

Shri S. M. Banerjee—contd.

tated and ultimately they were convinced by the Chairman of the State Textile Corporation, if I am not mistaken, that the opinion of the Solicitor-General was that the expression included provident fund also. If that is so, the opinion should be read out to us....

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI B. P. MAURYA): It is not correct.

SHRI S. M. BANERJEE: Then I would request you to remove our doubt. If he says that it is covered, then why not include it by bringing forward an amendment? Let him bring forward that amendment and we shall accept it. Or else, Sir, allow me to move my motion that the Attorney-General of India be summoned to give his opinion.

SHRI ERASMO DE SEQUEIRA (Marmagao): I have moved an amendment to this Clause to the effect that those rights which the Clause passes on to the workmen should be enforceable against the National Textile Corporation. My amendment reads as follows:

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.'

The Clause provides that every one who is a workman with the Corporation today shall carry on his service with the same rights and privileges as to pension, gratuity and other matters as would have been with him if this transfer that the Bill is making had not taken place. Normally, this would have been enough. But

the problem that arises here is that some of these rights accrued before the takeover and some of the rights accrued after the take-over. Government has provided elsewhere in the Bill that, with reference to anything which is prior to take-over, it is not enforceable against the National Textile Corporation. Therefore, a very serious doubt remains in my mind that we shall end up passing a Bill where it looks *prima facie* that we are protecting a right, but in actual fact we are denying enforcement. This is the position which I do not want and, therefore, I have moved an amendment which will make it very specific that, with reference to these rights—liabilities accepted by Government—they will be enforceable against the National Textile Corporation.

I would also like to support Mr. Banerjee's amendment which would be, incidentally, secured by my amendment. The reason why I support him is because provident fund, as we all know, is a fund to which the workman contributes and to which the employer is also supposed to contribute—seven or eight person as the case may be. Provident fund is the responsibility of the Central Government, and there is much more than enough provision in the Provident Fund Act for regular inspection and for enforcement of payment and for prosecution for non-payment because it is the proprietor or the owner who has to pay this. If the funds that are collected from the workmen were not deposited in the Provident Fund, if the contribution of the employers was not deposited in the Provident Fund, it was the duty and responsibility of this Government, under the Provident Fund Act, to find this out in the inspection, to ensure, in accordance with the provisions that exist in the law, that the contribution was deposited and to prosecute those who did not make such deposits for not having carried out their duty according to law.

Now, having failed completely, thoroughly and utterly in this responsibility, they have now come before this House and told us that they were not willing to assume the responsibility for payment. This is in total jeopardy. Therefore, I object to it. I think it is the duty of this Government to assume the total responsibility for the provident fund and I would request the Minister to accept my amendment so that the clause becomes very specific, that whatever rights you are conferring, are enforceable against the Corporation.

श्री राम सिंह भाई (इंदौर) : समापति जी, मेरे कुछ संशोधन हैं इस क्लॉज के अन्दर। वैसे मंत्री महोदय ने इसके अनुसार प्रैचुटी और पेंशन देना मान लिया है कि जब से वह पुराने मालिक के मातहत काम करता होगा या नियत दिन से पहले काम करता होगा तो उसको प्रैचुटी और पेंशन मिलेगी। लेकिन इसके अन्दर यह लिखा हुआ है कि नियत दिन के ठीक पूर्व रुग्ण कपड़ा उपक्रम के नियोजन में है।" नियत दिन से ही राष्ट्रीय कपड़ा निगम का कर्मचारी हो जायगा। वह भ्रमिक 1-4-74 से राष्ट्रीय कपड़ा निगम का कर्मचारी हो जायगा। यानी पहले वा नहीं। जब प्रैचुटी एक्ट के क्लॉज 4(1) के अन्दर लिखा हुआ है :

"The gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years."

यह कहते हैं इस धारा के अन्दर कि 1-4-74 से वह कौरपोरेशन का कर्मचारी हो जायगा। इसका मतलब यह है कि उसकी सविस 1-4-74 से मानी जायेगी। कंटीनुअस सविस नहीं मानी जायेगी। इसलिये "नियत दिन" इससे निगल दिया जाय क्योंकि अदालतें पता नहीं क्या धर्यं लगायेंगी। आप अचुकी

नियत में भ्रमिकों की मदद करना चाहते हैं, लेकिन वह तो आसमान से गिरा खजूर में लटक गया। तो कंटीनुअस सविस के हिसाब से आप को "नियत दिन" निगल देना चाहिए। जब आप कह रहे हैं कि प्रैचुटी और पेंशन शुरू से मिलेगी तो फिर इसको रखने से क्या फायदा है? कंटीनुअस सविस के हिसाब से "हो जायगा" नहीं "माना जायगा"। "हो जायगा" निगल दीजिये और उसकी जगह "माना जायगा" इसमें आपको क्या एतराज है ?

आप ने बताया कि कुछ धाराओं के अन्दर प्रोवीडेंट फंड देने में कठिनाई आती है। मेरा कहना है कि प्रोवीडेंट फंड एक स्त्री धन है। उस पर हमारा अधिकार नहीं है, मजदूर का अधिकार नहीं है, उसकी पत्नी का अधिकार है। और जिस तरह प्रैचुटी सविस टरमिनेट कर देने के बाद मिलती है वैसे ही यह भी मिलता है। वह उसकी पत्नी की दौलत है। एक्ट के अनुसार प्रोवीडेंट फंड की रकम जब वह सविस में होता है उसे नहीं मिलती है। सविस छोड़ने के 6 महीने बाद मिलती है बशर्ते कि वही और काम न करता हो। अगर फिर से किसी दूसरे कारखाने में काम करता है तो कंटीनुअस माना जाता है, तो प्रोवीडेंट फंड उसको नहीं मिलता है। इसलिये आपको कोई कठिनाई है तो यह जो प्रैचुटी की रकम है इसके साथ प्रोवीडेंट फंड भी जोड़ दीजिये। यह मेरा संशोधन है। कि प्रैचुटी, पेंशन और प्रोवीडेंट फंड उसको मिलता रहेगा, और पिछला मिलेगा। मुझे आशा है मंत्री जी हमदर्दी के साथ इसको स्वीकार करेंगे।

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I do not want to labour the point of Provident Fund, any more. Illustrious speeches have been made by Shri S. M. Banerjee and Shri Ram Singh Bhai Verma. I am surprised that last time on an amendment he voted no, instead of yes. The speeches are all in favour of aye, but when it comes

to voting, it is for no. That is a peculiar proposition indeed. I would request him that since he is really a friend of the working class he should accept this. He should join with us on this issue of provident fund. I do not want to repeat the same thing again and again and the same arguments. My point is this. Unless and until you specifically and explicitly have the word provident fund included, I am afraid, it will not help the workers because they are not in a position to go for endless litigation and so on. They are not that part of society who have the money to put into the pockets of those people who help to create and proleferate black money in this country. Therefore if you really want to prevent further inflation and further increase in black-market you must accept this amendment.

Now I come to the next amendment, No. 96. For the next clause the Minister has himself come forward with an amendment, which we are supporting, that is, to clause 15(1). On the same lines I do not understand why he cannot accept this amendment of ours which amendment is to the effect of saying "deduct money before paying compensation to the employers." All the time you have been saying "Where do I find money? It runs into crores" and so on. In your own amendment, you say that workers will have priority for those dues. I draw your attention to your own amendment. Why do you not bring an amendment to this Clause on the same principle? That is our submission. The employer has already got fabulous profits and you are going to pay him more as compensation, over and above what he has already stolen. The worker should be given his dues which he has earned by the sweat of his brow. He performs the national duty of moving the wheels of industry, to contribute his share to national development and progress. I request you to accept these amendments.

समापति महोदय : श्री स्पॉन्सर साहब ने एक नोट मंजूर करके भेजा है कि श्री के० सी० पन्त ए० स्टेटमेंट देंगे। जहाँ तक मैंने देखा है उस स्टेटमेंट को सुन कर प्रापको खुशी होगी।

STATEMENT RE. REVISION OF WAGES IN COAL INDUSTRY

17.46 hrs.

THE MINISTER OF ENERGY (SHRI K. C. PANT): As the Hon. Members may be aware of a comprehensive revision of the wages in the coal industry was last made in August 1967 on the basis of the accepted majority recommendations of the Central Wage Board for the coal mining industry. After the nationalisation of the industry, at the instance of the Central Government a Joint Bipartite Negotiating Committee consisting of the representatives of the Central Trade Unions and the managements of the coal producing companies was set up in August, 1973. The Committee has been holding its deliberations since then. I am happy to report that the Committee has now reached an agreement.

In view of this Agreement the Trade Unions have withdrawn the notice for an indefinite strike in the industry with effect from 16th December, 1974.

The Agreement will benefit about five and a half lakh workers in the coal industry.

The Members will appreciate the strategic position that the coal industry occupies today in the country's economy, particularly in the context of the energy crisis. After nationalisation, the Government has assumed direct responsibility for a massive increase in coal production, from the level of 78 million tonnes in 1973-74 to 135 million tonnes by the end of the Fifth Plan. The Trade Union