government's money. Where is the guarantee for the money that has been invested under leave and licence system? We would like the Minister to clarify on this matter.

[Shri Raja Kulkarni]

My amendment seeks to amend this clause (a) to proviso saying it is not take-over by the Central Government but Central Government or the State Government, including the amounts advanced by the State Government during the period the Mills were taken over on leave and licence, by the State Government or State Textile Corporation.

Why was this sum of Rs. 4 crores invested? This money was invested for the workers' continued employment and guarantees were given by State Government to private parties who were invited. The State Government stood guarantee for the purpose of not only their continued employment but also for the purpose of giving the workers the benefits accruing to them. An assurance was given to those thousands of workers in the City of Bombay. Now, there is no provision for it. As Mr. Damani has rightly pointed out, there was a fifty per cent cut in D.A. The State Government, while taking over the 22 mills, had given a solemn assurance to all the workers in Bombay textile mills that the D.A. cut would be restored when the mills start making profits. They were either under the 'leave and licence basis' or they were under some other basis—it was not on actual management takeover basis. Now, the workers are waiting for the restoration of their D.A. cut. This is the liability arising out of the guarantees and assurances given by the State Government. Therefore, the Central Government must accept this as a liability. We have not sought here that the money should be paid immediately. But, as the proviso to clause 5 says that the Government accepts the liability, that liability should be in terms of the two amendments which I have moved.

Now, this guarantee clause refers to all these liabilities arising even prior to the takeover of the various mills by the Maharashtra Government. There was a private management of the mills under some other

basis in 1959, 1962 and 1968. The National Textile Corporation came into existence only in 1968. If it decides to take over these mills, how can it disown the liabilities arising out of State Government's guarantees and assistance. The Maharashtra Government made these as viable units. Today, if NTC wants to centralise ownership rights, it has every right to do that. We shall support the Central Government. But, then, NTC must pay to the State Government whatever may be the investment made by the State Government. It is only by accepting these liabilities that the workers' other liabilities can be met. It is from that point of view, these amendments to clause 5 are moved.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Mr. Deputy-Speaker, Sir, judging from the long circular turn taken by Mr. Stephen a little while ago, it appears that the apprehension that I had expressed while speaking on the First Reading of the Bill is right. Some hon. Members who have spoken so vociferously from the other side would not even vote as they have spoken.

SHRI C. M. STEPHEN: We are not going to vote for the clauses against which you spoke.

SHRI ERASMO DE SEQUEIRA: We were all talking of a principle. That is the principle on which this Bill, if I may say so, has got stuck. I am sorry to say, Sir, that those who started vociferously supporting that principle have now conveniently withdrawn without that principle being accepted by Government. The principle that I am talking about is the one which should be accepted in this House and in this country, here and now, that if Government takes over any enterprise, then whatever it may be with respect to that enterprise, it must ensure that whatever is due to the workmen from that enterprise, whether before the take-over or after the take-over, is paid to the workmen. This, Sir, is a matter of

wages which the workmen earned, wages which were not paid to them. This is a matter of dearness allowance earned through labour. This is a matter of provident fund on which they made contributions and in which they are entitled to employers' contributions. Whatever Government may have to say with respect to compensation, Government, to my mind, if it is serious, about the kind of society that it says it wants to build, cannot come before this House and say that 'we are not prepared to accept this responsibility'.

The men that we are talking about, the workmen that we are talking about are the workmen who have worked in these mills and who after the take-over have worked with the Government to rebuild them. and these are the workmen who, today, are being thrown to the wolves by this Government.

It is not, as Mr. Stephen says, a matter of few lakhs. It is a matter of several crores of rupees which, in spite of the amendments that are going to be moved by the hon. Minister, the workmen are not going to receive.

Sir, several amendments have been moved in the Schedule in regard to the priorities, for instance, which will, I agree, result in the workmen receiving more than what they would have received at the time this Bill came before the House. But, that is not what I am talking about. I am talking about the principle. If a man has worked and he has earned what is due to him, and if the Government is taking over that institution and using those very same workmen to rebuild it, to run it, how can it possibly expect any cooperation if it does not assume responsibility for what is due to them? This Government which is prepared to pay Rs. 40 crores for buildings which are over 50 years old and machinery that is over 80 years old and for what kind of junk that is left, we do not know,

is stepping back to pay Rs. 3-5 crores which have been earned by the workmen, then, I ask, is this the way they are going to *hatao garibi*?

That is why I have moved amendment No. 180, which is the same as that of Mr. Sathe's No. 110, which has been moved before the House. My amendment merely says this, that with respect to the wages, salaries and other dues of employees of the sick textile mills, whether before take-over or after take-over or whenever, it is this Government which must accept the full, complete and total responsibility because these workmen are today its own workmen and it is with these workmen that they must rebuild the textile mills and run them so that they do not become a drain on the public exchequer and the people of India. I know, the Minister has been moving in the same direction and it pains me that Government cannot accept this principle because if they cannot accept this principle now, then, how does it ever expect any of its labour laws to be respected? If Government itself practices one thing and preaches another, even with respect to the welfare of workmen, then, where are we going?

This is why I would like to press this amendment and I would again request Government to realise that this is a matter of basic principle and they must look into it.

*SHRI S. A. MURUGANANTHAM (Tirunelveli): Mr. Deputy Speaker, Sir, Shrimati Roza Deshpande has spoken in great detail about my Amendments 93 to 97 to Clause 5. As she has covered all the important points, I do not want to repeat them again.

I will refer only to my Amendments 135 and 136 to Clause 5. I would in particular lay emphasis on my Amendment 135 to Clause 5 and would no doubt like to press for its accept-

[Shri S. A. Muruganatham]

ance by the Government. This amendment No. 135 reads as follows:

"Page 5—after line 3, insert—

All amounts paid to these undertakings as fixed deposits by individuals in respect of any period prior to the take-over by the Central Government."

Sir, I regret to point out that no protection has been given to the people who have put their hard-earned savings in these undertakings in the form of fixed deposits. These are not small pan-shop keepers but also small tea-shop keepers. Besides these people, the retired Government servants belonging to lower middle class have also invested their Provident Fund amounts in these undertakings in the form of fixed deposits. I also understand that charitable institutions also have put their money in fixed deposits with these undertakings. Sir, in some undertakings, even the Provident Fund amounts of the workers have been invested in fixed deposits. Here, I can quote the example of Lakshmi Mill, Murugan Mill and Bhavani Mill in Tamil Nadu which have got huge amounts in the shape of fixed deposits from these poor people. Sir, I would like to plead with the hon. Minister that these poor people should not be made to suffer because of some deficiency in the legislation that we are considering now. Sir, these poor people cannot also afford to go to courts of law for claiming their legitimate dues. Neither they have resources to face long-drawn litigation nor people who would take up their legitimate cause without taxing them unnecessarily. It is the bounden duty of the Central Government to give full statutory protection to these poor people and ensure repayment of their fixed deposit amounts. The hon. Minister should accept my amendment to Clause 5 and thus give statutory sup-

port to these poor people who have put their life's savings in fixed deposits with these undertakings. I would like to press for my amendment for the acceptance of the Government.

Sir, Schedule I of the Bill envisages the nationalisation of 103 six textile mills in the country. While welcoming this, I would like to point that there are many more textile mills which are sick and on the verge of closure. This is definitely going to end in the unemployment of thousands of workers. I would in particular refer to Vallajabad Textile Mill in Tamil Nadu, which should have been taken over by the Government. I would appeal to the hon. Minister that he should bestow his personal attention in this case and ensure immediate nationalisation of this Vallajabad Mill in Tamil Nadu with a view to saving thousands of workers from the scourge of unemployment.

16.20 hrs.

[SHRI ISHAQUE SAMBHALI *in the Chair*]

SHRI B. P. MAURYA: I will not repeat all those arguments I advanced at the time of replying to the debate, but would specifically stick to the main issues. Again I would like to remind the House about the setup contemplated in this Bill. The entire period of management is divided into two: pre-takeover period and post-takeover period. The entire Bill is based upon this division of the period. In all humility, I would submit that we have to enact this Bill in such a way that this system is not disturbed, I can understand the agony of hon. members, specially of those who had been arguing for the payment of the dues of the workers during the pre-takeover period. I would like to take it up first, because most of the hon. members who pressed their amendments have been arguing that the responsibility for payment of the dues of the workers during the pre-takeover period should be

assumed by Government through the National Textile Corporation. So far as the workers are concerned, their wages, salaries and other dues, as I submitted in the beginning, can be divided into pre-takeover and post-takeover period. The Government have owned and accepted almost all the dues of the workers of the post management period.

SHRI ERASMO DE SEQUEIRA: Even after the takeover, you do not want to pay "all".

SHRI B. P. MAURYA: I have submitted almost all. Hon. Members have been agitating on three points; i.e. the benefit of service including pension, gratuity and provident fund. So far as pension and gratuity benefits are concerned as I made it clear even at the beginning, these benefits are linked with the entire period of service, whether it is pre-takeover or post take over; the benefit will go to the workers. They will not suffer.

At the time of replying to the debate also I submitted that I can understand the agony of the hon. Members that in spite of the fact that 50 per cent of the Provident fund was deducted from the hard earned money of the workers. Provident fund, according to legal interpretation, is not a due it was an amount which was deducted from the salary of the workers. What was supposed to be deposited in the Fund A/C unfortunately in some cases it is not done. There is no doubt that quite a big amount comes in the category of provident fund. We have moved an amendment to schedule 2 part (b) concerning the pre-takeover period, workers wages and dues; they were put in category 4 while the secured loans were put in category 3. On the persuasion of hon. Members belonging to the Congress side as well as the Opposition side, Government agreed that the workers wages and dues should be shifted to category 3 from 4. In category 3 secured loans were put. They are being shifted from category 3 to category 4. Because of the change in the category, the major

amount of the provident fund shall be met. We shall see how best the Government could do to meet the general demand of provident fund, whatever is left behind.

SHRI RAJA KULKARNI: Unit by Unit.

SHRI B. P. MAURYA: I can understand the agony of Shri Raja Kulkarni. There are certain sick mills for which the amount fixed is only Rs. 1,000/- In some cases a major portion of the provident fund will be met. But in a particular or specific cases wherein the amount is only Rs. 1000 or so, the workers will definitely be suffering on the provident fund account. As I said, we will see how best we can meet the situation.

About the pre-take over period, because of the change in the category, a major portion of the dues of the workers will be met. I would like to apologise to Shri Banerjee, Shrimati Parvathi Krishnan, Shrimati Roza Deshpande, Shri Ramsinghbhai and others who had been arguing very hard for their amendments that irrespective of the period of pre-take over or post-takeover, the dues of the workers should be owned by the Government, it is not possible. The very moment any of the dues of the pre-takeover period is entertained by the Government, it will be declared discriminatory. If we choose one of the liabilities of the pre-takeover period, definitely it becomes discriminatory.

So far as amendment No. 103 moved by Shri Sezhiyan is concerned, even if this amendment is accepted, there will not be any change in the amount. At present, whatever loans and advances concern the post-tax over period, they are put in Schedule II, category I. Under clauses 21 and 27, whatever portion of these dues are not met, on the report of the Commissioner of Payment, the rest of the amount will be the liability of the Government. If this amendment is accepted there will be no difference

[Shri B. P. Maurya]

so far as the amount is concerned. So far as the security of these loans and advances are concerned, they are fully secured. The only difficulty is, at present the Tamilnadu Government or the State Textile Corporation have to go and put their claims before the Commissioner of Payments and whatever amount is not met and is reported to the Government, that will be met by the Government. I would like to express my difficulty in accepting this amendment. Basically it is not going to make any difference in the amount.

Shri Kachwai and other hon. Members have made complaints about certain units and certain mills. I may assure them that we will see that those complaints are met to the best of our ability.

Then I come to Maharashtra. Here the dues are either that of the workers of the State Textile Corporation. If they relate to the pre-take over period, I am sorry we cannot accept them.

SHRI RAJA KULKARNI: You are reaping the fruits.

SHRI B. P. MAURYA: The pre-take over liability may be concerning the wages or salary of the workers or loans of the State or the State Textile Corporation or institutions or individuals. Irrespective of the party, we cannot afford to choose any of the liabilities and leave the others.

SHRI ERASMO DE SEQUERIA: This is one point of view which you have expressed. What I am suggesting is that you accept the liability of all pre-take over dues of the workers as a social obligation, and pay so while accepting it. Then, no court is going to strike it down.

SHRI B. P. MAURYA: These liabilities may be of any character but if they relate to the pre-take over period they cannot be chosen. If it is

done, it will be declared as discriminatory. Because of this reason one of the amendments pressed by the hon. Members can be accepted.

श्री कृष्ण चन्द कक्षवाय : श्रीमान्, माननीय मंत्री जी ने कहा है कि दायित्व लेने से पहले के जो भुगतान हैं उन को अपने ऊपर लेना मुश्किल होगा। लेकिन जो मिलें पहले से अपने हाथ में लेकर रखी हैं, जिन पर 30-40 लाख रुपया लेना है उन का क्या करेंगे, वह मजदूरों का पैसा है, न कि किसी बैंक का या किसी अन्य संस्था का ?

SHRIMATI PARVATHI KRISHNAN: I would like to seek a clarification on amendment No 135. Why is it that he cannot make it explicit about awards of industrial tribunals? Why should the workers suffer?

SHRI RAJA KULKARNI: Out of the 22 mills in Maharashtra, one is run by the National Textile Corporation. All the other 21 are run by the Maharashtra State Textile Corporation. All those 20 mills have now started making profits. Even the India United Mills, which is the biggest of all of the 103 mills, made a profit in 1973-74. The State Textile Corporation with the cooperation of the workers has been able to achieve this position. The Corporation has given an assurance to the workers that the cut in their dearness allowance will be restored. That pledge has to be honoured.

Let him give an assurance that, as a social obligation, whatever commitment the State Textile Corporations have made to the workers in the pre-takeover period will be honoured.

श्री-श्री० पी० सी० शैवं : श्रीमान्, श्री कक्षवाय जी ने मुझे यह तर्क जिज्ञेदन करना है कि ये 103 मिलें अपने-अपने संरक्षण में पूर्ण रूप से होगी, इन में अलग अलग मिलों की

अलग अलग समस्याएँ हैं—उन को अलग से बैठ कर आप बतलायें, जो हमसे बन पड़ेगा, आप से सहयोग लेकर उन समस्याओं का समाधान करने की कोशिश करेंगे।

So far as Shrimati Parvathi Krishnan's amendment No 195 is concerned, the same difficulty comes. We cannot choose any of the liabilities from out of the pre-takeover period. Then, it may be declared as discriminatory. That is the only difficulty.

SHRI ERASMO DE SEQUERIA: Sir, I want to make a submission....

सभापति महोदय : आप कई बार बोल चुके हैं—जो बातें आपने रखी हैं, मैं देख रहा हूँ कि क्वेश्चन में उन्हीं बातों को ज्यादातर रिपीट किया गया है। आप इस बात को कई बार कह चुके हैं।

SHRI ERASMO DE SEQUERIA: He has raised a new point. He says that the only difficulty that comes in the way of the Government is the fact that, if they accept one pre-takeover liability, it will be considered discriminatory if they do not accept the others. If they provide in the Bill that only the dues of the workers will be accepted from the pre-takeover period and further if they say in the Bill that this provision is being accepted purely as a social responsibility, the difficulty that he is talking of should not arise.

SHRI B. P. MAURYA: All these arguments were advanced. My considered view is that, irrespective of the category of the dues of pre-takeover period, if out of them any one is taken and accepted as the liability to be met by the Government, then it may be declared discriminatory by the court.

सभापति महोदय : अब मैं इन अमेण्डमेन्ट्स को बोट के लिये पेश करता हूँ . . .

श्री हुकमचन्द कछबाय : सभापति महोदय

मेरा व्यवस्था का प्रश्न है—सदन में गणपूर्ति नहीं है।

सभापति महोदय : कोरम के लिये घन्टी बजाई जाय . . . घन्टी बज रही है . . . अब कोरम हो गया है। अब मैं इन अमेण्डमेन्ट्स को बोट के लिये पेश करता हूँ।

SHRI B. P. MAURYA: I may be allowed to withdraw by amendment No. 227.

सभापति महोदय : सब से पहले मैं विदग्धा करने के बारे में मंजूरी ले लूँ। सरकार अमेण्डमेंट नम्बर 227 विदग्धा करना चाहती है। क्या आप की हजाजत है।

मुझे खुशी है कि हाउस इस हक में है कि इस अमेण्डमेंट को विदग्धा करने की इजाजत दी जाय।

Amendment No. 227 was, by leave withdrawn.

PROF. MADHU DANDAVATE: I want a clarification, Sir. Is the amendment withdrawn or has the Government withdrawn itself?

MR. CHAIRMAN: Now, I will put the amendments to vote.

SHRI ERASMO DE SEQUERIA: On amendment No. 233 I have a point of order.

सभापति महोदय : इस के दरमियान पॉइंट ऑफ़ ऑर्डर कैसे होगा जबकि बोट के लिये रख दिया।

SHRI ERASMO DE SEQUEIRA: As a general proposition, I believe it is accepted that any liability provided in a law is a liability enforceable with respect to the person who accepts that liability in law. By virtue of this amendment, the effect will be that the liability that is provided shall only be enforceable when enforcement is specifically provided.

for. Therefore., if you move his amendment to this clause, my submission is

MR CHAIRMAN: Let me know your point of order.....(Interruptions).

SHRI M. C. DAGA (Pali): Is it a point of order?

SHRI VAYALAR RAVI: We oppose the proposed amendment which is frivolous and meaningless.

SHRI ERASMO DE SEQUEIRA: My submission is that if you move this amendment to this sub-clause, the result will be that any liability that might have been provided for elsewhere in the Bill shall become unenforceable.

Therefore, this amendment is not admissible.

SHRI SYAMNANDAN MISHRA (Begusarai): Frivolous.

MR CHAIRMAN: It is not a point of order....(Interruptions).

I will now put the Government amendments to vote.

Now, the question is:

Page 5,

line 28, after "1972", Insert—

"and includes the West Bengal State Textile Corporation Limited which has advanced amounts to sick textile undertakings in the State." (53)

Page 4, —

for the marginal heading to clause 5, substitute —

"Owner to be liable for certain prior liabilities." (117).

Page 4. line 37,—

for "Every liability" substitute—

"Every liability, other than the

liability specified in sub-section (2)" (118)

Page 4, line 41,—

for "Provided that any liability substitute—

"(2) Any liability"(119).

Page 5, lines 4 and 5,—

for "be the liability of the National Textile Corporation and shall be discharged by that Corporation".

substitute—

"be the liability of the Central Government and shall be discharged, for and on behalf of that Government, by the National Textile Corporation" (120)

Page 5, line 8,—

for "(2)" substitute "(3)" (121)

Page 5, line 16,—

after "claim or dispute" insert—
"in relation to any matter not referred to in sub-section (2)", (122)

Page 5, —

for lines 9 to 13 substitute—

"(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability, other than the liability specified in sub-section (2), in relation to a sick textile undertaking in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the National Textile Corporation." (233)

The motion was adopted.

MR. CHAIRMAN: Now, I will put the other amendments to vote.

SHRI S. M. BANERJEE: My amendment No. 77 may be put separately.

SHRI HUKAM CHAND KACH-
WAI: My amendments also — Nos.
85, 86 and 87 to be put separately.

श्री एस० एम० बनर्जी : सभापति जी,
मेरा संशोधन नम्बर, ७७ अलग से लिया जाय ।

श्री हुकम चन्द कछवाय : मेरे सभापति
जी, संशोधन नम्बर, 85, 86, 87 अलग से
लिये जायें ।

MR. CHAIRMAN: I am putting am-
endments Nos. 76, 83, 84, 90 91, 93, 94,
95, 103, 109, 111, 131, 132, 133,
135, 138, 139, 140, 141, 142, 143,
146, 147, 172, 173, 183, 184, 195,
and 196 to the vote of the House.

Division No 4]

Banerjee, Shri S. M.
Bhattacharyya, Shri S. P.
Dandavate, Prof. Madhu
Dutta, Shri Biren
Gowder, Shri J. Matha
Huda, Shri Noorul
Joshi, Shri Jagannathrao
Kachwai, Shri Hukam Chand
Krishna Kumari, Shrimati

AYES

[16.51 hrs.

Krishnan, Shri E. R.
Krishnan, Shrimati Parvathi
Mavalankar, Shri P. G.
Mishra, Shri Shyamnandan
Misra, Shri Janeshwar
Mohanty, Shri Surendra
Muruganatham, Shri S. A.
Saha, Shri Gadadhar
Sequeira, Shri Erasmo de

NOES

Aga, Shri Syed Ahmed
Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Banamali Babu, Shri
Barupal, Shri Panna Lal
Basumatari, Shri D.
Besra, Shri S. C.
Bhattacharyya, Shri Chapalendu
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Buta Singh, Shri
Chhotey Lal, Shri
Daga, Shri M. C.

Dalbir Singh, Shri
Damani, Shri S. R.
*Deshpande, Shrimati Roza
Dhamankar, Shri
Dixit, Shri G. C.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Gandhi, Shrimati Indira
Janesh, Shri K. R.
Gangadeb, Shri P.
Gokhale, Shri H. R.
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Ishaque, Shri A. K. M.

*Wrongly voted for NOES.

NOES

Jamilurachman, Shri Md.
 Kailas, Dr.
 Kale, Shri
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Lakshmikanthamma, Shrimati T.
 Mahajan, Shri Vikram
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Maurya, Shri B. P.
 Mishra, Shri Bibhuti
 Murmu, Shri Yogesh Chandra
 Negi, Shri Pratap Singh
 Painuli, Shri Paripoornanand
 Pandey, Shri Krishna Chandra
 Pandit, Shri S. T.
 Patel, Shri Natwarlal
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Qureshi, Shri Mohd. Shafi
 Raghu Ramaiah, Shri K.
 Ram Dayal, Shri
 Ram Sewak, Ch.

Ram Swarup, Shri
 Rao, Shrimati B. Radhabaj A.
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri P. Narasimha
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Shastri, Shri Sheopujan
 Siddheshwar Prasad, Shri
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Nawal Kishore
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Tombi Singh, Shri N.
 Yadav, Shri D. P.

MR. CHAIRMAN: The result *of the division is:

Ayes: 18; Noes: 77

The motion was negatived

MR. CHAIRMAN: How, I will put amendments Nos. 85, 86 and 87 moved by Shri Hukam Chand Kachwai to the vote of the House.

Amendments Nos. 85 to 87 were put and negatived.

MR. CHAIRMAN: Now, I will put amendment No. 110 moved by Shri

Erasmus de Sequeira to the vote of the House.

Amendment No. 110 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

*The following members also recorded their votes:

AYES: Shrimati Roza Deshpande.

NOES: Shri K. Chikkalingaiah.

ments No. 54, 55, 56 and 123 of the Government.

SHRI B. P. MAURYA: I beg to move:

Page 5,

line 30. omit "as many". (54)

Pages 5 and 6,

line 45, and line 1 respectively

for "liabilities of the National Textile Corporation, referred to in" substitute "liabilities required to be discharged by the National Textile Corporation under". (55).

Page 6,

lines 3 to 5, for "become, on and from the date of such transfer, the liabilities of the Subsidiary Textile Corporation and shall be discharged", substitute "be discharged, on and from the date of such transfer". (56).

Page 6, line 1,—

for "the proviso to sub-section (1)" substitute "sub-section (2)" (123).

MR. CHAIRMAN: The question is:

'Page 5,

line 30, omit "as many".' (54).

'Pages 5 and 6,

line 45, and line 1 respectively.

for "liabilities of the National Textile Corporation, referred to in" substitute "liabilities required to be discharged by the National Textile Corporation under". (55)

'Page 6,

lines 3 to 5, for "become, on and from the date of such transfer, the liabilities of the Subsidiary Textile Corporation and shall be discharged", substitute "be discharged, on and from the date of such transfer". (56).

'Page 6, line 1,—

for "the proviso to sub-section (1)" substitute "sub-section (2)" (123)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7—(Shares to be issued by the N.T.C. for the value of the assets transferred to it by the Central Government.)

MR. CHAIRMAN: Now, we take up Clause 7. There are amendments.

Are you moving?

SHRI B. P. MAURYA: I beg to move:

Page 6, line 23,—

for "discharged" substitute "taken over". (124).

Page 6, line 26,

for "discharged" substitute "taken over", (125).

MR. CHAIRMAN: The question is:

Page 6, line 23,—

for "discharged" substitute "taken over". (124).

Page 6, line 26,—

for "discharged" substitute "taken over". (125).

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 7, as amended, stand part of the bill".

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8—(Payment of amount to owners of Sick textile undertakings).

MR. CHAIRMAN: Now we take up clause 8. There is an amendment.

SHRI B. P. MAURYA: I beg to move:

Page 6,

line 34, for "vesting in it, under sub-section (1) of section

3, of", substitute "transfer to, and vesting in it, under sub-section (1) of section 3 of such textile undertaking and". 57).

MR. CHAIRMAN: The question is: 'Page 6,

line 34, for "vesting in it, under sub-section (1) of section 3, of", substitute "transfer to, and vesting in it, under sub-section (1) of section 3 of such textile undertaking and". (57).

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 8, as amended, stand part of the Bill".

The motion was adopted.

Clause 8, as amended was added to the Bill.

Clause 9—(Payment of further amount).

MR. CHAIRMAN: Now we take up Clause 9. There are amendments. Shri Ramavatar Shastri and Shri Madhukar are not here. Shri D. K. Panda is not here. Shri Ravi is not moving his amendment.

SHRI B. P. MAURYA: I beg to move:

Page 6,

in line 45, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (58).

Page 7,—

in line 6, for "this Act receives the assent of the President". substitute "the Ordinance was promulgated". (59).

SHRI S. M. BANERJEE *rose*—

PROF. MADHU DANDAVATE: He is referring to the amendments which were submitted.

17.00 hrs.

MR. CHAIRMAN: I would now put Amendment Nos. 58 and 59, to Clause 9 moved by Government to the vote of the House.

The question is:

'Page 6,

in line 45, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (58).

'Page 7,

in line 5, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (59).

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10—(Accounts to the rendered by the owners of Sick textile undertakings).

MR. CHAIRMAN: We now take up Clause 10.

SHRI B. P. MAURYA: Sir, I beg to move:

Page 7,

in line 18, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (60).

Page 7,—

in lines 22-23, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (61).

MR. CHAIRMAN: I will now put amendments 60 and 61, to Clause 10, to the vote of the House. The question is:

'Page 7,—

in line 18, for "this Act receives the assent of the President", substitute "the Ordinance was promulgated". (60).

'Page 7,—

in lines 22-23, for "this Act receives the assent of the President",

substitute "the Ordinance was promulgated". (61).

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 10, as amended, stand part of the Bill".

The motion was adopted.

Clause 10, as amended, was added to the Bill.

MR. CHAIRMAN: We will now take up Clause 11. There are no amendments. The question is:

"That Clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

MR. CHAIRMAN: We will now take up Clauses 12 and 13. There are no amendments. The question is:

"That Clauses 12 and 13 stand part of the Bill".

The motion was adopted.

Clauses 12 and 13 were added to the Bill.

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

MR. CHAIRMAN: We will now take up Clause 14.

SHRI B. P. MAURYA: Sir, I beg to move:

Page 9,

in line 17, after "conditions" insert "of employment". (62).

Page 9, line 38,—

for "National Textile Corporation" substitute "Central Government". (126).

Page 8, line 35,—

for "in the employment of" substitute "employed in". (216).

Page 9, line 6,—

for "in the employment of" substitute "employed in". (217).

Page 9, line 27,—

for "employee of" substitute—"person employed in". (218).

Page 9, lines 35 and 36,—

for "payment by way of gratuity or retirement benefits or for any leave not availed of, or any other benefits,"

substitute—

"arrears of salary or wages or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pension," (228).

SHRI HUKAM CHAND KACHWAI: Sir, I beg to move:

Page 8, line 36,—

for "become" substitute "be deemed to be". (88).

Page 8, line 36,—

omit ", on and from the appointed day," (89).

SHRIMATI ROZA DESHPANDE: Sir, I beg to move:

Page 9,—

for lines 32 to 40, substitute—

"(4) Where arrear contributions towards provident fund and ESIC or payment by way of any leave not availed of, or any other benefits and dues are due to any person or persons, under the terms of any contract or otherwise, relating to the period prior to the take over of management, such arrears or payments shall have prior claim on and before the payment of amount to owners of sick textile undertakings in terms of sections 8 and 9 and the First Schedule." (96)

SHRI M. C. DAGA: Sir, I beg to move:

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 on 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 privileges 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." (105)

SHRI HUKAM CHAND KACHWAI:
Sir, I beg to move:

Page 8, line 38,—

after "gratuity" insert—

“provident fund”, (153).

SHRI ERASMO DE SEQUEIRA:
I move:

Page 9, line 3,—

add at the end—

“And any claim arising out of such right or privilege shall be enforceable against the National Textile Corporation.” (185)

SHRI RAM SINGH BHAI: I move:

Page 9, lines 35 and 36,—

for “payment by way of gratuity or retirement benefits or for any leave not availed of, or any other benefits,” substitute—

“arrears of salary or wages or bonus or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pensions,” (229)

श्री हुकम चन्द कछवाय : सभापति महोदय, क्लॉज 14(1) में कहा गया है :
“... नियत दिन से ही राष्ट्रीय कपड़ा निगम का कर्मचारी हो जायेगा”। मेरा

संशोधन संख्या 88 यह है कि “हो जायेगा” के स्थान पर “माना जायेगा” लिख दिया जाये। मेरा अभिप्राय यह है कि सब कपड़ा मिलों को सरकार द्वारा अपने हाथ में लिये जाने के दिन से ही उनमें काम करने वालों को राष्ट्रीय कपड़ा निगम का कर्मचारी माना जाये। यह एक छोटा सा शब्दिक संशोधन है। मैं समझता हूँ कि मंत्री महोदय को इसे स्वीकार करने में कोई आपत्ति नहीं होनी चाहिए।

श्रीमती राजा शेषादे : सभापति महोदय, मेरा संशोधन 96 यह है कि पेज 9 पर लाइज 32-40 को सम्स्टीट्यूट किया जाये। गवर्नमेंट ने प्री-टेक ओवर पीरियड के बारे में मजदूरों के हितों का खयाल नहीं किया है, और इसलिए हम ने दोबारा यह प्रमोडमेंट दिया है कि प्राविडेंट फंड, ई० एस० आई० सी० और बोनस वगैरा के मजदूरों के जितने भी एरियज हैं, उन्हें मजदूरों को देने की जिम्मेदारी सरकार को उठानी चाहिए। जैसा कि श्री राजा कुलकर्णी ने कहा है, महाराष्ट्र में गवर्नमेंट ने कई मिलें लीज पर ली थीं। गवर्नमेंट ने उन को नेशनलाइज करने के बारे में तय नहीं किया था और वह इस बारे में हिचकिचा रही थीं। मजदूरों को इस बात के लिए सत्याग्रह करना पड़ा कि इन मिलों को जल्दी से जल्दी नेशनलाइज किया जाये। लीज पर लेने के बाद जब ये मिलें प्राफिट करने लगीं, तो गवर्नमेंट ने उनको मालिकों को वापिस कर दिया। उस के बाद जब उन मिलों में फिर लास होना शुरू हो गया, तो गवर्नमेंट ने फिर उन को ले लिया। मालिकों ने यह एक अच्छा तरीका निकाला है कि मिलों में लास करो, उन्हें बर्बाद करो और फिर उन्हें गवर्नमेंट के हाथ में सौंप दो। उन मिलों को चलाने के लिए मजदूरों ने अपना प्राविडेंट फंड मालिकों को दिया था, और लीज पर लेने के बाद गवर्नमेंट को भी दिया था। मजदूरों ने खून परीना एक कर के

अपना प्राविडेट फंड इन्ट्रूटा किया है। क्या उस का कोई खयाल नहीं किया जायेगा? मालिकों ने उन के बेजिज नहीं दिये। यह नहीं कि लासेज हो रहे थे, बल्कि यह पैसा लेकर के उन्होंने दूसरी इंडस्ट्रीज खोल लीं जिस में कि ज्यादा मुनाफा होता है जैसे कि ड्रग एंड फार्मास्युटिकल इंडस्ट्रीज, इस में उन्होंने यह पसा लगाया है और प्राफिट्स कमा रहे हैं। मैं गवर्नमेंट से यह पूछना चाहता हूँ कि क्यों नहीं आप यह पैसा मजदूरों को वापस करने के लिए इन मालिकों के जितने भी दूसरे कारखाने हैं, जितनी भी इंडस्ट्रीज, हैं उन को अटैच करते हैं? उन को अटैच करें तो यह पैसा मालिकों से वसूल कर सकते हैं। गवर्नमेंट को यह कोशिश मजदूरों की तरफ से करनी चाहिए कि यह पैसा आप वसूल करें। क्या आप समझते हैं कि मजदूर लिटिगेशन में जा सकता है अपना प्राविडेट फंड लेने के लिए या उस की जो तनख्वाह का पैसा मालिक लेकर खा गए हैं, चोरी किए हैं, वह वापस लेने के लिए मजदूर लिटिगेशन में जा सकता है? मजदूर लिटिगेशन में नहीं जा सकता है। इसकी जिम्मेदारी गवर्नमेंट को उठानी चाहिए और हमारे जो मंत्री महोदय हैं वे तो मजदूरों में आते हैं, उन को तो मालूम है कि मजदूर इस तरह का खर्चा कर नहीं सकते हैं न उन की योनियन कर सकती है। यह आप की जिम्मेदारी है। इसलिए यह मेरा अग्नेडमेंट है कि प्री-टेक ओवर पीरिअड का जितना भी पैसा इन मजदूरों का प्राविडेट फंड, बोनस इत्यादि का बकाया है उस की जिम्मेदारी आप को लेनी चाहिए। मजदूरों ने आप को इन में मुनाफा कर के दिखा दिया है कि वे मिलें मुनाफे में चल सकती है और यह चोरी का काम किया है मालिकों ने जो यह पैसा लेकर भागे हैं। इन्हीं को आप यह एक्स्ट्रा मनी देने जा रहे हैं नेशनलाइज्ड बैंक्स के कर्ज की अदायगी के रूप में जिस के लिए कि आप ने प्रायरिटी दे रखी है। मतलब चोरी ने पैसा खाया है इन्हीं को आप इन्टरेस्ट देने जा रहे हैं और जिन

मजदूरों ने अपना खून पसीना एक किया है उन के पैसे की आप को फिर नहीं है। इसलिए नेशनलाइज्ड बैंक्स का पैसा वापस करने के पहले आप को मजदूरों का खयाल करना चाहिए क्योंकि इन नेशनलाइज्ड बैंक्स ने जो पैसा दिया मियों को वह नेशनलाइजेशन के पहले दिया है और उन्होंने मियों का साथ दिया है पैसा खाने में, इसलिए प्रायरिटी मजदूरों के पैसे को देनी चाहिए। यह मेरा अग्नेडमेंट है जो मैं पेश कर रही हूँ।

श्री मूल चन्द्र डागा : मेरा अग्नेडमेंट तो पूरा ही मानना चाहिए और उस को मानने में कोई एतराज नहीं होना चाहिए। 31 अक्टूबर 1972 को टैक्सटाइल कारपोरेशन ने जो मिलें अपने अधिकार में ले ली, लेने के बाद जिन लोगों ने स्टै-आर्डर हासिल कर लिया सिविल कोर्टस से, टेम्पोररी या परमानेंट इंजंक्शन सिविल कोर्टस से जो ले आए तो उन के टेक ओवर को उससे रोका गया। उस दरमियान में उन मालिकों ने बहुत से लोगों को सर्विस से निकाल दिया। हर मिल के बहुत सारे वर्कर्स इस दरमियान में निकाल दिए गए। जब गवर्नमेंट ने टेक ओवर के लिये लेजिस्लेशन पास किया और मिल मालिक उस के उपर सिविल कोर्टस से स्टै आर्डर ले आए तो उस बीच में उन्होंने बहुत सारे वर्कर्स की सर्विसेज टर्मिनेट कर दीं क्यों कि उन वर्कर्स ने इसके लिए लड़ाई लड़ी थी कि इस को गवर्नमेंट को ले लेना चाहिए। उन्होंने इस प्वाइंट के ऊपर एजीटेड किया था, सरकार का ध्यान इस तरफ दिलाया था कि इन मिलों को ले लिया जाय। इस के लिए उन्हें रिमूव कर दिया गया और विक्टिमाइज किया गया। इसलिए इंडस्ट्रियल डिस्पयूट्स ऐक्ट के नीचे उन के मामले को ले लिया जाय। यह आप ने खुद भी कहा है और यही मेरे अग्नेडमेंट में है। आप उस को पढ़ेंगे तो उस में ऐसी कोई चीज नहीं मिलेगी जिस पर आप को एतराज हो। मेरा अग्नेडमेंट इस प्रकार है :

[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 इंजंक्शन ला कर। उस के बाद वह

इंजंक्शन 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 एम्प्लोईज 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