

LOK SABHA DEBATES

LOK SABHA

Wednesday, July 19, 1989/Asadha 28,
1911 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

[English]

Employers Contributions to ESI fund

*25. SHRI AJOY BISWAS: Will the Minister of LABOUR be pleased to state:

(a) the total amount of Employees State Insurance contributions that has not been deposited by the employers as on 30 June, 1989; and

(b) the steps Government have taken to realise the amount?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RADHA KISHAN MALVIYA): (a) According to the information available, as on 31st March, 1989 the total amount of arrears of ESI contributions (including interest) was about Rs. 116.37 crores.

(b) The ESI authorities are taking the

following steps for realisation of the outstanding dues:

- i) Filing of revenue recovery certificates under section 45B of the ESI Act.
- ii) Filing of prosecution cases under section 85 of the ESI Act.
- iii) Filing of complaints with police under section 406/409 IPC, for non-payment of ESI contribution deducted from the wages of the employees.
- iv) Levying of damages under section 85B of the ESI Act.

SHRI AJOY BISWAS: Sir, it has been mentioned in the reply that the total amount of arrears of ESI contributions (including interest) was about Rs. 116.37 crores. But it is not clear what are the arrears from the employers' and the employees' contribution. So, I want separate figures for the money deducted from the employees but not deposited and also the employers' contribution.

It is a practice of the mill owners to deduct money as ESI contribution from the employees but they are not depositing that amount. They are actually appropriating the entire money. So, it is a heinous crime. It has not started now. I think, it has been started some 8-10 years back. But the Government has failed to take any action against the employers.

I would like to have names of 10 top organisations which have not deposited the ESI contribution. Has the Government written off the arrears of contribution of any

organisation? If so, please give the names of those organisations.

[Translation]

SHRI RADHA KISHAN MALVIYA: Sir, there are 20 regions in the entire country and the details of total amount of arrears outstanding against Private Sector and Public Undertakings separately are available with me region—wise. Total arrears are Rs. 116.37 crore and I have got the year—wise details also. If the hon. Member wants to know, I can give that information. The second question was what have we done for the recovery of these arrears. We have made every possible effort on our part to recover the arrears, as has been provided in the E.S.I. Act. Under section 45 B of the E.S.I. Act, 50639 revenue recovery certificates have been filed with respective Regional Collectors. During the year 1983, under section 85 of the E.S.I. Act, 4968 cases were registered against the defaulter employers. Under sections 406 and 409 of the Indian Penal Code, 450 complaints have been registered with the Police for non-payment of E.S.I. contribution already deducted from the salaries of employees. Under section 85B of E.S.I. Act damages have been levied in 21,579 cases for delayed payment of E.S.I. contribution.

[English]

SHRI AJOY BISWAS: My question was to name the ten top organisations who have not deposited the deducted contributions from the employers. You have not given the figure.

You have stated that so many cases have been instituted and you have taken some steps. My specific question is, after taking all the steps, whether any employers have been punished or not. How many employers have been punished and, if the law is not sufficient, are you ready to amend the present law to make it more stringent so that the employers can be punished?

[Translation]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Sir, I would like to furnish the year-wise figures of defaulter employers, who have been convicted. During the year 1987-88, 1767 employers and in the year 1988-89, 3,050 employers were fined. In 1987-88, 12 employers and in 1988-89, 23 employers were convicted and imprisoned.

[English]

SHRI AJOY BISWAS: Are you going to amend the present law to make it more stringent so that you can easily punish the employers?

[Translation]

SHRI BINDESHWARI DUBEY: Sir, we have already given a notice to introduce the E.S.I. amendment bill, in which we seek to make the penalty stringent and set up a machinery for recovery. We are going to introduce this bill in the current session.

[English]

SHRI BHADRESWAR TANTI: May I know from the hon. Minister as to how many major industries have violated this provision of ESI with respect to Bihar which is a very backward State? There are some major industries in Bihar and Assam which come under the ESI. What steps have been taken against those who have violated the provisions of ESI so far as industries are concerned? Does he propose to bring any further progressive laws on this matter and, if so, in what way, is he going to do it?

[Translation]

SHRI BINDESHWARI DUBEY: Sir, my junior colleague has furnished year-wise figures of defaulters and the arrears. Besides, the action taken by us has also been explained.

The number of recovery cases and prosecution cases that have been filed has

also been given. Under Section 406-409 IPC the number of prosecutions initiated against the employers for non-deposit of employees' contribution has also been given. An hon. Member enquired if progressive law is going to be introduced? I have already submitted that we propose to make amendment in the ESI Act and a notice has already been given. It is likely to be introduced in the current session.

SHRI BANWARI LAL PUROHIT: Mr. Speaker, Sir, we are fully satisfied with the reply of the hon. Minister, because earnest efforts are being made for the recovery from the employers as well as employees. Funds are very essential for the execution of schemes. But we have got complaints to the effect that in spite of the contributions from the workers and their employers, proper treatment is not given to the patients in the hospitals. I have myself observed these things. Hospitals are not equipped properly and adequate medicines are not available there. Sick labourers are not treated properly there. If they get themselves treated by private practitioners, medical expenses are not reimbursed to them. Even the cases recommended by us have not been treated though we have sent 5 to 7 reminders also. So, adequate attention should be paid to improve the situation. Contributions should certainly be collected but at the same time proper care should be taken of patients and efficacious medicines should be given to them. I would like to know whether some attention has been paid towards this aspect or whether the Government propose to chalk out any scheme in this regard. I want a reply to this.

SHRI BINDESHWARI DUBEY: Mr. Speaker, Sir, I agree with the grievances of the hon. Member. It is true that many complaints to this effect have been received, particularly, about the medical facilities which are not provided to the insured persons. The main reason for this is that these facilities are under the administrative and financial control of the State Government. Though 7/8 part of the recurring expenditure is paid by the Corporation, and 1/8 part of it is paid by

the State Governments, but the control is totally in the hands of the State Governments. Hence, the Central Government cannot intervene, they can just advise in this regard. In the light of these facts when the Labour Ministers conference was held last time I had proposed that the Central Government should bear the entire expenditure and we should not ask for 1/8 part from the State Governments. Non-recurring expenditure is fully borne by the Corporation and they have proposed to bear the entire recurring expenditure too, but only if they have the full control. Therefore, for setting up a subsidiary corporation we are making provisions in the Amending Bill.

MR. SPEAKER: Question No. 27.

PROF MADHU DANDAVATE: Sir, the wording of my question was altogether different. It was related to the Prime Minister's announcement in Andhra regarding rice, and that has been combined with this question. I am put in a very embarrassing position, because that question was entirely different. I take it that the substance of my original question would be permissible.

MR. SPEAKER: Yes, you can ask a question.

Sale of Subsidised Rice to Tribals

*27. **SHRI VIJOY KUMAR YADAV†:**
PROF. MADHU DANDAVATE:

Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether Government are issuing rice to pre-dominantly tribal States at subsidised rate for onward distribution among tribals under the Integrated Tribal Development project;

(b) if so, the issue price of different varieties of rice under this scheme, State-wise;